



# MIAMI BEACH

## Special City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

September 20, 2010

Mayor Matti Herrera Bower  
Vice-Mayor Jorge Exposito  
Commissioner Michael Góngora  
Commissioner Jerry Libbin  
Commissioner Edward L. Tobin  
Commissioner Deede Weithorn  
Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez  
City Attorney Jose Smith  
City Clerk Robert E. Parcher

Visit us at [www.miamibeachfl.gov](http://www.miamibeachfl.gov) for agendas and video "streaming" of City Commission Meetings.

### ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

*Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.*

Call to Order - 5:00 p.m.  
Inspirational Message, Pledge of Allegiance  
Requests for Additions, Withdrawals, and Deferrals

#### Presentations and Awards

PA Presentations and Awards

#### Consent Agenda

C2 Competitive Bid Reports  
C4 Commission Committee Assignments  
C6 Commission Committee Reports  
C7 Resolutions

#### Regular Agenda

R2 Competitive Bid Reports  
R5 Ordinances  
R7 Resolutions  
R9 New Business and Commission  
R10 City Attorney Reports

#### Reports and Informational Items

**CONSENT AGENDA**

**Action:**  
**Moved:**  
**Seconded:**  
**Vote:**

**C2 - Competitive Bid Reports**

- C2A Request For Approval To Issue A Request For Qualifications (RFQ) For The Provision Of Governmental Consulting Services At Miami-Dade County, Florida. (Page 3)  
(Economic Development)
- C2B Request For Approval To Issue A Request For Proposals (RFP) For A Fixed Hourly Rate Labor Contract To Provide Parking Enforcement Services For The City's Parking System (Page 9)  
(Parking Department)
- C2C Request For Authorization To Issue A Request For Proposals (RFP) For The Privatization Of Building Permit Clerk And Code Compliance Division Clerical Support Functions For The Building Department.  
(Page 25)  
(Building Department)

**C6 - Commission Committee Reports**

- C6A Report Of The Finance And Citywide Projects Committee Budget Related Meetings (Page 33)
1. **June 3, 2010: 1) FY 2010/11 Operating Budget Status Update. 2) Capital Projects Funding - 5 Year Capital Plan. 3) Discussion Of Next Steps.**
  2. **July 1, 2010: 1) Discussion Regarding The RFP For Parking Cashiers And Attendants; 2) FY 2010/11 IT Preliminary Budget Information. 3) FY 2010/11 Police Preliminary Budget Information. 4) FY 2010/11 Risk Management Preliminary Budget Information. 5) FY 2010/11 Procurement Preliminary Budget Information. 6) FY 2010/11 Finance Preliminary Budget Information.**
  3. **July 6, 2010: 1) Executive Session. 2) Budget Briefing.**
  4. **July 7, 2010: 1) Discussion Item: Budget Briefing.**
  5. **August 25, 2010: 1) Discussion Item: Budget Briefing.**

**C7 - Resolutions**

**C7A A Resolution Amending The Time Frame From One Hour To Thirty (30) Minutes For The Imposition Of Special Service Charges, Pursuant To Section 119.079(D) Of The Florida Statutes, For The Costs Incurred For The Extensive Use Of Information Technology Resources, Or For The Labor Costs Of Extensive Clerical Or Supervisory Assistance By Personnel Of The City, Or Both, For Public Record Requests. (Page 63)**

(City Clerk's Office)

**C7B Independent Contractor Agreements**

1. A Resolution Authorizing The City Manager, On Behalf Of The City, To Enter Into Certain Independent Contractor Agreements For Professional And Other Services, As Required And As The City Manager Deems In The Best Interest Of The City, Subject To And Contingent Upon The Following Parameters: 1) The City Manager Shall Only Enter Into Contracts For Such Professional And Other Services To Provide Services And/Or Work Related To Vacant Budgeted Positions, As Identified In The City's Approved Fiscal Year (FY) 2010/2011 Annual Budget; 2) The Amount Of The Fee And/Or Other Compensation To Be Paid By The City Under Such Contract(s) Shall Not Exceed The Authorized Amount For The Respective Position/Classification, As Set Forth, Respectively, In The City's Classified Or Unclassified Salary Ordinance (As The Case May Be); 3) The Term Of Any Independent Contractor Agreement Authorized Herein Shall Not Extend Beyond The End Of FY 2010/2011 (September 30, 2011); 4) At A Minimum, The City Manager Shall Require That Any Independent Contractor Agreement Entered Into Pursuant To This Resolution Shall Utilize The City's Standard Form For Independent Contractors (As Attached To This Resolution), Provided That The City Manager May Incorporate Additional Terms, Which May Be More Stringent Than The City's Form, But Not More Lenient; And 5) Providing That The Authority Granted To The City Manager Pursuant To This Resolution Shall Be Brought To The City Commission For Renewal Annually As Part Of The Annual Operating Budget Approvals.

2. A Resolution Authorizing The City Manager, On Behalf Of The City, To Enter Into Certain Independent Contractor Agreements For The Following Services, As Required And As The City Manager Deems In The Best Interest Of The City: Dance Instruction; Ice Skating Instruction; Athletics Instruction/Coaching; Aerobics Instruction; Fitness Instruction; Literacy, Math And SAT Tutoring; School Liaison Officers; Resident Project Representatives (RPR); Community Information Services; Construction Cost Estimating/Consulting Services; Television Production Services; Videographer Services; Graphic Designer Services; Program Monitor Services; And Auditors; Provided Further That The City Manager Shall Be Authorized To Negotiate, Enter Into, And Execute The Aforestated Agreements Subject To The Following Minimum Parameters: 1) The Amount Of The Fee And/Or Other Compensation To Be Paid By The City Under Such Agreement(s) Shall Not Exceed The Authorized Amount For The Respective Services, As Set Forth In The City's Approved Fiscal Year (FY) 2010/2011 Annual Budget; 2) The Term Of Any Services Agreement Authorized Herein Shall Not Extend Beyond The End Of FY 2010/2011 (September 30, 2011); 3) At A Minimum, The City Manager Shall Require That Any Agreement Entered Into Pursuant To This Resolution Shall Utilize The City's Standard Form Independent Contractor Agreement (As Attached To This Resolution), Provided That The City Manager May Incorporate Additional Terms, Which May Be More Stringent Than The City's Form, But Not More Lenient; And 4) Providing That The Authority Granted To The City Manager Pursuant To This Resolution Shall Be Brought To The City Commission For Renewal Annually As Part Of The Annual Operating Budget Approvals. (Page 67)

(Human Resources)

**C7 - Resolutions** (Continued)

- C7C A Resolution Adopting And Appropriating Funds For The Fiscal Year 2010/11 Police Special Revenue Account Budget In The Amount Of \$60,000, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue Account. (Page 85)  
(Police Department)
- C7D A Resolution Adopting And Appropriating Funds For The Police Confiscation Trust Fund Budget For Fiscal Year 2010/11 In The Amount Of \$496,600.00 To Be Funded From State Confiscated Funds (\$201,100.00) And Federal Confiscated Funds (\$295,500.00). (Page 89)  
(Police Department)
- C7E A Resolution Adopting And Appropriating Funds For The Fiscal Year 2010/11 Police Training & School Resources Fund Budget In The Amount Of \$33,000. (Page 95)  
(Police Department)
- C7F Professional Services Agreement For Curriculum-Based Arts Education Programming
1. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A New Professional Services Agreement With Arts For Learning/Miami, A Not-For-Profit Corporation, For After-School Arts Education Programs At Various City Schools And Parks, In An Amount Not To Exceed \$55,000, Said Agreement Having An Initial Term Of One (1) Year, Commencing On October 1, 2010, And Ending On September 30, 2011, With The Option, At The City's Sole Discretion, To Extend For An Additional Two (2) Years.
  2. A Resolution Approving And Authorizing The Mayor And City Clerk To Execution A Professional Services Agreement With Friends Of The Bass Museum, A Not-For-Profit Corporation, For Expansion Of "Idea@The Bass" Curriculum-Based Arts Education Programs In Every Miami Beach Elementary School For Fiscal Year 2010/2011, In An Amount Not To Exceed \$50,000; With The Option, At The City's Sole Discretion, To Extend Said Professional Services Agreements For An Additional Two Years Contingent Upon Funds Appropriations. (Page 99)  
(Tourism & Cultural Development)
- C7G A Resolution Appropriating \$536,495, From FY 2010/11 General Fund Account No. 011.0930; Said Appropriation To Be Provided And Utilized By The Friends Of The Bass Museum, Inc., For The Purpose Of Continuing To Fund And Provide Certain Services For The Management And Operation Of The Bass Museum Of Art For Fiscal Year (FY) 2010-11; And Further Authorizing The City Manager To Execute A New Letter Agreement With The Friends Of The Bass Museum, Inc. Memorializing The Parties' Respective Obligations With Regard To The Aforestated Management And Operation Of The Bass Museum. (Page 107)  
(Tourism & Cultural Development)

**End of Consent Agenda**





**Condensed Title:**

A Request for approval to issue an RFQ for Governmental Consulting Services at Miami-Dade County.

**Key Intended Outcome Supported:**

Supports Multiple KIOs  
**Supporting Data (Surveys, Environmental Scan, etc.):** Included in the top five changes that would make Miami Beach a better place to live, work, play or visit, are Safety, Traffic, and Beach Erosion, each of which can be significantly impacted by legislative and funding actions by Miami-Dade County.

**Issue:**

Shall the City Commission issue a Request for Qualifications for Governmental Consulting Services before the administration and Board of County Commissioners of Miami-Dade County?

**Item Summary/Recommendation:**

Each year, the Administration develops, and the Mayor and City Commission approve, legislative priorities for issues at the state and federal levels. Additionally, the City contracts with lobbying firms to provide state and federal lobbying and governmental consulting services to the City. While there are many issues of importance to the City at the state and federal levels, there are many important funding, local authority, and legislative issues decided by Miami-Dade County that have significant impacts on the City of Miami Beach.

Due to the significant potential positive or negative impacts on Miami Beach of issues under the authority of the county, and given the size and complexity of the Miami-Dade County government, the FY2010/11 budget proposal includes funding for the hiring of a County lobbyist, in addition to the existing state and federal contract lobbyists currently employed by the City.

The Administration recommends that the Mayor and City Commission approve the issuance of a RFQ.

**Advisory Board Recommendation:**

Finance and Citywide Projects Committee – August 25, 2010.

**Financial Information:**

Source of Funds:		Amount	Account
<div style="border: 1px solid black; padding: 2px; display: inline-block;">n/a</div> OBPI	1		
	2		
	3		
	Total		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Kevin Crowder, City Manager's Office

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
KC	HF <i>[Signature]</i>	JMG <i>[Signature]</i>

T:\AGENDA\2010\September 20\County Lobbyist RFQ Summary.doc





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

MEMO #

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

SUBJECT: **REQUEST FOR APPROVAL TO ISSUE A REQUEST FOR QUALIFICATIONS (RFQ) FOR THE PROVISION OF GOVERNMENTAL CONSULTING SERVICES AT MIAMI-DADE COUNTY, FLORIDA.**

### ADMINISTRATION RECOMMENDATION

Approve the issuance of RFQ.

### ANALYSIS

Each year, the Administration develops, and the Mayor and City Commission approve, legislative priorities for issues at the state and federal levels. Additionally, the City contracts with lobbying firms to provide state and federal lobbying and governmental consulting services to the City. While there are many issues of importance to the City at the state and federal levels, there are many important funding, local authority, and legislative issues decided by Miami-Dade County that have significant impacts on the City of Miami Beach.

Due to the significant potential positive or negative impacts on Miami Beach of issues under the authority of the County, and given the size and complexity of the Miami-Dade County government, the FY2010/11 budget proposal includes funding for the hiring of a County lobbyist, in addition to the existing state and federal contract lobbyists currently employed by the City. The proposal to hire a County lobbyist was discussed and supported by the Finance and Citywide Projects Committee at their meeting on August 25, 2010.

Some of the significant county issues (some of which have been resolved) that have had potential or actual impact on the City include:

- Beach Renourishment;
- Consolidation of the municipal fire departments into the Miami-Dade Fire Department;
- Operation of the South Beach Local;
- Proposed amendments to the municipal share of the half-cent transit surtax;
- General Obligation Bond Projects;
- Miami Beach Convention Center;
- Convention Development Tax Receipts;
- Urban Area Security Initiative (UASI) funding;
- Water and Sewer Rates and Water and Sewer Connection Fees;
- Community Redevelopment Agencies (CRAs)

**Scope of Services**

The City of Miami Beach is soliciting proposals for governmental services of an experienced and qualified law firm, governmental affairs consulting firm, business, individual, and/or a combination thereof to provide the City with governmental representation before the executive and legislative branches of Miami-Dade County.

**Qualifications**

The selected Proposer should possess at a minimum:

- a strong working knowledge of the legislative, administrative, and regulatory processes of Miami-Dade County;
- a clear understanding of the City of Miami Beach and its needs;
- a clear understanding of the many local issues facing municipalities;
- a history of successful lobbying experience at the county level; and
- a clear strategy for representing the City before the legislative and executive branches of Miami-Dade County.

**Term**

The City intends to award a contract for a two (2) year period with two (2), one-year options to renew at the City's sole discretion.

**Services**

The selected proposer shall provide governmental representation and consulting services requested by the City, for various subjects and issues affecting the City of Miami Beach, its residents and/or businesses. Specific services may include:

- Monitor the County's legislative process and identify and report on issues of potential impact or interest to the City;
- Raise, discuss and recommend any affirmative legislative action that may benefit the City, and identify any potential or actual legislative or agency action that may negatively impact the City.
- Report to and meet (in person or by phone) with the City on a weekly basis, on the City's legislative agenda and other items that may impact the City.
- Prepare monthly reports in a timely manner, advising the City of the current status of all issues that they are monitoring or tracking that may affect the City of Miami Beach, the actions taken on such issues, and recommendations for future actions on such issues.
- Assist in writing, interpreting, drafting and monitoring legislation, amendments and regulations.
- Provide a full range of lobbying legislative counsel and advocacy services, including meeting with members of the Board of County Commissioners and testifying at committee meetings on the City's behalf.
- Integrate its efforts with the City's Economic Development Office and City Manager's Office to ensure a strong, consistent legislative program.
- Be prepared to obtain documentation and research materials upon request.
- Review the City's Federal and State Legislative Agendas to determine if there are opportunities at the county level to fulfill any of the City's State or Federal Objectives. Be available to coordinate issues with the City's State and Federal lobbyists on issues as needed.
- Coordinate meetings with County officials on an as-needed basis.

- Meet individually with the Mayor and each Commissioner periodically, and periodically appear before the City Commission to report on the outcomes of the session and the results of the City's priorities.

Information to be submitted in response to the RFQ includes the following:

Proposer's Experience and Past Performance

The following description about the Proposer:

- organization;
- history and background;
- tax status;
- principals, officers, owners, board of directors and/or board of trustees;
- the primary clients/industries served;
- the total current number of employees and the current number of professional employees by classification; and
- the number of years that the Proposer has been in existence.

The Proposer must describe their past performance and experience in governmental representation and consulting in general and with the County, and discuss in detail the extent of Proposer's lobbying experience, including the use of any subconsultants and their role on any engagement of the Proposer.

The Proposer must provide a detailed description of comparable contracts (similar in scope of services to those requested herein) which the Proposer either has ongoing or completed within the past four years. The description would identify for each project:

- the client;
- description of work;
- total dollar value of the contract;
- contract duration;
- customer contact person and phone number for reference;
- statement or notation of whether Proposer is/was the prime contractor or subcontractor or subconsultant; and
- the results of the project.

Where possible, they must list and describe those projects performed for local government clients or similar size private entities.

The Proposer must describe any other experiences related to the work or services described in the Scope of Services and any other information which may be specific to the required services to be provided (e.g., software/hardware information, training, etc.).

Key Personnel and Subcontractors Performing Services

- List the names and addresses of all partners, subcontractors or subconsultants, and describe the extent of work to be performed by each.
- Provide an organization chart showing all individuals, including their titles, to be assigned to this project. This chart must clearly identify the Proposer's employees and those of the partners, subcontractors or subconsultants.
- Describe the experience, qualifications and other vital information, including relevant experience on previous similar projects, of all key individuals and subcontractors or subconsultants who will be assigned to this project. This information shall include the functions to be performed by the key individuals and the subcontractors or

subconsultants.

- Provide resumes with job descriptions and other detailed qualification information on all key personnel who will be assigned to this project, including any subcontractors or subconsultants. All key personnel includes all partners, managers, senior and other professional staff that will perform work and/or services in this project.

#### Approach and Work Plan

Proposer shall provide a detailed work plan that includes, at a minimum, the following items:

- Confirm Proposer's ability to fulfill all elements of the Scope of Services.
- A description of Proposer's methodology, including specific policies, procedures or techniques to be used in performing the services described in the Scope of Services.
- A description of Proposer's approach to project organization/management, identifying which individual(s) will primarily manage this project and will be the primary contact to the City.
- A description of the responsibilities of Proposer's management and staff personnel that will perform work in this project, identifying the role of each member of the Proposer's team.
- A description of the Proposer's approach to the scheduling of work.
- Estimate the hours of availability of the Proposer for the City's required services, including the hours of availability of each of the principals of the Proposer's team. If subcontractors are utilized, estimate the hours of availability of each.
- Address Proposer's ability and approach to complying with the reporting requirements in the Scope of Services. Describe the proposed report outline (i.e., sections, contents, etc.) and attach a sample report (if available).
- Provide any other information regarding the Proposer's general work plan which the Proposer deems relevant.

#### Key City of Miami Beach Issues and Working Relationships

Proposer shall provide a detailed explanation regarding the Proposer's approach to representing the City before the Board of County Commissioner and other County agencies, including, at a minimum, the following items:

- A description of the Proposer's understanding of critical funding and legislative issues to the City of Miami Beach and what unique aspects Proposer can provide which makes the Proposer different than other potential proposers.
- Proposer's specific experience on key City issues.
- How the Proposer plans to provide services on any issues and subject areas outside the expertise of its team members, specifically those that may be identified in Attachment A.
- A description of how the Proposer would enhance the City's position with respect to legislation and budgetary authorizations.
- How the Proposer plans to establish, maintain and enhance working relationships between City's elected officials and staff and the executive and legislative branches of Miami-Dade County.
- A description of prior experience working with other advocacy groups whose interests may align with those of the City of Miami Beach (Miami-Dade County League of Cities, MDCCMA, etc). Provide specific examples.
- Any actual and/or potential conflicts of interest in providing services requested in this RFQ.
- A list of and discuss Proposer's accomplishments recently achieved on behalf of local governments and other clients.

*Commission Memorandum  
Issue RFQ for County Lobbying Services  
September 20, 2010*

- Any other information regarding the Proposer's approach to representing the City of Miami Beach which the Proposer deems relevant.

Proposed RFQ Timeframe

September 15, 2010	City Commission approval of RFQ
October 1, 2010	RFQ Issued
November 5, 2010	Deadline for RFQ responses
Week of Nov 15 or 22	Evaluation Committee Meeting
December 8, 2010	City Commission authorization to negotiate
January 2011	City Commission approval of final contract

Proposed RFQ Scoring

Proposer's experience, qualifications, capabilities, and past performance in providing the type of services described in this RFQ	20 points
Proposer's experience and understanding of specific issues facing local governments in Miami-Dade County.	20 points
Experience and qualifications of all individuals, including subcontractors, that will be assigned to this project	20 points
Proposer's approach and work plan to provide the type of services described in this RFQ	20 points
Proposer's understanding of critical City issues and ability to establish, maintain and enhance working relationships between City elected officials and the executive and legislative branches of Miami-Dade County.	20 points

CONCLUSION

The Administration recommends that the Mayor and City Commission approve the issuance of a RFQ for lobbying and governmental consulting services at Miami-Dade County.

JMG/HF/kc

T:\AGENDA\2010\September 20\County Lobbyist RFQ Memo.docx

**Condensed Title:**

Request For Approval To Issue A Request For Proposals (RFP) For Parking Enforcement Services for the City's Parking System.

**Key Intended Outcome Supported:**

Maintain or improve traffic flow and improve parking availability.  
**Supporting Data (Surveys, Environmental Scan, etc.):** 74% of residents and 72% of businesses rate the availability of parking across the City as too little or much too little. Availability of parking was one of the changes residents identified to Make Miami Beach better to live, work or play.

**Issue:**

Should a request for proposals be issued for parking enforcement services for the City's Parking System?

**Item Summary/Recommendation:**

The Finance and Citywide Projects Committee directed the Administration to explore more efficient and cost effective ways to provide parking enforcement services and to present options for the Commission's consideration.

A fixed hourly rate contract is the proposed model for the parking enforcement services contract. This would be similar to unarmed security guard services contracted through the City's Police Department which has been in place over 15 years and the cashiers/attendants and supervisor services contract for parking garages and lots which has been in place managed by the City's Parking Department for over 12 years. These are both specific examples of successful models that have been in place for extended periods and are comparable to the risk; skill level; and complexity required for parking enforcement services. If approved, the Contractor would provide a labor pool of contract enforcement employees billed on a fixed hourly rate basis. The City would retain full control of the management and operation of all parking enforcement management, including but not limited to all policies/procedures; scheduling, deployment; approval of all tows; and approval of valet parking citations.

The Administration recommends issuing the RFP.

**Advisory Board Recommendation:**

Approved by the Finance and Citywide Projects Committee on August 25, 2010.

**Financial Information:**

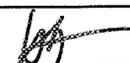
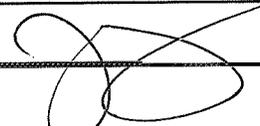
Source of Funds:	Amount	Account	Approved
1			
OBPI Total			

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Saul Frances, Parking Department

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
SF	JGG 	JMG 

T:\AGENDA\2010\Sept20\Regular\ParkingEnforcementServicesRFP\issuance09202010.sum.doc





## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

SUBJECT: **A REQUEST FOR APPROVAL FROM THE MAYOR AND CITY COMMISSION TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR A FIXED HOURLY RATE LABOR CONTRACT TO PROVIDE PARKING ENFORCEMENT SERVICES FOR THE CITY'S PARKING SYSTEM.**

### ADMINISTRATION RECOMMENDATION

Approve the issuance of the RFP.

### ANALYSIS

On August 25, 2010, the City's Finance and Citywide Projects Committee directed the Administration to seek out more efficient and cost effective ways to provide city services, the contracting of various city services, including parking enforcement services were discussed as an option to pursue.

It is estimated that a savings of \$411,640 for a six month period or \$823,279 annually can be achieved by contracting parking enforcement services. The research conducted was not an exhaustive one but did yield approximately 30 communities across the country that had contracted parking enforcement services, some for as long as 15 years. The communities surveyed had an hourly rate for this contracted service ranging between \$16 and \$20 per hour. Currently, the City's in-house hourly cost, including wages and benefits, is \$34 per hour. Analysis indicates that the savings of contracting services versus in-house services is derived from reduced wage and benefits costs. The issuance of an RFP, as directed by the City's Finance and Citywide Projects Committee, will provide the City Commission with the necessary factual data with which to consider the contracting of parking enforcement services. The issuance of an RFP is not an action that is taken lightly. It is clearly understood that City employees may be impacted by the result and that potential vendors will expend significant resources to prepare an RFP response. In authorizing an RFP, the City Commission should also look ahead to the decision that will be before the Commission if the projected savings are realized in the RFP responses.

It is important to note that the proposed model for contracted parking enforcement services is based on a fixed hourly rate for services provided. The contracted parking services model will compensate a selected contractor only through the hourly rate proposed and only for services provided to the City. Other similar and successful contracts for services in the City include:

- Unarmed Security Services (Citywide and City Parking facilities)
- Cashiers/Attendants and Supervisors (City Parking Facilities)
- Janitorial Services (Citywide and City Parking Facilities)
- Landscaping Services (Citywide and City Parking Facilities)
- Parking Meter Collection Services (City Parking Facilities)

A fixed hourly rate contract is the proposed model for the parking enforcement services contract. This would be similar to unarmed security guard services contracted through the City's Police Department which has been in place successfully for over 15 years and the cashiers/attendants and

supervisor services contract for citywide parking garages and surface lots which has been in place and successfully managed by the City's Parking Department for over 12 years. These are both specific examples of successful models that have been in place for extended periods and are comparable to the risk; skill level; and complexity required for parking enforcement services. If approved, the Contractor would provide a labor pool of contract enforcement employees billed on a fixed hourly rate basis. The City would retain full control of the management and operation of all parking enforcement management, including but not limited to all policies/procedures; scheduling, deployment; approval of all tows; and approval of valet parking citations.

The Parking Department already has extensive experience in collaborating with private industry and, through a partial privatization of services, accomplished a "partnership approach" to managing various services within the parking system. The Department has been very successful using the concept of private sector expertise with public sector oversight. The Department has competitively bid for contract services, including, but not limited to the aforementioned cashiers, attendants, supervisors, security services, janitorial services, and landscaping services. Contracted parking enforcement services can succeed in our City if the RFP financial data supports the choice as projected.

### **CONTRACTED SERVICES KEY POINTS**

All respondents should propose the highest level of service in the most cost effective and efficient manner in which to accomplish the duties, tasks, and requirements contained within the RFP. In addition to the required proposal, Respondents may include an Alternate responses to the requirements contained in the RFP. These include but are not limited to the following: (1) combination of patrol cars, bicycles, foot patrols, and/or other modes of transportation citywide (three wheeled patrol vehicles are not acceptable) and (2) option to purchase the City's existing parking enforcement fleet of vehicles. The Respondents should clearly delineate the operational and/or financial advantages to any and all of the Alternatives proposed.

In addition, it is the City's responsibility to ensure that there are no conflicts of interest, real or perceived, in the provision of either City or contracted services. Parking enforcement services and towing services have some level of field interaction. It is prudent and in the best interest of the City to ensure that there are no conflicts, real or perceived with either or both potential service providers. Therefore, in the interest of transparency and good government, proposals from any current or future towing service provider for parking enforcement services shall be deemed ineligible due to said potential conflicts, real or perceived, and their proposals shall not be considered responsive.

Please note that concerns have been raised with the City potentially delegating ticketing and towing discretion to a private concern and potential unintended consequences such as corruption with towing and/or valet parking operators. The proposed fixed hourly rate labor contract model addresses all the aforementioned concerns and provides the City with an enhanced level of accountability while substantially reducing costs. For example, a proposed safeguard is that the Contractor must receive an approval from a City Supervisor prior to any tow being initiated or any valet parking citation being issued. This would prevent any unauthorized or inappropriate vehicle tows and/or valet parking citations. Failure to do so would result in substantial financial penalties to the Contractor and sanctions which are included in the RFP and would eventually become contract provisions. The following is a brief listing of the proposed safeguards, financial penalties, and sanctions. For more detailed information regarding these provisions, please refer to Section 8 and 9 of the RFP Scope of Services contained herein:

The Contractor shall comply with the following performance standards. Failure to comply with said standards shall result in liquidated damages and/or penalties as outlined below:

- Absenteeism/Attendance - Failure to maintain an acceptable attendance of the scheduled contract enforcement employees for each respective shift and/or assignment, in the sole and absolute discretion of the City, shall be deemed as non-performance on the part of the Contractor and shall be subject to a penalty consistent with the dollar value of the duration of time that the employee(s) were absent or \$100, whichever is greater, as liquidated damages. The value is based on the hourly rate assessed to the City.

- **Customer Service/Conduct:** - All employees must comport themselves in a respectful and courteous manner when addressing the public/customers. Conduct unbecoming shall include: rudeness, belligerence, hostility, quarrelsome, antagonistic, aggression, sarcasm, contempt, and mocking. All employees shall further refrain from smoking, eating, and/or drinking while on-duty. Complaints pertaining to customer service, including but not limited to the behavior outlined above shall be immediately addressed by the Contractor. **The City reserves the right at its sole discretion to determine if the employee is unfit or incompetent to perform the duties and may require the immediate removal of the employee and replacement with another within one (1) hour of said request.** Failure of the Contractor to do so may trigger Performance Standard No. 1 and an assessment of liquidated damages.
  
- **Most Favored Customer:** - The Contractor warrants and represents that the prices, warranties, benefits and terms set forth in this Agreement are at least equal to or more favorable to the City than the prices, warranties, benefits and terms now charged or offered by the Contractor or that may be charged or offered during the term of this Agreement for the same or substantially similar services as defined in this Agreement. If at a time during the term of this Agreement, the Contractor enters into an agreement on a basis that provides prices, warranties, benefits and terms more favorable than those provided the City hereunder, then the Contractor shall within thirty (30) calendar days thereafter notify the City of such fact, and regardless of whether such notice is sent by the Contractor or received by the City, this contract shall be deemed to be automatically amended, effective retroactively to the effective date of the more favorable agreement, to provide the same prices, warranties, benefits and terms to the City; provided that the City shall have the right and option to decline to accept any such change, in which event such amendment shall be deemed null and void.
  
- The City retains the right, at its sole and absolute discretion to charge back against submitted invoices documented deficiencies as follows:
  - Full day meter charge at the appropriate rate for each parking space for each day on missed bagging and/or gorilla post removal assignments.
  - Replacement or repair value of any City or County supplied equipment if repair or replacement results from loss, misuse or negligence
  - All charges incurred for improper towing, as determined in the sole discretion of the City, and a \$100 penalty fee above and beyond all charges incurred. The penalty fee shall be utilized to defray expenses incurred by the towed party, including transportation and/or other costs. The Contractor may propose a higher penalty for the City to consider; however, it shall be no less than all charges incurred for improper towing and a penalty fee of \$100.
  - Hourly charges equal to excessive or unexplained gaps in patrol activity reported on computer logs.
  - A \$5 per voided and/or dismissed citation penalty due to adjudication and/or if determined by the City in its sole discretion if due to failure to follow City policy/instructions and/or adjudication. The Contractor may propose a higher penalty for the City to consider; however, it shall be no less than \$5 per citation.
  - The face value for each violation dismissed for failure of the officer to attend scheduled court.

- A \$100 penalty per voided or dismissed valet parking violation penalty if issued because of failure to follow City policy or instructions. The Contractor may propose a higher penalty for the City to consider; however, it shall be no less than \$100 per citation.
- Performance Audit - The City shall conduct an annual operational audit of the Contractor's performance for the preceding 12 months and may do so for each contract year thereafter. The Contractor agrees to provide access to the Contractor's office and any and all documents and records related to performing the necessary work related to this contract. Said access shall be set at mutually agreed upon times.

Another important point to consider, should the Mayor and Commission approve the issuance of an RFP for contracted parking enforcement services, is the transition of the city employees affected. The Administration has an excellent track record over the last two years with the RIF (Reduction-In-Force) and the transitioning of affected employees. To date, many classified employees affected by the RIF have either received a job offer or transitioned to another position within the City. The Mayor and Commission has clearly identified the transitioning of employees as a priority when dealing with the last contracted labor award for cashiers/attendants and supervisors. In fact, during that transition, 80% of the employees from the previous vendor transitioned to the incoming vendor. The RFP includes a provision where the respondents are encourage to elaborate on their proposed transition plan should they be awarded a contract.

**SCOPE OF SERVICES**

The City of Miami Beach is actively seeking proposals from capable qualified entities to supply trained contract enforcement employees for the City of Miami Beach Parking System, in accordance with the terms, conditions, and specifications contained in the Request for Proposals. All respondents are required to provide their business model, including methodologies and approach for all of the requirements of the RFP. The Contractor shall include a proposed organizational structure and operational plan that provides the highest level of service delivery in the most cost effective manner. The proposal should include any value added services. The following outlines the proposed scope of services.

**Parking Services – Fixed Hourly Labor**

The Contractor is to provide the cost of services for approximately 90,000 labor hours annually of parking services, comprised of , enforcement services, and other related services. The following is listing of requested hours by category and functions:

Category	Hours (%)	Representative Tasks
Enforcement Personnel	88,000 (97.7%)	Citations/Tows/Valet/Traffic
Other (non-certified officers)	2,000 ( 2.3%)	Meter bags/space rentals/surveys
<b>Total:</b>	<b>90,000 (100%)</b>	

The Contractor should propose a fixed hourly rate for each of the categories identified above. The City reserves the right to adjust the number of hours among the proposed categories without materially adjusting the total number of contract billable hours. The City shall retain all management and control of all parking enforcement operations, including but not limited to scheduling, deployment, and assignment of all parking enforcement functions, tasks, and policies/procedures. Zone scheduling, deployment, and assignments may vary by shift and is determined at the sole and absolute discretion of the City. The Contractor may use part-time employees.

**Contract Assignments**

The Contractor shall provide labor hours for the following patrols, and other related services, such as meter bagging/gorilla posts for space rentals, space use surveys, and other services that do not

require a certified officer. The Contractor shall invoice the City on a fixed hourly rate basis for contract enforcement employees and other related services, respectively, as proposed in its Cost Proposal, unless otherwise noted:

Contractor service responsibilities shall include, but are not limited to:

- Enforcement of the following:
  - Any violation of regulations as posted or marked at on-street and off-street locations within the city limits of Miami Beach.
  - Residential permit parking zones/districts as posted
  - Commercial parking districts as regulated/posted
  - Metered locations as posted
  - Time limit zones (if applicable)
  - Alley Parking Restrictions
  - Temporary parking restrictions as posted
  - All requests for enforcement such as blocked driveways, residential parking zones
  - Disabled placard; disabled person spaces; and/or accessibility
- Placement, removal, and enforcement of bagged meters and/or gorilla poles with the approval of a City Supervisor
- Enforcement of the City's valet parking ordinance (valet parking citations may only be issued upon the approval of City Supervisor)
- Report any deficiencies of city property, including graffiti and safety hazards.
- **Scofflaw Detail/Task Force Enforcement** - Scofflaw enforcement primarily involves searching specifically for those vehicles which can be legally towed for a predetermined number of delinquent parking citations, filling out the necessary impound forms, and coordinating the removal of vehicles with the City's towing contractor.
- **Towing Detail:** This enforcement activity involves locating vehicles that are parked in tow-way zones throughout the City, filling out the necessary impound forms, and coordinating the removal of vehicles with the City's towing contractor. **No vehicle may be impounded at anytime or from any location without the prior approval of a City Supervisor.**
- **Major Events/Special Events Coverage:** The Contractor will maintain appropriate staffing levels, as required by the City, to provide enforcement and traffic control for all major events/special events. All billable hours shall be at the Contractor's proposed hourly rate. Said hourly rate shall include any and all costs to the City.
- **Emergency Procedures:** In the event of a major emergency or natural or man-made disaster, the Contractor shall make available its personnel, transportation and communication resources for emergency assistance under direction of the City Manager or his designee.
- **Related Activities:** The Contractor's staff shall assist the City in any other related activities, as assigned.

### Contractor Requirements

**Patrol Cars:** The Contractor shall provide sufficient vehicles, as determined in the sole and absolute discretion of the City, for their employees to ensure the effective and efficient transport of contract enforcement employees and supervisors to assigned locations throughout all shifts.

**Bicycles:** The Contractor must have sufficient bicycles for use by Contractor for enforcement activity services. The Contractor shall bear the costs for purchase, maintenance, and repair of any damages associated with the use of these bicycles. The Contractor shall be responsible for the operation and training relating to the use of the bicycles. The City shall not assume responsibility for any damage relating to the use of the bicycles resulting in the loss of life or property. The bicycles shall be used exclusively for enforcement activity only. The Contractor shall be responsible for securing and storing the bicycles.

**Communications:** The Contractor must also provide communication capability with the following City staff: Parking Director, Assistant Parking Director, Parking Enforcement Manager, Parking Operations Supervisors, City's Parking Dispatcher, and the City's Parking Department Customer Service Counter.

**Parking Citation and Scofflaw Detection Systems:** Contractor's staff must utilize and operate the County's Autocite (Enforcement Technologies) system for the issuance of parking citations, license plate surveys, scofflaw detection, vehicles exceeding time limits, reporting of malfunctioning meters and all other uses and AutoVu Technologies' AutoVu Mobile License Plate Reading system for the detection of Scofflaws and other groups of violators, as well as the efficient identification of vehicles exceeding time limits.

**Policies/Procedures:** The Contractor must provide each employee with a Parking Enforcement Zone and Route Book and a Policies and Procedures Manual containing all standard operating procedures. All rules of conduct from the successful proposer must be approved by the City's Parking Director.

**The Contractor must receive approval from a City Supervisor for any and all vehicle impoundments and any and all valet parking citations prior to their issuance.**

**Screening; Interviewing, and Testing:** Shall be responsible for, and provide to the City, supporting documentations for screening, interviewing, testing, and training of all personnel, to include: previous employment verification; all the employers for the past 10 years; criminal record check (electronic fingerprinting; applicant's biometrics should be matched against FDLE (Florida Department of Law Enforcement) database, and the FBI (Federal Bureau of Investigation nationwide) database, including matches for sexual predators; driver license record check (all-inclusive report which lists all the previous offences, final dispositions, and pending cases); and credit report check.

**All Contract Personnel:**

1. Shall be physically and mentally capable of performing all required enforcement duties.
2. Shall have the ability to give and follow oral and written instructions in English. The Contractor should describe, in detail, how it would handle interactions with foreign languages when interacting with those that may not speak English.
3. Shall have the required State of Florida Parking Enforcement certification.
4. Shall have the ability to establish and maintain effective working relationships with the public and City officials.
5. Shall have a valid Florida State driver's license.
6. Shall have the ability to remain calm and use judgment and initiative in an emergency situation.
7. Shall be bondable.
8. Must possess a high school diploma or G.E.D. certificate.
9. Shall have no criminal record.
10. Shall maintain a neat, well-groomed appearance at all times.
11. Shall provide directions and general information to the public.
12. Shall maintain a friendly, courteous and service-oriented attitude at all times.
13. Shall consistently demonstrate the ability to communicate fluently in the English language with the general public, supervisors, and City management.
14. Shall not use personal mobile/cellular telephones while on-duty.
15. Shall perform all other related duties as assigned by the City.
16. Shall be bonded and insured.
17. Smoking and/or eating on the job is strictly prohibited.

**Calculation of Billable Hours:** All billable hours shall be based on labor hours actually worked (not scheduled) per month. The Contractor is solely responsible for any cost or expense incurred due or related to Overtime.

**Training:** The Contractor shall provide continuous and on-going procedural and equipment training to all of its employees assigned to the City of Miami Beach. All employees must report to work fully trained. The Contractor shall provide a roster of all trained employees to the City. All employees are to be thoroughly trained in all aspects of their particular position; including, as appropriate, radio procedures, the use of the handheld issuance device and related hardware, all regulations for parking enforcement, traffic control techniques, the legal requirements for towing, court testimony techniques, and current and future policies and procedures as developed by the City's Parking Department. All contract employees shall receive the City's core training program at the Contractor's sole expense. The City's core training program includes, Customer Service Excellence, Team Building, Sexual Harassment, Ethics, and Diversity.

**Termination of Employees:** All employees of the Contractor shall be considered to be, at all times, the sole employees of the Contractor under its sole discretion and not an employee or agent of the City. The Contractor will supply competent and physically capable employees. The City may require the Contractor to remove an employee it deems careless, incompetent, insubordinate, or otherwise objectionable and whose continued employment on the City's contract is not in the best interest of the City.

**Management Reports:** While the County provides the handheld citation issuance system and associated reports, statistics and information required to monitor enforcement activities, the Contractor shall be responsible for providing the following reports:

1. Daily schedule showing officer assignment by zone, shift, and scheduled enforcement hours, listing all employee absences and reason for said absences.
2. Weekly zone assignment sheets showing projected scheduling for the following week.
3. Monthly summary of activities showing total work hours, patrol and non-patrol (time spent at hearings, in training, etc.).
4. Daily and monthly summary of tow activity. Complete tow records are to be maintained at the enforcement office.
5. All Contractor reports shall be produced using the current version of Microsoft Office for Windows. Once produced, reports, both soft and hardcopy, shall become the property of the City.
6. The Contractor will be responsible for preparing and/or maintaining the following reports and records: download/upload of the Autocite units on a daily basis and transmission of citation to the City/County; copies of the printout of citations/officer activity log and void/error reports are to be submitted daily to the City; listing of malfunctioning meters is to be sent electronically to the City daily by 7 AM; listing of any and all graffiti on City property is to be reported to the City immediately; bagging assignments are to be faxed to Parking as completed; contract employee hour summary is to be sent electronically to the City weekly by Tuesday for the previous week; towing activity reports and logs are to be maintained daily. Tow records are to be retained two years by the Contractor; reports on personnel actions must be disclosed to the City within the week of the event; the Autocite records of citations are to be stored on the computer for at least one year with disc backup of all citations kept for the contract term; at the end of the contract term the discs are to be delivered to the City; invoices are to be submitted monthly not later than the 10th of the following month; and any other report required by the City.

## **Compensation**

The Contractor shall be compensated for the Services, as set forth in the RFP, based on the fixed hourly labor rate for contract employees provided, as needed, by the City. The hourly rates shall remain fixed and firm for the duration of the Agreement. The City may negotiate increases after the first year to reflect increases of the Consumer Price Index – Urban Areas (CPI-U) or City's Living Wage Ordinance (as same may be amended) rate increases. The only compensation received by the Contractor shall be the fixed hourly rate.

## City Rights and Responsibilities

1. The City shall provide and maintain capability to carry on two-way radio conversations with the field personnel whenever they are on duty. This system shall provide dependable, interference-free, two-way communications to the city supervisors, contract supervisors, and contract enforcement employees. The City shall provide an Enforcement Office, located at the 42<sup>nd</sup> Street Parking Garage, to support all back office space needed for operations, lockers and roll-call space for enforcement personnel, break room, docking stations for handheld issuing devices.
2. The City must also provide with the Enforcement Office sufficient parking spaces for employee's private vehicles and enforcement vehicles (both cars and bicycles as discussed below). The Enforcement Office must present a professional and friendly appearance and must be well maintained.
3. The Enforcement Office will be located within the City of Miami Beach, at the 42<sup>nd</sup> Street Parking Garage. The Contractor expected to provide all necessary office furnishings and equipment reasonably expected in the office of a qualified and experienced firm providing the required services. The office shall be open 24 hours a day/seven days a week.
4. The City has the right to refuse any personnel supplied by the Contractor. Any person employed by the Contractor whom the Parking Director or his/her designee may deem temporarily or permanently incompetent or unfit to perform the work, shall be removed promptly from the job and such person shall not again be placed with the City.
5. The City will at no time be responsible for any and all overtime payroll expense incurred by the Contractor and the City retains the right to:
  - a. Set all hours of enforcement operations and approve daily and weekly assignment schedules.
  - b. Modify, alter, add, delete procedures, and instructions during the contract terms.
  - c. Modify, alter, add delete or replace any City supplied forms and/or equipment.
  - d. Establish enforcement areas/zones at its sole and absolute discretion.
  - e. Add to, delete, or alter enforcement areas, zones, level of enforcement, placement of enforcement effort and type of enforcement, including notices and/or warnings.
  - f. Approve or disapprove of any new hire and to test all new hires before issuing enforcement authority and to withdraw the enforcement authority of any officer permanently or temporarily when such action is in the best interest of the City.
  - g. Approve or disapprove any invoice or adjust invoices to reflect properly applied chargebacks, and to chargeback items discovered after an invoice has been approved for payment from the submitted invoice.
  - h. Approve or disapprove the design and content of information contained on the County's parking citations, Contractor's training courses, and scope of work for deployment study.

## Contractor Performance Standards

The Contractor shall comply with the following performance standards. Failure to comply with said standards shall result in liquidated damages and/or penalties as outlined below:

### 1. Absenteeism/Attendance:

Failure to maintain a biweekly attendance of the scheduled contract enforcement employees for each respective shift and/or assignment shall be deemed as non-performance on the part of the Contractor and shall be subject to a penalty consistent with the dollar value of the duration of time that the employee(s) were absent or \$100, whichever is greater, as liquidated damages. The value is based on the hourly rate assessed to the City. For example, a contract enforcement employee or supervisor fails to appear for a 9 AM to 9 PM shift and he/she has a contract hourly rate of \$12. The liquidated damage for this instance is \$144 (\$12 per hour times 12 hours). This formula is based on reduced service levels that the City must absorb by compensating with the

reallocation of labor from other duties and/or facilities. Absenteeism/attendance shall be defined as the number of contract enforcement employees and/or supervisors scheduled in any zone, and/or assignment at the start of any biweekly period. The Contractor is required to fill any absences and shall have a two (2) hour period, commencing at the start of a shift in which to do so. Failure to fill any absence within this allotment shall be deemed as non-performance.

**2. Uniforms/Name-tags:**

All employees must be in full uniform with their respective name-tag at the start of their shift. Failure to do so may result in a request to replace said employee with one in full uniform/name-tag. The Contractor's failure to produce a replacement may trigger Performance Standard No. 1 above and an assessment of liquidated damages.

**3. Customer Service/Conduct:**

All employees must comport themselves in a respectful and courteous manner when addressing the public/customers. Conduct unbecoming shall include: rudeness, belligerence, hostility, quarrelsome, antagonistic, aggression, sarcasm, contempt, and mocking. All employees shall further refrain from smoking, eating, and/or drinking while on-duty. Complaints pertaining to customer service, including but not limited to the behavior outlined above shall be immediately addressed by the Contractor. The City reserves the right at its sole discretion to determine if the employee is unfit or incompetent to perform the duties and may require the immediate removal of the employee and replacement with another within one (1) hour of said request. Failure of the Contractor to do so may trigger Performance Standard No. 1 and an assessment of liquidated damages. The Contractor shall schedule monthly performance meetings with City management to review performance issues. The Contractor shall notify the City of a 24 hour contact via telephone and/or email. A minimum of two contact names must remain on file with the City at all times. The Contractor shall respond to any complaint received from the general public or the City of Miami Beach, in writing, within 24 hours of receipt of complaint.

**4. Most Favored Customer:**

The Contractor warrants and represents that the prices, warranties, benefits and terms set forth in this Agreement are at least equal to or more favorable to the City than the prices, warranties, benefits and terms now charged or offered by the Contractor or that may be charged or offered during the term of this Agreement for the same or substantially similar services as defined in this Agreement. If at a time during the term of this Agreement, the Contractor enters into an agreement on a basis that provides prices, warranties, benefits and terms more favorable than those provided the City hereunder, then the Contractor shall within thirty (30) calendar days thereafter notify the City of such fact, and regardless of whether such notice is sent by the Contractor or received by the City, this contract shall be deemed to be automatically amended, effective retroactively to the effective date of the more favorable agreement, to provide the same prices, warranties, benefits and terms to the City; provided that the City shall have the right and option to decline to accept any such change, in which event such amendment shall be deemed null and void. If the Contractor is of the opinion that an apparently more favorable price, warranty, benefit or term of this Agreement is not in fact more favored treatment, the Contractor will promptly notify the City in writing, setting forth in detail the reasons that the Contractor believes said apparently more favored treatment is not in fact more favored treatment. The City after due consideration of such written explanation may decline to accept such explanation and thereupon this Agreement shall be deemed to be automatically amended effective retroactively to the effective date of the more favorable agreement, provide the same prices, warranties, benefits and terms to the City. The provisions of this Article shall survive the closing and termination of this

Agreement.

**5. Chargebacks**

The City retains the right, at its sole and absolute discretion to charge back against submitted invoices documented deficiencies as follows:

- a. Full day meter charge at the appropriate rate for each meter for each day on missed bagging and/or gorilla post removal assignments
- b. Replacement or repair value of any City or County supplied equipment if repair or replacement results from loss, misuse or negligence
- c. **All charges incurred for improper towing, as determined in the sole discretion of the City, and a \$100 penalty fee above and beyond all charges incurred. The penalty fee shall be utilized to defray expenses incurred by the towed party, including transportation and/or other costs. The Contractor may propose a higher penalty for the City to consider; however, it shall be no less than all charges incurred for improper towing and a penalty fee of \$100.**
- d. Hourly charges equal to excessive or unexplained gaps in patrol activity reported on computer logs.
- e. **A \$5 per voided or dismissed citation penalty if issued because of failure to follow City policy or instructions. The Contractor may propose a higher penalty for the City to consider; however, it shall be no less than \$5 per citation.**
- f. The face value for each violation dismissed for failure of the officer to attend scheduled court.
- g. **A \$100 per voided or dismissed valet parking violation penalty if issued because of failure to follow City policy or instructions. The Contractor may propose a higher penalty for the City to consider; however, it shall be no less than \$100.00 per citation.**

**6. Performance Audit** - The City shall conduct an annual operational audit of the Contractor's performance for the preceding 12 months and may do so for each contract year thereafter. The Contractor agrees to provide access to the Contractor's office and any and all documents and records related to performing the necessary work related to this contract. Said access shall be set at mutually agreed upon times.

**7. Other Services** - The successful Proposer must provide the following services outlined herein. The cost of said services must be identified and included as a component of the Total "Cost Plus" Annual Rate for up to 90,000 Hours found on the Price Proposal Form contained herein. Additionally, the cost of each service should be itemized in the space provided below. **The City reserves the right to select any service or combination thereof, including all or none; and deduct the cost of those services not selected.**

a. **Project Management** - The successful Proposer shall provide a full-time on-site Project Manager with experience handling the type of services requested by the City who will have full authority to act on behalf of the Firm. The Project Manager shall be scheduled at the sole and absolute discretion of the City and shall be available to respond to requests from the City, on an as needed basis.

\$ \_\_\_\_\_

b. **Human Resources Coordinator** - The successful proposer shall provide an HRC to address and enhance the Firm's recruitment, retention, and training efforts.

\$ \_\_\_\_\_

- c. Cardio Pulmonary Resuscitation (CPR) Certification - The successful proposer shall have all contract personnel CPR certified.  
\$ \_\_\_\_\_
- d. Traffic Control Certification – The successful proposer shall have all parking enforcement personnel certified in traffic control.  
\$ \_\_\_\_\_
- e. Training - The successful proposer shall provide training, including but is not limited to: Customer Service, Traffic Control Certification, and any other training the City deems relevant and appropriate in its sole discretion.  
\$ \_\_\_\_\_
- f. Compensation for Contract Employees - The successful proposer must provide an Employee Recognition Program; Monthly Birthday Event (for all contract employees with a birthday in each respective month).  
\$ \_\_\_\_\_
- g. Mystery Shopper Reporting - The successful proposer shall contract an independent third party to perform a minimum of ten (10) "Shopper" reports per month, system-wide. A sample "Shopper" survey must be included in the Firm's proposal. Shopper reports must specify that these are actual customers and must be documented visits to one of the zones/areas where a parking enforcement officer is provided. Telephone calls for information or visits/interaction with city staff is not permitted.  
\$ \_\_\_\_\_
- h. Uniforms: At a minimum, the successful proposer must provide the following set of uniforms for each employee: five (5) collared shirts or polos (or any combination thereof totaling five) and five (5) pants or shorts (or any combination thereof totaling five). All uniforms shall be approved in the sole and absolute discretion of the City.  
\$ \_\_\_\_\_

**EVALUATION/SELECTION PROCESS**

The procedure for proposal evaluation and selection is as follows:

1. Request for Proposals issued.
2. Receipt of Proposals.
3. Opening of Proposals and determination if they meet the minimum standards of responsiveness.
4. An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each Proposal in accordance with the requirements of this RFP. Proposers may be requested to make additional written submissions or oral presentations to the Evaluation Committee.
5. The Evaluation Committee shall recommend to the City Manager the Proposal or Proposals acceptance of which the Evaluation Committee deems to be in the best interest of the City.
6. The Evaluation Committee shall base its recommendations on the following factors, for a total of 100 possible points:

**Evaluation Criteria:**

Experience and Qualifications of the Proposer

**Weight**

15 pts

Experience and Qualifications of Management Team	15 pts
Hourly Billing Rates	40 pts
Methodology; Approach; Transition; and Operation Plan	20 pts
Past Performance (based on surveys and the Administration's due diligence)	10 pts
<b>Total:</b>	<b>100 pts</b>

**PRICE PROPOSAL FORM**

The Proposer(s) should base their Price Proposal Form on the following number of hours annually:

<b>Parking Enforcement Specialist:</b>	<b>88,000</b>	<b>(97.7%)</b>
<b>Other (non-certified officers):</b>	<b>2,000</b>	<b>(2.3%)</b>
<b>Total:</b>	<b>90,000</b>	<b>(100%)</b>

Employee hourly rates (hourly rate paid to the employee) and related payroll taxes/costs shall be a pass through cost to the City. The following are the fixed costs which shall be considered a pass through to the City:

- Hourly rate paid to employees must be compliant with the City's Living Wage Ordinance Requirement (LWOR). The hourly rate for Cashiers/Attendants must be in Year One: either \$10.16 which includes benefits or \$11.41 which does not include benefits (\$10.16 + \$1.25); in Year Two either: \$10.72 which includes benefits or \$12.17 (\$10.72 + \$1.45) which does not include benefits; and in Year 3 either: \$11.28 which includes benefits or \$12.92 which does not include benefits or as amended. The hourly rate for Supervisors must be at least living wage.

Any and all other costs, including unemployment insurance; workman's compensation; operating costs; employee benefits; overhead; and profits shall be considered Additional Costs and must be itemized in the Price Proposal Form. **If there is additional space needed for itemization you must use additional sheets and attach it to the Price Proposal Form.** No additions, deletions, or revisions to your proposal, including the Price Proposal Form shall be permitted after the submission deadline. The Additional Costs shall be invoiced in biweekly periods (26 biweekly periods annually) based on the portion of annual hours (90,000) invoiced.

Each Proposer shall be evaluated on their Total Contract Cost for Hours and Hourly Billing Rates for Parking Enforcement and other services; therefore, each Proposer must fully complete the Price Proposal Form. The Total Annual Contract Cost for hours must contain any and all costs to the City which is comprised of the following categories:

**The following categories which have an assigned fixed value(s) may not be altered by the Proposer. The Proposer may only submit values for the categories that are blank in Sections "B. Supervisors"; "C. Additional Costs"; D. Hourly Billing Rate for Additional Cashiers/Attendants hours"; and "E. Hourly Billing Rate for Additional Supervisor Hours".**

**Parking Enforcement and Other Services (Year 1):**

The successful proposer shall pay the City's Living Wage Hourly Rate to their employees. The City's Living Wage Hourly Rate and their related payroll taxes (fixed costs) have been identified above.

		w/Benefits	w/o Benefits	<u>ANNUAL COST</u>
<b>A.</b>	<b>Other (non-certified officer):</b>			
1.	Hourly Rate Paid to Employee (Year 1):	\$10.16	\$11.41	
2.	Minimum Health Benefits to Employee:	\$ 1.25	N/A	
3.	Itemized Employee Payroll Taxes/Cost			
a.	FICA* 6.20% Cost per hour:	\$ 0.71	\$ 0.71	
b.	MICA* 1.45% Cost per hour:	\$ <u>0.17</u>	\$ <u>0.17</u>	
4.	Other (non-certified officer)			
	Employee Hourly Rate (No. A1 + A2 + A3):	\$12.29	\$12.29	
	<b>Other (non-certified officer) x Hourly Rate =</b>		<b>Annual Cost</b>	
	<b>2,000 x \$12.29 =</b>		<b>\$24,580</b>	
				<b>\$ 24,580 (A)</b>

<b>B.</b>	<b>Parking Enforcement Hours:</b>			
1.	Hourly Rate Paid to Employee (must be at least the living wage as above):	(1)	\$ _____	
2.	Itemized Employee Payroll Taxes/Cost			
a.	FICA* 6.20% Cost per hour:	(2a)	\$ _____	
b.	MICA* 1.45% Cost per hour:	(2b)	\$ _____	
3.	Employee Hourly Rate (No. B1 + B2 = B3):	(3)	\$ _____	
	<b>Parking Enforcement Hours x Hourly Rate =</b>		<b>Parking Enforcement Annual Cos</b>	
	<b>88,000 x \$ _____ (3) =</b>		<b>\$ _____ (B)</b>	

		Cost	Rate (%)	
<b>C.</b>	<b>Additional Costs:</b>			
1.	Unemployment Insurance	(1)	\$ _____	_____
2.	Workman's Compensation	(2)	\$ _____	_____
3.	Operating Expenses	(3a-c)	\$ _____	
	(a.) _____		\$ _____	
	(b.) _____		\$ _____	
	(c.) _____		\$ _____	
4.	Overhead	(4a-c)	\$ _____	
	(a.) _____		\$ _____	
	(b.) _____		\$ _____	
	(c.) _____		\$ _____	
5.	Employee Benefits (**Note Below)	(5a-c)	\$ _____	
	(a.) _____		\$ _____	
	(b.) _____		\$ _____	
	(c.) _____		\$ _____	
6.	Liability Insurance	(6a-c)	\$ _____	
	(a) Comp Gen Liability		\$ _____	
	(b) Automobile Liability		\$ _____	
	(c) Theft of Money/Surety		\$ _____	
7.	Profit:	(7)	\$ _____	
	<b>Annual Total of Additional Costs</b>			<b>\$ _____ (C)</b>

Price Proposal for Annual Contract Cost for Guaranteed Hours (90,000) \$ \_\_\_\_\_  
**TOTAL** **A+B+C**

**ADDITIONAL HOURS**

<b>D.</b>	<b>Hourly Billing Rate for additional Other (non-certified officer) Hours over 2,000:</b>	
	1 <sup>st</sup> Additional 500 hours (2,500 total)	\$ _____
	2 <sup>nd</sup> Additional 500 hours (3,000total)	\$ _____

	3 <sup>rd</sup> Additional 500hours (3,500 total)	\$ _____
E. Hourly Billing Rate for additional Parking Enforcement Hours over 88,000:		
	1 <sup>st</sup> Additional 4,000 hours (92,000 total)	\$ _____
	2 <sup>nd</sup> Additional 4,000 hours (96,000 total)	\$ _____

**Notes:**

1. Any and all other expenses to the City above and beyond the fixed costs identified above, including unemployment insurance (must include percentage (%) rate; workman's compensation (must include percentage (%) rate); operating expenses; overhead; additional employee benefits; and profit, must be identified as Additional Costs that will be invoiced bi-weekly based on the portion of the guaranteed number of annual hours (80,000) invoiced that period. **If there is additional itemization, please add additional lines and sheets as necessary, but do NOT alter the format of the Price Proposal format.** No revisions to your proposal, including the Price Proposal Form shall be permitted after the submission deadline.
  
2. FICA/MICA is reflected at current rates.
  
3. In the Employee Benefits Section (C5) of Additional Costs, please include each of the following, if applicable:
  - a) portion of health benefits that exceeds \$1.25 per hour for Cashiers/Attendants with benefits, if any (itemize and include costs on a separate line).
  
  - b) all health benefits for supervisors, if any (itemize and include costs on a separate line).
  
  - c) other non-health benefits for cashiers/attendants and supervisors, if any (itemize and include costs on a separate line for each).

**CONCLUSION**

In conclusion, the contracting of parking enforcement services stands to provide an \$823,279 savings from the City's current annual costs or \$411,640 for a six month period. While the Parking Enterprise Fund budget is balanced, the estimated savings (\$411,640) would provide funding for future year operations and capital parking projects throughout the City.

The issuance of an RFP will provide the City Commission with actual versus estimated information with which to consider this option. The Administration recommends that the Mayor and City Commission authorize the issuance of a request for proposals for parking enforcement services for the City's Parking System.

T:\AGENDA\2010\September20\Regular\ParkingEnforcement RFP.cme.doc

THIS PAGE INTENTIONALLY LEFT BLANK

**Condensed Title:**

Request For Authorization To Issue a RFP For The Privatization of Building Permit Clerk And Code Compliance Division Clerical Support Functions For The Building Department.

**Key Intended Outcome Supported:**

Increase Community Satisfaction with City Government; Make City more Business Friendly; Control costs of payroll including salary and fringes/minimize taxes/ensure expenditure trends are sustainable over the long term.

**Supporting Data (Surveys, Environmental Scan, etc.):** N/A

**Issue:**

Shall the Mayor and the City Commission approve the issuance of the RFP?

**Item Summary/Recommendation:**

The City of Miami Beach is requesting proposals from qualified firms for the privatization of the Permit Clerks and Code Compliance Division clerical support functions of the Building Department.

The final price and terms for the contracts will be negotiated after City Commission approves authorization to negotiate. The contract shall be for a five (5) year term, with two (2) two-year renewal options at the City's option.

On August 31, 2008, the City entered into a contractual agreement with TCBA Watson Rice to conduct a Building Department organizational and operational review. Watson Rice presented their final report and recommendations to the Finance and Citywide Projects Committee at their May 5, 2009 meeting. Per the consultant's analysis, the Permit Counter functions appeared to be likely candidates for outsourcing and the City is therefore pursuing the privatization of said Permit Counter functions. Note that at the time of the study, the Code Compliance Division was not part of the Building Department and therefore not included in the study. The City is including the privatization of the Code Compliance Division clerical support functions in this RFP for the following reasons:

1. The support functions to be privatized are not core to the Department's operation;
2. The successful Department digitization initiative (implemented per the Watson Rice findings) has reduced the need for clerical records management support;
3. The Department is transitioning to Code Officer case management via laptops (Toughbooks) in the field thereby decreasing the need for clerical data entry functions and increasing Officer accountability;
4. The privatization of the call center function per the existing contract with Inktel, with an expected implementation of October 1, 2010, will reduce the work load by approximately 1 full time equivalent (FTE) further reducing the need for full time in-house clerical code support; and
5. A preliminary cost analysis demonstrates a potential year one cost savings in the amount of approximately \$35,000 (assuming a March 31, 2011 implementation) and an annual recurring savings of \$105,411.

**THE ADMINISTRATION RECOMMENDS APPROVING THE ISSUANCE OF THE RFP**

**Advisory Board Recommendation:**

**Transparency Reliability Accountability Committee (TRAC)**

The Watson Rice Report completed in December 2008 and adopted by the Transparency Reliability Accountability Committee indicated that the Permit Counter functions appeared to be likely candidates for outsourcing.

**Financial Information:**

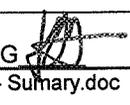
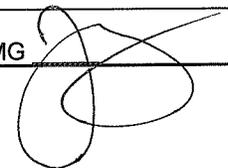
Source of Funds:		Amount	Account	Approved
	1			
	2			
<b>OBPI</b>	<b>Total</b>			

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Gus Lopez, extension 6641

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
CWC  GL	JG 	JMG 

T:\AGENDA\2010\September 20\Consent\Privatization RFP - Summary.doc





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

SUBJECT: **REQUEST FOR AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR THE PRIVATIZATION OF BUILDING PERMIT CLERK AND CODE COMPLIANCE DIVISION CLERICAL SUPPORT FUNCTIONS FOR THE BUILDING DEPARTMENT.**

### ADMINISTRATION RECOMMENDATION

Approve issuance of the RFP

### ANALYSIS/BACKGROUND

The purpose of this Request for Proposals (RFP) is to select a qualified firm to assist the City with the privatization of the Building Permit Clerk and Code Compliance Division clerical support functions of the Building Department. The intent of privatization is to maximize services within the existing budgetary constraints.

On August 31, 2008, the City entered into a contractual agreement with TCBA Watson Rice to conduct a Building Department organizational and operational review. Watson Rice presented their final report and recommendations to the Finance and Citywide Projects Committee at their May 5, 2009 meeting. On September 1, 2010 via LTC No. 232-2010, the Building Department provided an update on the development process to the recommendations and observations from the Watson Rice Study.

Per the consultant's analysis, the permit counter functions were likely candidates for outsourcing and the City is therefore pursuing the privatization of said permit counter functions. Note that at the time of the study, the Code Compliance Division was not part of the Building Department and therefore not included in the study. The City is including the privatization of the Code Compliance Division clerical support functions in this RFP for the following reasons:

1. The support functions to be privatized are not core to the Department's operation;
2. The successful Department digitization initiative (implemented per the Watson Rice findings) has reduced the need for clerical records management support;
3. The Department is transitioning to code officer case management via laptops (Toughbooks) in the field thereby decreasing the need for clerical data entry functions and increasing Officer accountability;
4. The privatization of the call center function per the existing contract with Inktel, with an expected implementation of October 1, 2010, will reduce the work load by approximately 1

- full time equivalent (FTE) further reducing the need for full time in-house clerical code support; and
5. A preliminary cost analysis demonstrates a potential year one cost savings in the amount of approximately \$35,000 (assuming a March 31, 2011 implementation) and an annual recurring savings of \$105,411.

### **SCOPE OF SERVICES**

The City of Miami Beach is requesting proposals from qualified firms for the privatization of the building permit clerks and Code Compliance Division clerical support functions.

The final price and terms for the contracts will be negotiated after City Commission approves authorization to negotiate. The contract shall be for a five (5) year term, with two (2) two-year renewal options at the City's option.

### **CODE CLERICAL SUPPORT FUNCTIONS**

**Volume of Work:** The Code Compliance clerical staff processes approximately 10,000 cases annually and assists approximately 1, 000 walk-in customers per year with questions regarding violations or other code related issues.

**Current Staffing Levels:** The duties are currently performed by five (5) full time employees. The clerk to code officer ratio is 1 to 5. Effective October 1, 2010, the clerk to code officer ratio will be 1 to 6.

**Hours and Days of Operations:** 24 hours per day, seven (7) days a week

**Basic responsibilities:** Responsible for a variety of staff support duties; preparing and distributing agendas, notices to appear for Special Master, respond to public record requests, legal documents, data entry and performing follow-up functions relative to code violations. Work requires effective prioritizing of simultaneous assignments and meeting absolute deadlines with limited direct supervision.

### **PERMIT CLERK FUNCTIONS**

**Volume of Work:** The permit clerks service between 200-250 customers daily. The permit clerk aims to spend no more than 15 minutes with each customer (maximum of 3 processes) and is dedicated to provide excellent customer service.

**Current Staffing Levels:** The duties are currently performed by seven (7) full time employees and five (5) temporary employees. The temporary staff works on average, a total of 300 hours bi-weekly. The bi-weekly full time equivalent (FTE) staffing at the current service level is 3.75.

**Hours and Days of Operations:** The Permit Counter current hours of operation are Monday through Friday from 7 am to 5 pm. The City is closed and these functions are not performed on 13 recognized holidays.

**Basic responsibilities:** Process construction permit applications including moderately complex work procedures. Verify construction permit applications, data entry and issue construction permits, Assist owners, contractors, and developers in filing applications for building permits, determine the completeness of permit applications, and obtain the required documents to ensure compliance with

established rules and regulations. Some judgment is exercised in the application of departmental rules, regulations and procedures. Supervision is received from a supervisor who periodically reviews work through personal observation and conferences for compliance with departmental operating procedures. Permit renewals and maintain contractor license information.

**Skills and Knowledge Base:** A basic understanding of the permitting system; knowledge of the workflow; able to verify ownership; basic knowledge of the City's departmental functions; able to process complaints; Basic knowledge of inspections per permit type; able to research violations on properties; able to research violations under the contractor's licenses; basic knowledge of the Florida Building Code; knowledge of departmental and City policies, rules and procedures; some knowledge of codes, laws, regulations and ordinances pertaining to the construction permitting process and contractor licensing requirements; knowledge of general office methods and procedures; operation of various types of office equipment; explain regulations to the public in a courteous and tactful manner; able to read and follow pertinent codes, laws, ordinances and regulations; able to understand and follow verbal and written instructions; perform basic mathematical computations with speed and accuracy; able to receive and account for various monies; able to establish and maintain effective working relationships with other employees and the public; able to multitask.

### **Performance Standards**

#### **General Standards**

- Adhere to City of Miami Beach Service Excellence Model
- Certified Notary with an active Notary seal
- All individuals working within the scope of the awarded contract must maintain a score of 85% or higher on the Individual Performance Report which will be designed by provider and the City of Miami Beach jointly, and monitored by the City of Miami Beach Customer Service Manager on a monthly basis

#### **Code Clerical Support Functions**

The provider will be expected to provide, at a minimum, the current service level at a reduced cost.

With the existing staffing levels, the current service level is:

- Average process time per case: 10 minutes
- No current customer wait time, service is provided at the counter immediately

#### **Permit Counter**

The provider will be expected to provide, at a minimum, the current service level at a reduced cost.

With the existing staffing levels, the average service level since March, 2010 is as follows:

Permit Counter Construction Permit Queue:

- Average customer wait time: 30 minutes
- Average transaction time (time at window): 19 minutes

- Maximum waiting time: 3 hours
- Average number of daily customers served: 100
- Average open work station: 80 minutes
- Percent customers over target max wait time (1 hour): 17%

**Permit Counter Plans Review and Expedited Queues:**

- Average customer wait time: 15 minutes
- Average transaction time (time at window): 5 minutes
- Maximum waiting time: 1 hour and 30 minutes
- Average number of daily customers served: between 100-150 (approximately 40 customers in the plans review queue)

**Company Minimum Requirements**

- The proposer must have five (5) years in business in providing personnel services.
- The proposer must submit at least three (3) or more representative projects whereby personnel services were provided to include staff support duties and basic responsibilities to include processing of applications or other forms, in either private or public sector.

The proposer will work closely with a Building Department staff to ensure that levels of services are met. The proposer should possess the following capabilities:

- Thorough understanding of City Codes (Property Maintenance, Zoning, Special Master, Marine, Sanitation, Noise, Animals, and Graffiti violations, etc)
- Thorough understanding of permitting processes
- High percentage (minimum of 50%) of Bilingual agents (Spanish/English)
- Provide a knowledge base system or develop the City's via Web QA to assist contractor's agent to provide proper and consistent response to inquiries
- Excellent customer service skills
- High performance with Microsoft office and other related documents (Excel, Power Point, Publisher, etc)

**EVALUATION PROCESS**

The procedure for proposal evaluation and selection is as follows:

- 1) Request for proposals issued;
- 2) Receipt of proposals;
- 3) Opening of responses and determination if they meet the minimum standards of responsiveness;
- 4) An Evaluation Committee, appointed by the City Manager, shall meet to evaluate each proposal in accordance with the requirements of this RFP. Proposers may be requested to make additional written submissions or oral presentations to the Evaluation Committee; then
- 5) The Evaluation Committee shall recommend to the City Manager the proposal or proposals acceptance of which the Evaluation Committee deems to be in the best interest of the City.

The Evaluation Committee shall base its recommendations on the following factors, for a total of 100 possible points:

1. Experience and qualifications of the firm – **30 points**
  2. Experience and qualifications of the individual(s) or agent (s) assigned to services- **15 points**
  3. Methodology and Approach – **15 points**
  4. Cost/Fees – **20 points**
  5. References from similar engagements – **20 points**
- 6) After considering the recommendation(s) of the Evaluation Committee, the City Manager shall recommend to the City Commission the response or responses, acceptance of which the City Manager deems to be in the best interest of the City.
- 7) The City Commission shall consider the City Manager's recommendation(s) in light of the recommendation(s) and evaluation of the Evaluation Committee and, if appropriate, approve the City Manager's recommendation(s). The City Commission may reject the City Manager's recommendation(s) and select another response or responses. In any case, City Commission shall select the response or responses, acceptance of which the City Commission deems to be in the best interest of the City. The City Commission may also reject all proposals.
- 8) Negotiations between the selected respondent and the City take place to arrive at agreement terms. If the City Commission has so directed, the City may proceed to negotiate an agreement with a respondent other than the top ranked respondent if the negotiations with the top ranked respondent fail to produce a mutually acceptable agreement within a reasonable period of time.
- 9) A proposed contract or contracts are presented to the City Commission for approval, modification and approval, or rejection.
- 10) If and when a contract or contracts acceptable to the respective parties is approved by the City Commission, the Mayor and City Clerk sign the contract(s) after the selected respondent(s) has (or have) done so.

Should the Mayor and Commission authorize the issuance of this RFP, all procurement rules (i.e. Cone of Silence, etc.) will apply.

### CONCLUSION

The Administration recommends that the Mayor and the City Commission authorize the issuance of a Request for Proposals (RFP) for the privatization of building permit clerks and Code Compliance Division clerical support functions for the Building Department.

T:\AGENDA\2010\September 20\Consent\Privatization RFP - Memo.doc







# MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMITTEE MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: September 20, 2010

SUBJECT: **Report Of The Finance And Citywide Projects Committee Budget Related Meetings.**

### OLD BUSINESS

### NEW BUSINESS

#### June 3, 2010

- approved at July 14, 2010 Commission Meeting

#### 1. FY 2010/11 Operating Budget Status Update

City Manager Jorge Gonzalez presented.

June 1<sup>st</sup> preliminary tax roll estimate resulted in an overall citywide property value decrease of approximately 10.7%. Applying the decline to the City's General Fund Property Tax revenues would result in a reduction of approximately \$12.74 million in tax revenue citywide. It was noted that the Administration's preliminary estimates contemplated a reduction of up to 15% which equated to approximately \$17.5 million. The Property Appraiser's estimate reduces that amount by approximately \$4.7 million.

The expected revenue as of May was approximately \$209 million and current service level expenditures of approximately \$246.9 million, leaving a shortfall of approximately \$37.5 million.

As of June 1<sup>st</sup> \$4.7 million dollars in savings has been identified due to the revised property tax roll decline and \$1.66 million in revised pension increases that can be applied to the \$37.5 million shortfall. As a result, the "working gap" is approximately \$31.1 million.

#### 2. Capital Projects Funding -- 5 year Capital Plan

Agenda Item CGA

Date 9-20-10

## **ACTION**

The Committee recommended the following projects:

- **Approved for FY 2010/11**
  - **Seawall-Fleet Management**
  - **Lummus Park Serpentine North**
  - **Par 3 Golf Course Master Plan and Drainage Contingency Plan - clarify tot lot water pad, and Retitle - engineer to include use of reclaimed water**
  - **Restorative Tree Wells - 2B-Collins 64-75 ST**
  - **Fire Station 2 & Hose Tower Refurbishment**
  - **Bandshell Park Master Plan Improvements**
  - **Flamingo Park**
  - **Muss Park**
  - **Muss Park Greenspace Expansion-Chase Avenue**
  - **Seawall Lincoln Rd Streetend (west)**
  - **Seawall Normandy Isle Channel**
  - **Seawall-Alton Rd & I-95 Interchange**
  - **Seawall-Biscayne Bay Streetend Enhancements Phase II - 10 St**
  - **West Avenue Bridge Over Collins Canal**
  - **Building Dept Second Floor Renovations**
  - **Colony Theatre Sound/Audio Equip Purchase**
  - **Fisher Park Tot-Lot Equipment & Additional Safety Surface**
  - **NSPYC Sports Field Restoration**
  - **Polo Park Sport Field Restoration**
  - **Sunset Islands 3 & 4 Entryway Improvements without undergrounding**
  - **Miami Beach Golf Course Drainage Project**
  - **Directory Signs in City Center ROW**
  - **Lincoln Road - Collins to Washington -CC Bid Pack 9C**
  - **South Pointe Park Remediation**
  - **Restorative Tree Wells PH 6 - 5th St Alton to Ocean**
  - **South Pointe Park Playground & Shade Structure Replacement**
  - **South Pointe RDA Imps Phase III-V**
  - **Washington to South Pointe Street Improvements**
  - **17th Street Parking Garage Elevator Enclosure**
  - **Surface Lot 8B Improvements at 42nd and Royal Palm**
  - **Surface Lot 1A Penrods**
  - **Surface Lot 4D West Ave and 16 St**
  - **Surface Lot 9E Harding Ave and 71St (East)**
  - **Surface Lot 12X 9t Street and Washington Ave**
  - **Surface Lot 13X 10th St and Washington**
  - **Surface Lot 17X Collins Ave and 13th St**
  - **Maint13th St Parking Garage 10**
  - **Collins Park Garage (Cultural Campus P I)**
  - **Sunset Harbor Garage/Purdy Garage**
  - **Surface Lot at Collins Ave & 84<sup>th</sup>**
  - **Surface Lot 19B @ Collins & 53 Street**
- **Funding accelerated:**
  - **Middle Beach Rec Corridor Phase II**

- **Deferred based on funding availability/revised timing of funding needs**
  - **400 Block Lincoln Rd Site Improvement – Wing**
- **Removed from CIP:**
  - **Musco Lighting for Scott Rakow Youth Center**
  - **Shane Watersports Seawall Project-Drainage**
  - **Washington Avenue Cobra Head Lighting**
  - **Fisher Park Shade Structure**
- **Adding a project for a water reclamation plant possibly as part of the Par 3 Golf Course with funding from MDC-CDT**
- **Use West Ave Bridge Payback in FY 10/11 to fund additional seawalls**
- **Accelerate \$4M/per year funding for the next portion of Mid-Beach Beachwalk based on when can permit**
- **Add Parks tot-lot needs for future years unfunded (e.g. Crespit, Tatum, etc.)**
- **Add 46<sup>th</sup> Street and Royal Palm to the list of Stormwater hotspots**

**The Committee asked that the need for attended bathrooms be discussed at the Neighborhoods Committee.**

**The Committee asked Administration to prepare LTC to address the status of the full Beachwalk, including a future timeline.**

**The Committee asked that the "Lincoln Road - Collins to Washington -CC BP9C" Project go back to the full Commission to discuss the inclusion of a median.**

City Manager Jorge Gonzalez presented.

City Manager Jorge Gonzalez went over the potential funding sources and their balances as of October 1, 2009. The sources include Pay-As-You-Go Capital (PG), Quality of Life (QOL), Parks & Beaches Go Interest (Go-P&B), Parks Go Interest (Go-P), Neighborhoods Go Interest (Go-N), Fire Go, and Miami-Dade County Interlocal Funds committed to CDT/RT Capital Projects. Commissioner Libbin asked if the balances of the Quality of Life funds would increase throughout the year. City Manager Jorge Gonzalez stated that approximately an additional \$800,000 per year per area is added to the QOL fund balances, assuming there is no decline in resort tax, each year.

City Manager Jorge Gonzalez presented the FY 2010/11 additional funding needs for existing funded projects, other planned projects not in adopted CIP and the potential FY 2009/10 funding sources. Conversation ensued. City Manager Jorge Gonzalez then presented the future unfunded projects in the adopted Capital Improvement Plan, and proposed new projects. Conversation ensued.

Commissioner Ed Tobin asked if the need for attended bathrooms in Lummus Park had been evaluated. Chairperson Deede Weithorn asked that this be addressed at a Neighborhoods Committee meeting.

Chairperson Weithorn expressed concern over including a golf course in the FY 2010/11 project

list due to the current economic conditions. CIP Director Charlie Carreno stated that if a lake or surface water feature was included in the Par 3 Golf Course Master Plan that it could be an area where storm water could be discharged in a peak storm water event in order to manage the storm water in the City. Commissioner Jerry Libbin asked if a water reclamation plant project which was proposed as an Energy Conservation Measure (ECM) was included in the Par 3 Golf Course project or as a separate project on the list. The Committee recommended adding the project for a water reclamation plant possibly as part of the Par 3 Golf Course with funding from MDC-CDT.

The Committee recommended accelerating the \$4 million per year funding for the next portion of the Mid-Beach portion of the Beachwalk project based on when it can be permitted. The Committee asked Administration to prepare LTC to address the status of full Beachwalk, including a future timeline.

Commissioner Tobin asked that the sound/audio equipment purchased for the Colony Theater be the best available.

Chairperson Weithorn was not in favor of including the undergrounding of utilities in the Sunset Islands 3 & 4 Entryway Improvements project. Conversation ensued. The Committee recommended moving forward with the Sunset 3 & 4 Entryway Improvements project without undergrounding.

Commissioner Wolfson asked that 46<sup>th</sup> Street and Royal Palm be added to the list of Stormwater hotspots.

Commissioner Libbin asked if a median was included in the Lincoln Road – Collins to Washington project. Discussion ensued. The Committee asked that the "Lincoln Road - Collins to Washington -CC BP9C" Project go back to the full Commission to discuss the inclusion of a median.

The Committee recommended the following projects:

- Approved for FY 2010/11
  - Seawall-Fleet Management
  - Lummus Park Serpentine North
  - Par 3 Golf Course Master Plan and Drainage Contingency Plan - clarify tot lot water pad, and Retitle - engineer to include use of reclaimed water
  - Restorative Tree Wells - 2B-Collins 64-75 ST
  - Fire Station 2 & Hose Tower Refurbishment
  - Bandshell Park Master Plan Improvements
  - Flamingo Park
  - Muss Park
  - Muss Park Greenspace Expansion-Chase Avenue
  - Seawall Lincoln Rd Streetend (west)
  - Seawall Normandy Isle Channel
  - Seawall-Alton Rd & I-95 Interchange
  - Seawall-Biscayne Bay Streetend Enhancements Phase II - 10 St
  - West Avenue Bridge Over Collins Canal
  - Building Dept Second Floor Renovations
  - Colony Theatre Sound/Audio Equip Purchase

- Fisher Park Tot-Lot Equipment & Additional Safety Surface
  - NSPYC Sports Field Restoration
  - Polo Park Sport Field Restoration
  - Sunset Islands 3 & 4 Entryway Improvements without undergrounding
  - Miami Beach Golf Course Drainage Project
  - Directory Signs in City Center ROW
  - Lincoln Road - Collins to Washington -CC Bid Pack 9C
  - South Pointe Park Remediation
  - Restorative Tree Wells PH 6 - 5th St Alton to Ocean
  - South Pointe Park Playground & Shade Structure Replacement
  - South Pointe RDA Imps Phase III-V
  - Washington to South Pointe Street Improvements
  - 17th Street Parking Garage Elevator Enclosure
  - Surface Lot 8B Improvements at 42nd and Royal Palm
  - Surface Lot 1A Penrods
  - Surface Lot 4D West Ave and 16 St
  - Surface Lot 9E Harding Ave and 71St (East)
  - Surface Lot 12X 9t Street and Washington Ave
  - Surface Lot 13X 10th St and Washington
  - Surface Lot 17X Collins Ave and 13th St
  - Maint13th St Parking Garage 10
  - Collins Park Garage (Cultural Campus P I)
  - Sunset Harbor Garage/Purdy Garage
  - Surface Lot at Collins Ave & 84<sup>th</sup>
  - Surface Lot 19B @ Collins & 53 Street
- Funding accelerated:
    - Middle Beach Rec Corridor Phase II
  - Deferred based on funding availability/revised timing of funding needs
    - 400 Block Lincoln Rd Site Improvement - Wing
  - Removed from CIP:
    - Musco Lighting for Scott Rakow Youth Center
    - Shane Watersports Seawall Project-Drainage
    - Washington Avenue Cobra Head Lighting
    - Fisher Park Shade Structure
  - Adding a project for a water reclamation plant possibly as part of the Par 3 Golf Course with funding from MDC-CDT
  - Use West Ave Bridge Payback in FY 10/11 to fund additional seawalls
  - Accelerate \$4M/per year funding for the next portion of Mid-Beach Beachwalk based on when can permit
  - Add Parks tot-lot needs for future years unfunded (e.g. Crespit, Tatum, etc.)
  - Add 46<sup>th</sup> Street and Royal Palm to the list of Stormwater hotspots

The Committee asked that the need for attended bathrooms be discussed at the Neighborhoods Committee.

The Committee asked Administration to prepare LTC to address the status of the full

Beachwalk, including a future timeline.

The Committee asked that the "Lincoln Road - Collins to Washington -CC BP9C" Project go back to the full Commission to discuss the inclusion of a median.

" see attachment "

## **July 1, 2010**

### **1. Discussion regarding the RFP for parking cashiers and attendants**

#### **ACTION**

**The Committee recommended that the item be placed on the July 29, 2010 Finance & Citywide Projects Committee meeting and placed on the subsequent Commission meeting.**

Commissioner Jerry Libbin was concerned with the issuance of the Request for Proposal (RFP) for parking cashiers and attendants. Chief Financial Officer Patricia Walker stated that the contract expires August 2011. Chairperson Deede Weithorn had concern with the methodology used in the RFP. The Committee recommended that the item be placed on the July 29, 2010 Finance & Citywide Projects Committee meeting and placed on the subsequent Commission meeting.

#### **NEW BUSINESS**

### **2. FY 2010/11 IT Preliminary Budget Information**

#### **ACTION**

**The Committee requests that a report is given once per year at a Finance & Citywide Projects Committee Meeting on the IT Steering Committee recommended priorities.**

Chief Financial Officer Patricia Walker presented the item. Information Technology Director Gladys Acosta presented the budget information and chargeback formulas. Conversation ensued. Commissioner Jerry Libbin asked if a Letter to Commission (LTC) could be given on the recommendations made at the IT Steering Committee meetings. Chairperson Deede Weithorn asked that the report be given once per year at a Finance & Citywide Projects Committee meeting on the recommended priorities.

Commissioner Libbin asked for a detailed report for P-Card usage. Ms. Walker stated that she would review the types of reports available with Commissioner Libbin. Chairperson Weithorn asked if there was a written internal control policy for P-Card usage. Ms. Walker stated that there is a policy in place and would provide a copy of it to Chairperson Weithorn. Commissioner Libbin also suggested that the p-Card usage reports be placed on the City website. Chairperson Weithorn suggested the report be a quarterly report. Ms. Walker stated that the reports were monthly reports and not in a quarterly format. City Manager Jorge Gonzalez stated that a quarterly report would be developed and submitted to the Committee for review.

### 3. FY 2010/11 Police Preliminary Budget Information

#### ACTION

**Staff is to look into requiring identification to be displayed in the vehicles of contractors/subcontractors working on capital improvement projects throughout the city.**

**Staff is to provide a breakdown of the 911 calls by Fire Station.**

Police Chief Carlos Noriega presented the item. Assistant Chief of Police Ray Martinez presented the budget information for the current year as well as the last two fiscal years. Commissioner Libbin asked Chief Noriega to comment on the number of sworn positions. Chief Noriega stated that currently there are 372 sworn positions budgeted, with 6 vacant positions, and that there is open and continuous recruiting process in place. Commissioner Libbin asked for the number of new hires there have been since the opening of the new extension of Lincoln Road, 1111 Lincoln Road, through today. Human Resources Director Ramiro Inguanzo stated that since January 11, 2010, seven (7) certified officers and zero non certified officers have been hired. Conversation ensued. Assistant Chief Martinez then presented crime statistics and trends. Commissioner Libbin asked if there was a relationship between the contractors/subcontractors doing capital improvements in a neighborhood and the number of larceny crimes. Chief Noriega stated that there was. Commissioner Libbin asked if the City could require identification be displayed in the contractors/subcontractors cars to identify them as such to residents in the neighborhood. Conversation ensued. Commissioner Libbin asked that the number of 911 calls for the Fire Department be broken down by the station that responded. Chairperson Deede Weithorn asked that the budget chart be updated to note the average number of sworn filled positions for each year because there has been an increase in the budget and a decrease in the number of positions. Commissioner Jonah Wolfson asked if police officers patrolled the Beachwalk. Police Chief Noriega stated that the security guards with Security Alliance are now responsible for these duties. Discussion ensued.

The Committee requested:

- Staff to look into requiring identification to be displayed in the vehicles of contractors/subcontractors working on capital improvement projects throughout the city
- Staff to provide a breakdown of the 911 calls by Fire Station

### 4. FY 2010/11 Risk Management Preliminary Budget Information

#### ACTION

**None**

Human Resources Director Ramiro Inguanzo presented the item. Mr. Inguanzo stated that currently there are twenty-one (21) full-time employees, and one (1) part-time employee in the Human Resources Department, which has been reduced by five (5) employees or 22% since FY 2006/07. Commissioner Jerry Libbin asked what Administration Fees and Police Liability Claims IBNR were. City Manager Jorge Gonzalez stated that Administration Fees are an overhead charge, primarily for legal support for the Risk Management Department, which is

applied to all of the internal service funds which are billed to the General Fund. Risk Manager Clifton Leonard stated that the Police Liability Claims IBNR is not a new line item and for existing and that it is for future potential police claims which were not budgeted for in the previous year.

## **5. FY 2010/11 Procurement Preliminary Budget Information**

### **ACTION**

**The Committee requested a workshop on Procurement after the budget process.**

Chief Financial Officer Patricia Walker presented the item. Commissioner Jerry Libbin asked what was being done to make the City more business friendly. Procurement Director Gus Lopez stated that the department has streamlined the process for adding new vendors including gathering their contact information so that when Request for Proposals (RFPs) are issued the vendor is notified and referring vendors to two bid notification agencies at no cost. Conversation ensued. The Committee requested a workshop on Procurement after the budget process.

## **6. FY 2010/11 Finance Preliminary Budget Information**

### **ACTION**

None

Commissioner Jonah Wolfson stated that he spent a significant amount of time in the Finance Department. Commissioner Wolfson also noted that every operation that goes on within the City on a daily basis in some way involves the Finance Department and that he felt that the department was properly staffed and operating at a high level. City Manager Jorge Gonzalez added that the department also manages over \$500 million in investments and currently the City's bond rating is the highest it's ever been at Aa2.

### **July 6, 2010**

- 1. Executive Session**
- 2. Budget Briefing**

### **ACTION**

**The Committee asked that departments evaluate additional reduction alternatives.**

**The Committee recommended the following service adjustments for the Police and Fire (Ocean Rescue) departments be brought back to the August Budget Briefing meeting:**

- Eliminating School Liaison Officers**
- Eliminating the Public Safety Specialist assigned to video crime scene review**
- Eliminating one Domestic Violence Coordinator/Victims Advocate**

- **Changing the Ocean Rescue schedule to 5/8's year-round**
- **Eliminating 3 lifeguard towers**

**The Committee recommended:**

- **Eliminating 1 filled Administrative Secretary position in the Parks Department**
- **Reducing receptionist in the City Manager's office through a shared function with the City Attorney and Mayor and Commission offices**
- **Eliminate 1 part-time First Assistant City Attorney Position**
- **Reduce 1 secretary in the Mayor and Commission**
- **Reduction of funding for Citywide non-profit contributions by 10%**
- **Eliminate 1 Senior System Analyst in the Information Technology Department**
- **Eliminate 1 Senior Telecom Specialist in the Information Technology Department**
- **Extending the one day pool closure schedule for five (5) additional months**

**The Committee did not recommend:**

- **Amending the minimum staffing ordinance to reducing the Overtime Budgets in the Fire Department**
- **Closing the Youth Centers one weekend day at each site**
- **Reducing summer camp by one week**

Budget & Performance Improvement Director Kathie Brooks presented and reviewed the status of the FY 2010/11 Operating Budget as of June 1, 2010.

Ms. Brooks presented the positive impact/minimal service impact efficiencies. Commissioner Jerry Libbin asked what the total savings were that would be applied to the \$31.1 million gap. Ms. Brooks stated that the savings was approximately \$518,611 in the General Fund and 60% of \$261,232 from the Internal Service Funds for a total of approximately \$675,350. Commissioner Jorge Exposito suggested that in the future a column be added to reflect the percentage of the budget that is being impacted as a result of the efficiency.

Ms. Brooks then presented the potential service adjustments.

Parks & Recreation – The Committee recommended eliminating 1 filled Administrative Secretary position. The Committee discussed closing the Youth Centers one weekend day at each site. Commissioner Libbin asked if services could be rotated or scheduled throughout the day rather than open all day. Assistant Parks & Recreation Director Julio Magrisso stated that there are minimal staffing requirements for each facility and employees have different areas of technical expertise. Discussion ensued. The Committee recommended not closing the Youth Centers one weekend day at each site, not reducing summer camp by one week, and not extending one day pool closure schedule for five (5) additional months.

The Committee reviewed prior year reductions for all departments. Conversation ensued. The Committee asked that each department submit additional reduction alternatives.

The Committee recommended all potential service reduction alternatives listed for the City Manager, City Attorney, Mayor and Commission, Information Technology departments, and the reduction of funding for programs Citywide by 10%.

Police – Mayor Matti Herrera Bower asked for clarification on the suggested elimination of the

officer assigned to the Police Athletic League (PAL). City Manager Jorge Gonzalez stated that there is currently an officer assigned to the PAL as an Executive Director, however he recommends that the officer be reassigned to duty within the City and City provide some level of funding to the PAL for hiring a retired officer or executive director to fill the position. Discussion ensued. The Committee recommended that all of the suggested service adjustments for Police be brought back to the August Budget Briefing meeting.

Fire – Commissioner Jonah Wolfson asked Fire Chief Eric Yuhr if firefighters would be safe if the minimum staffing levels were changed. Fire Chief Yuhr stated that it is safer for both the citizens and the firefighters to keep the minimum staffing levels where they currently are. The Committee did not recommend reducing the Overtime Budgets by amending the minimum staffing ordinance.

Fire (Ocean Rescue) – The Committee recommended that the suggested service adjustments of changing the Ocean Rescue schedule to 5/8s on a year round schedule and eliminating three (3) lifeguard towers be brought back to the August Budget Briefing meeting.

Ms Brooks then presented the additional potential reductions which only impact the CWA union. Mayor Bower asked to see reductions spread throughout all departments that have the CWA union, not just the ones presented.

The Committee requested that in the future a column be added to reflect the percentage of the budget that is being impacted as a result of the efficiency.

The Committee recommended that the suggested service adjustments for the Police and Fire (Ocean Rescue) departments be brought back to the August Budget Briefing meeting.

The Committee recommended:

- Eliminating 1 filled Administrative Secretary position in the Parks Department
- Reducing receptionist in the City Manager's office through a shared function with the City Attorney and Mayor and Commission offices
- Eliminate 1 part-time First Assistant City Attorney Position
- Reduce 1 secretary in the Mayor and Commission
- Reduction of funding for Citywide non-profit contributions by 10%
- Eliminate 1 Senior System Analyst in the Information Technology Department
- Eliminate 1 Senior Telecom Specialist in the Information Technology Department
- Extending the one day pool closure schedule for five (5) additional months

The Committee did not recommend:

- Amending the minimum staffing ordinance to reducing the Overtime Budgets in the Fire Department
- Closing the Youth Centers one weekend day at each site
- Reducing summer camp by one week

**July 7, 2010**

**1. Budget Briefing**

**ACTION**

**The Committee recommended:**

- **Increasing Fire Transport Fees**
- **Increasing Sidewalk Café Fees \$5 per sq ft over 2 years (\$2.50 each year), plus CPI after the second year**
- **A \$25 fee per sidewalk establishment to cover the cost of propane tank inspections**
- **Contracting with an advertising company to sell the City's light pole banner inventory**
- **Proceeding with the Ocean Rescue, Pool Lifeguard, Police and Fire uniform sponsorships**
- **Implementing a virtual City store**
- **Producing an Official City map as well as a pocket map**
- **Allowing advertising on the bus shelter at 5<sup>th</sup> St & Alton Rd**
- **Allowing advertisement on parking garage arms, parking ticket stubs, elevators in parking garages and expanding to parking garage stops**
- **Staff to continue to study blue tooth messaging options through a Request for Proposal (RFP)**
- **Reinstating adult resident pool fee from free to \$3.00 per admission and offer a membership rate for frequent pool users**
- **Increasing the activity fee from \$25 to \$50 per quarter for the 3 After School program quarters**
- **Increasing the Summer Camp Registration Fee from \$50 to \$75.**

**The Committee did not recommend:**

- **Allowing parking meter wrap advertising**
- **Continuing to offer the sibling discount on non-resident participants enrolled in After School and Summer Day Camps**

**The Committee requested Administration meet with establishments that will be affected by the new Neighborhood Establishment Impact Fee and explore the item further.**

**The Committee asked that the item on increasing beachfront concession upland fees be brought back to the subsequent budget briefing.**

**The Committee asked that the City Attorney's Office further research allowing the World Poker Tour to be held in Miami Beach.**

**The Committee recommended the following areas to pursue for future potential:**

- **Business Improvement Districts**
- **Respond to cities desiring police services from Miami Beach**
- **Develop a product to market for profit for the FY 2011/12 budget**
- **Bus ads on the South Beach Local**
- **In-window advertising on empty storefronts**
- **Review collection of code fines**
- **Intellectual rights for City produced events and City sponsored events**
- **Reduce credit card processing fees**
- **Parking Kiosk machines that also sell merchandise such as gift cards**
- **Including electric car charging stations in parking garages**
- **Developing and promotion of Miami Beach in the next 20 years as the "most**

**mobility friendly” city, “most aging population friendly” city, etc.**

**The Committee requested staff to pursue the following and bring the items back to the August 2010 Budget Briefing:**

- **Parking valet rates**
- **Changing the fees for garage sale permits and for sale sign permits**
- **Increasing the Special Master fee**
- **Charging a late fee for Special Events**
- **Begin charging for public records when staff time exceeds 30 minutes**
- **Allowing sponsorships on Cable TV**
- **Increasing tennis fees and renegotiating the contract**
- **Increasing news rack fees**

City Manager Jorge Gonzalez presented and reviewed the status of the FY 2010/11 Operating Budget as of July 7, 2010. City Manager Jorge Gonzalez stated that the revised “working gap” with the July 1<sup>st</sup> Certified Tax Roll as of July 7, 2010 is \$32.1 million.

City Manager Jorge Gonzalez stated that in order to generate, in FY 2010/11, the same tax levy received in FY 2009/10 and net to the General Fund the same amount of money, approximately \$96 million, the millage rate adjustment is approximately 0.76. Which means that with a 0.76 millage increase, of which 88% of homesteaded property owners will see an increase of no greater than \$300, 41% of homesteaded property owners would see an increase of zero or see a savings/reduction. Conversation ensued.

City Manager Jorge Gonzalez presented the potential revenue enhancements.

**Fire – The Committee recommended increasing Fire Transport Fees to \$500, \$600, and \$800 which are the same rates charged by Miami-Dade County, City of Coral Gables and the City of Miami.**

**Public Works – The Committee recommended increasing sidewalk café fees by \$5 per square foot from \$15 per square foot to \$20 per square foot over 2 years (\$2.50 each year), plus CPI after the second year, and charging a \$25 fee per establishment to cover the cost of propane tank inspections.**

**Code Compliance – The Neighborhood Establishment Impact Fee is a new annual fee that would apply to establishments with occupancy levels in excess of 299 occupants without entertainment and 199 occupants with entertainment, whereby Code Officers would be assigned to ensure that the conditional use establishment is abiding by the specific conditions set by the Planning Board. Chairperson Deede Weithorn asked if these Code Officers would be able to site other things that they see in their course of duty. City Manager Jorge Gonzalez confirmed that they could. Commissioner Ed Tobin asked what the fee would be for the average establishment. City Manager Jorge Gonzalez stated that there are sixty (60) establishments with an occupancy level of 400, at a fee of \$12.50 per person, the total fee would be \$5,000.00 per establishment. Commissioner Libbin suggested providing a waiver for establishments that do not have violations issued. Chairperson Weithorn suggested that all establishments pay the fee in the first year, in year two (2) there would be a waiver of the fee for establishments who do not receive violations. The Committee requested Administration meet with the establishments to obtain feedback and explore the item further.**

TCD – The Committee recommended contracting with an advertising company to sell the City’s light pole banner inventory with the City retaining the right to have restrictions regarding advertising alcohol, cigarettes and pornography.

Corporate Sponsorship & Advertising – The Committee recommended proceeding with the Ocean Rescue, Pool Lifeguard, Police and Fire uniform sponsorships, implementing a virtual City store, producing an Official City map as well as a pocket map, and allowing advertising on the bus shelter at 5<sup>th</sup> St. & Alton Rd., and allowing advertisement on parking garage arms, parking ticket stubs, elevators in parking garages and expanding to parking garage stops as well. The Committee did not recommend allowing parking meter wrap advertising.

REHCD – The Committee asked that the item on increasing beachfront concession upland fees be brought back to the subsequent budget briefing.

Other Corporate Sponsorship & Advertising – The Committee asked staff to continue to study blue tooth messaging options through a Request for Proposal (RFP).

Parks and Recreation – The Committee recommended not continuing to offer the sibling discount on non-resident participants enrolled in After School and Summer Day Camps. The Committee did recommend reinstating adult resident pool fee from free to \$3.00 per admission and offer a membership rate for frequent pool users. The Committee also recommended increasing the activity fee from \$25 to \$50 per quarter for the three (3) After School program quarters and increasing the Summer Camp Registration Fee from \$50 to \$75.

City Manager Jorge Gonzalez then presented other previously proposed revenue opportunities proposed by Commissioner Jerry Libbin. The Committee asked that the City Attorney’s Office further research allowing the World Poker Tour to be held in Miami Beach. The Committee recommended the following areas to pursue for future potential:

- Business Improvement Districts
- Respond to cities desiring police services from Miami Beach
- Develop a product to market for profit for the FY 2011/12 budget
- Reducing credit card processing fees
- Bus ads on the South Beach Local
- In-window advertising on empty storefronts
- Review collection of code fines
- Intellectual rights for City produced events and City sponsored events
- Parking Valet
- Parking Kiosk machines that also sell merchandise such as gift cards
- Including electric car charging stations in parking garages
- Developing and promotion of Miami Beach in the next 20 years as the “most mobility friendly” city, “most aging population friendly” city, etc.

Chairperson Weithorn moved the discussion to the Revenue Enhancement Study. Discussion ensued. The Committee requested staff to pursue the following and bring the items back to the August 2010 Budget Briefing:

- Parking valet rates
- Changing the fees for garage sale permits and for sale sign permits
- Increasing the Special Master fee
- Charging a late fee for Special Events

- Begin charging for public records when staff time exceeds 30 minutes
- Allowing sponsorships on Cable TV
- Increasing tennis fees and renegotiate the contract
- Increasing news rack fees

## **August 25, 2010**

### **1. Discussion Item: Budget Briefing**

#### **ACTION**

##### **The Committee approved:**

- Increasing tennis court fees to \$5 per hour for residents, \$10 per hour for non-residents and increasing membership fees.
- Increasing the Special Master fee from \$75 to \$100
- Charging a Special Event Application late fee of \$250 or \$500 for events with more than 1,500 attendees
- Establishing a wedding ceremony permit fee of \$125
- Allowing sponsorships on MBTV Channel 77
- Hiring three (3) additional firefighters to work on a weekend schedule in a pilot effort to reduce overtime on these days
- Eliminating two (2) vacant full time and two (2) vacant part time recreation leaders
- Reducing the change-out of the hanging basket program from twice a year to once a year
- Retaining City contributions for Social Services (Douglas Gardens, Stanley C Myers, JVS Hot Meals, Boys and Girls Club) at 100%
- Adding an additional (100) litter cans throughout the City
- Hiring an additional IT analyst position for Cityworks support, funded equally by Water, Sewer, and Stormwater
- Increasing parking enforcement hours in South Beach residential areas and metered lots by extending enforcement hours to 3am
- Increasing the hourly rate in South Beach from \$1.25 to \$1.50 (with existing hours from 9am to midnight) effective October 1, 2010
- Increasing the hourly rate in South Beach from \$1.50 to \$1.75 (with existing hours from 9am to midnight) effective October 1, 2011
- Increasing the Daily Hotel Hang Tag Rate from \$6 per tag to \$10 per tag

##### **The Committee did not approve**

- Changing the funding reduction to 20% instead of 10% for Citywide Contributions (excluding Social Services)
- eliminating 4 school liaison officers and 1 school liaison Supervisor

**The Committee requested more information on increasing towing rates and franchising valet parking.**

**The Committee asked the Administration to further explore in-window storefront advertising and referred the item to the Land Use Committee.**

The Committee asked City Manager Jorge Gonzalez to review the budget and try to include the following in the FY 2010/11 Budget:

- Hiring a lobbyist to monitor and track County issues that impact Miami Beach
- Creating an Engineering Manager position to oversee design processes
- Adding additional part-time Code Officers and an Administrator to address quality of life issues on weekends and during spring break
- Retaining the Victims Advocate position at least on a part-time basis
- Retaining the Public Safety Specialist position

The Committee approved implementing efficiencies related to the Communications Workers of America (CWA) union.

The Committee recommended transferring \$3.6 million in available Parking Fund Balance after all obligations have been met for FY 2009/10 to the General Fund for the FY 2010/11 budget, based on the revenues anticipated to be generated in the Parking Fund from increasing the parking rates and hours of enforcement in South Beach that will be used to replace these funds.

As a result of this proposed transfer, the Committee recommended that the millage rate should be increased by 0.5600 instead of the previously proposed 0.7588 mills previously adopted as the preliminary millage for FY 2010/11.

The Committee asked City Manager Jorge Gonzalez to try to include reducing the proposed pool fee increase of \$3.00 per admission for residents back to zero when revising the millage rate.

City Manager Jorge Gonzalez presented and reviewed the status of the FY 2010/11 Operating Budget as of August 25, 2010. City Manager Jorge Gonzalez stated that the revised "working gap" is approximately \$29 million.

City Manager Jorge Gonzalez presented the additional potential revenue enhancements. The Committee discussed increasing the tennis court fees from \$4 to \$5 per hour for residents and from \$8 to \$9 for non-residents as well as increasing membership fees as follows.

<u>Residents:</u>	<u>Current Rate</u>	<u>New Rate</u>
Youth	\$50	\$115
Adult (Single)	185	250
Senior	150	215
Family 2 adults/2 youth	400	660
 <u>Non-Residents:</u>		
Youth	\$75	\$200
Adult (Single)	375	500
Senior	250	375
Family 2 adults/2 youth	700	1,200

Chairperson Deede Weithorn asked if the proposed rates were comparable to what other tennis

facilities currently charge and if non-resident rates should be higher. Parks & Recreation Director Kevin Smith confirmed that they were similar. Mayor Matti Herrera Bower was concerned about the affordability of the new rates for residents. City Manager Jorge Gonzalez stated that only the tennis facilities at Flamingo Park and North Shore Park charge admission and all other tennis courts are no charge. Discussion ensued. The Committee approved increasing the hourly rates to \$5 per hour for residents, \$10 per hour for non-residents and increasing membership fees as follows.

<u>Residents:</u>	<u>Current Rate</u>	<u>New Rate</u>
Youth	\$50	\$115
Adult (Single)	185	250
Senior	150	215
Family 2 adults/2 youth	400	660
<u>Non-Residents:</u>		
Youth	\$75	\$250
Adult (Single)	375	550
Senior	250	425
Family 2 adults/2 youth	700	1,250

Special Master Fees – The Administration is proposing increasing the Special Master fee from \$75 to \$150 based on processing costs. Mayor Bower asked if the increased fee would cover the City’s cost. City Clerk Robert Parcher stated that the increased cost would cover the staffing and Special Master costs and added that the fee has not been increased in over 15 years. Commissioner Michael Gongora felt that \$150 was too high. The Committee approved increasing the Special Master fee from \$75 to \$100.

Special Event Application Late Fee – The Committee approved charging a late fee of \$250 or \$500 for events with more than 1,500 attendees.

The Committee approved establishing a wedding ceremony permit fee of \$125 to cover the cost of permitting.

The Committee approved charging for Public Records when staff time exceeds 30 minutes.

The Committee approved allowing sponsorships on MBTV Channel 77.

The Committee requested more information on increasing towing rates and franchising valet parking.

The Committee asked the Administration to further explore in-window advertising and referred the item to the Land Use Committee.

City Manager Jorge Gonzalez presented the additional potential reductions. The Committee approved hiring three (3) additional firefighters to work on a weekend schedule to reduce the cost of overtime on the weekends, eliminating two (2) vacant full time and two (2) vacant part time recreation leaders, reduce the change-out of the hanging basket program from twice a year to once a year, and to retain City contributions for Social Services (Douglas Gardens, Stanley C Myers, JVS Hot Meals, Boys and Girls Club) at 100%. The Committee did not approve changing the funding reduction to 20% instead of 10% for Citywide Contributions (excluding Social Services).

The Committee recommended re-instating 4 school liaison officers and 1 school liaison Supervisor, previously proposed for elimination.

The Committee discussed potential enhancements and efficiencies previously requested for reconsideration. The Committee wanted to include the following in the FY 2010/11 budget: hiring a lobbyist to monitor and track County issues that impact Miami Beach; create an Engineering Manager position to oversee design processes; add additional part-time Code Officers and an Administrator to address quality of life issues on weekends; retaining the Victims Advocate position and the Public Safety Specialist position however funding is not available to fully fund all of these positions. City Manager Jorge Gonzalez stated that he would review the budget and try to include all of the positions in FY 2010/11.

The Committee approved the following Enterprise Funds enhancements:

- Additional (100) litter cans throughout the City
- Hire an additional IT analyst position for Cityworks support, funded equally by Water, Sewer, and Stormwater
- Increase parking enforcement in residential areas and metered lots

City Manager Jorge Gonzalez presented examples of the impact of reductions related to CWA efficiencies. Discussion ensued. The Committee approved implementing efficiencies related to the Communications Workers of America (CWA) union.

City Manager Jorge Gonzalez explained the available Parking Fund balance as of September 30, 2009.

The Committee approved:

- Increasing the hourly rate in South Beach from \$1.25 to \$1.50 (with existing hours from 9am to midnight) effective October 1, 2010
- Increasing the hourly rate in South Beach from \$1.50 to \$1.75 (with existing hours from 9am to midnight) effective October 1, 2011
- Increasing the hours of enforcement in south beach from 9am to midnight to 9am to 3am
- Increasing the Daily Hotel Hang Tag Rate from \$6 per tag to \$10 per tag

The Committee recommended approving, as part of the FY 2010/11 Budget, moving the \$3.6 million from the Parking Fund to the General Fund. This will allow the proposed millage increase of 0.76 to be reduced to approximately 0.56. The Committee asked City Manager Jorge Gonzalez to try to include reducing the proposed pool fee increase of \$3.00 per admission for residents back to zero when revising the millage rate.

The Committee approved:

- **Increasing tennis court fees to \$5 per hour for residents, \$10 per hour for non-residents and increasing membership fees.**
- **Increasing the Special Master fee from \$75 to \$100**
- **Charging a Special Event Application late fee of \$250 or \$500 for events with more than 1,500 attendees**
- **Establishing a wedding ceremony permit fee of \$125**
- **Allowing sponsorships on MBTV Channel 77**

- Hiring three (3) additional firefighters to work on a weekend schedule in a pilot effort to reduce overtime on these days
- Eliminating two (2) vacant full time and two (2) vacant part time recreation leaders
- Reducing the change-out of the hanging basket program from twice a year to once a year
- Retaining City contributions for Social Services (Douglas Gardens, Stanley C Myers, JVS Hot Meals, Boys and Girls Club) at 100%
- Adding an additional (100) litter cans throughout the City
- Hiring an additional IT analyst position for Cityworks support, funded equally by Water, Sewer, and Stormwater
- Increasing parking enforcement hours in South Beach residential areas and metered lots by extending enforcement hours to 3am
- Increasing the hourly rate in South Beach from \$1.25 to \$1.50 (with existing hours from 9am to midnight) effective October 1, 2010
- Increasing the hourly rate in South Beach from \$1.50 to \$1.75 (with existing hours from 9am to midnight) effective October 1, 2011
- Increasing the Daily Hotel Hang Tag Rate from \$6 per tag to \$10 per tag

The Committee did not approve

- Changing the funding reduction to 20% instead of 10% for Citywide Contributions (excluding Social Services)
- eliminating 4 school liaison officers and 1 school liaison Supervisor

The Committee requested more information on increasing towing rates and franchising valet parking.

The Committee asked the Administration to further explore in-window storefront advertising and referred the item to the Land Use Committee.

The Committee asked City Manager Jorge Gonzalez to review the budget and try to include the following in the FY 2010/11 Budget:

- Hiring a lobbyist to monitor and track County issues that impact Miami Beach
- Creating an Engineering Manager position to oversee design processes
- Adding additional part-time Code Officers and an Administrator to address quality of life issues on weekends and during spring break
- Retaining the Victims Advocate position at least on a part-time basis
- Retaining the Public Safety Specialist position

The Committee approved implementing efficiencies related to the Communications Workers of America (CWA) union.

The Committee recommended transferring \$3.6 million in available Parking Fund Balance after all obligations have been met for FY 2009/10 to the General Fund for the FY 2010/11 budget, based on the revenues anticipated to be generated in the Parking Fund from increasing the parking rates and hours of enforcement in South Beach that will be used to replace these funds.

**As a result of this proposed transfer, the Committee recommended that the millage rate should be increased by 0.5600 instead of the previously proposed 0.7588 mills previously adopted as the preliminary millage for FY 2010/11.**

**The Committee asked City Manager Jorge Gonzalez to try to include reducing the proposed pool fee increase of \$3.00 per admission for residents back to zero when revising the millage rate.**

**FY 2010/11 CAPITAL BUDGET AND FY 2010/11 TO FY 2014/15 CAPITAL IMPROVEMENT PLAN  
CAPITAL FUNDING PRIORITIES**

**GENERAL FUND/TOURISM RELATED PROJECTS**

POTENTIAL FUNDING SOURCES AS OF 10/1/09	(In Millions)
302 - PAY-AS-YOU-GO CAPITAL (PG)	\$ 0.6
161 - QUALITY OF LIFE FUNDS (QOL)	\$ 1.4 Noth Beach
	\$ 1.4 Mid-Beach
	\$ 0.8 South Beach
	\$ 3.6 Total
<b>BOND FUNDING - INTEREST AND RECAPTURED FUNDS</b>	
370 - RCP - 1996 BONDS	\$ 0.3
377 - 1999 PARKS & BEACHES GO(GO-P&B)	\$ -
383 - 2003 PARKS GO INTEREST (GO-P)	\$ 0.2
	\$ 0.5 Total
376 - NEIGHBORHOODS GO (GO-N)	\$ -
384 - 2003 GO BONDS NEIGHBORHOOD IMPROVEMENTS	\$ 0.5
	\$ 0.5 Total
375 - 1999 GO BONDS - FIRE SAFETY (E)	\$ 1.4
378 - 1999 GO BONDS - FIRE SAFETY (B)	\$ 0.1
382 - 2003 GO BONDS FIRE SAFETY - FIRE SAFETY	\$ 0.6
	\$ 2.1 Total
Projected 10/1/10	
Miami-Dade County Interlocal Funds for CDT/RT Capital Projects	\$ 4.0 Pending July 1 Certification of Tax Roll for South Pointe and Miami-Dade County Millage Rates

PROJECTED PROJECT SAVINGS	SAVINGS				TOTAL
	PAY-GO	CAP-RES	MDC-CDT	GO-N	
Normandy Shore Clubhouse	(611,000)	(802,500)			(1,413,500)
Lummus Park 10 St Auditorium		(511,347)			(511,347)
Scott Rakow Youth Center Phase II	(2,500,000)				(2,500,000)
Seawall Pine Tree Dr Rehab at 83rd St				(193,209)	(193,209)
<b>Project Savings</b>	<b>(3,111,000)</b>	<b>(1,313,847)</b>	<b>0</b>	<b>(193,209)</b>	<b>(4,618,056)</b>

Reccomendation: Reclassify capital reserve savings to Pay-As-You Go Funding. Will result in \$5.024 Million in Pay-As-You-Go funding for Pay-As-You-Go Eligible Projects in FY 2010/11



PROJECT	PRIOR	FY 2010/11	FY 2011/12 FY 2014/15	FUTURE - TBD	TOTAL ADDITIONAL FUNDING	COMMENTS/POTENTIAL FUNDING SOURCES	FY 2010/11 PRIORITY (high, medium, low)
<b>PROPOSED NEW PROJECTS</b>							
Building Dept Second Floor Renovations		206,713			206,713	Building Operations Reserves	Aesthetics-Med, Balance High
Colony Theatre Sound/Audio Equip Purchase		67,400			67,400	CAC Grant Match	High
Crespi Park Field Renovation				62,660	62,660		Medium
Fairway Pk Installation of Black Aluminum Fence				68,306	68,306		Medium
Fisher Park Irrigation System Restoration				49,800	49,800		Low
Fisher Park Tot-Lot Equipment & Additional Safety Surface		150,000			150,000	GO-P	High
Fisher Park Shade Structure				50,000	50,000		Low
Flamingo Park Madvac System (re-submittal)				37,570	37,570		Low
Flamingo Park Pool - New Lockers				25,000	25,000		Medium
LaGorce Park New Tot-Lot & Safety Surface				61,981	61,981	PG	Medium
MBGC-Golf Netting (re-submittal)				99,500	99,500		Low
NSPYC Sports Field Restoration		107,100			107,100	PG	High
NSPYC-Refurbishment of Fitness Center				73,213	73,213		Medium
Polo Park Sport Field Restoration		132,557			132,557	PG	Medium
Relocation of Homeless Services Division				85,560	85,560		Low
Stillwater Park Sports Field, Landscape & Irrigation Restoration				63,894	63,894		Medium
Sunset Islands 3 & 4 Entryway Improvements		465,599			465,599	PG	High
Miami Beach Golf Course Drainage Project		151,017			151,017	MDC-CDT	High
New Tennis Courts (5) at a Site TBD	300,000				0	Transferred from Flamingo Park	High
7300 Dickens Avenue Landscape Area Irrigation System Installation				36,674	36,674		Medium/Low
Tatum Park-Construction of Two Outdoor Sand Volleyball Courts				90,751	90,751		Low
Rue Vendome/Biarritz Drive Pocket Park & Community Rain Garden				25,500	25,500		Low
Monuments - Palm Island Fountain				99,897	99,897		Low
Monuments - Pine Tree Fountain				118,002	118,002		Low
Monuments - Water Tower Restoration Star Island				593,205	593,205		Low
Monuments - World War Memorial				61,770	61,770		Low
Monuments - Polo Player Statue				63,900	63,900		Low
Monuments - Carl Fisher Memorial Monument				172,530	172,530		Low
Monuments - The Great Spirit Monument				64,326	64,326		Low
Monuments - Mermaid				97,341	97,341		Low
<b>Sub-Total New Projects</b>		<b>1,280,386</b>	<b>0</b>	<b>2,101,380</b>	<b>3,381,766</b>		
<b>TOTAL PROJECTS SUPPORTED BY PROPERTY/TOURISM TAXES</b>	<b>31,919,958</b>	<b>11,788,949</b>	<b>4,710,351</b>	<b>58,845,290</b>	<b>75,344,590</b>		

**FUNDING RECOMMENDATIONS**

	AVAILABLE	RECOMMENDED	BALANCE
PG	5,024,000	4,984,916	29,084
MDC-CDT (estimated)	4,000,000	3,913,009	86,991
GO-P	500,000	444,229	55,771
GO-N, GO-N SAVINGS	500,000	105,309	394,691
GO-F	2,100,000	441,237	1,658,763
QOL-NB	1,400,000	601,381	798,619
QOL-MB	1,400,000	400,000	1,000,000
QOL-SB	800,000	614,755	185,245
<b>TOTAL</b>	<b>15,724,000</b>	<b>11,514,836</b>	<b>4,209,164</b>

Other Funding	
Buildings Reserves	206,713
CAC Match	67,400
	<u>11,788,949</u>

PROJECT	PRIOR	FY 2010/11	FY 2011/12 FY 2014/15	FUTURE - TBD	TOTAL ADDITIONAL FUNDING	COMMENTS/POTENTIAL FUNDING SOURCES	FY 2010/11 PRIORITY (high, medium, low)
<b>CITY CENTER PROJECTS</b>							
Projected 10/1/10							
Annual Funds Available Net of recurring costs: \$10-15 million. \$15 million committed in FY 2010/11 for NWS Grant							
<b>POTENTIAL PROJECT SAVINGS BASED ON BIDS</b>							
CCHV Neighborhood Imp Historic District - BP9A (3,500,000) (Note additional \$645K in savings reallocated in FY 2009/10)							
Potential Project Savings Based on Bids (3,500,000)							
Collins Park Streetscape Rotunda Repay Parking Advance				634,530	634,530		Low
Little Stage Complex				7,390,120	7,390,120		Low
Multi-Purpose Parking Facility - Repay Parking Advance (Total \$40.1M)				4,789,492	4,789,492		Low
17th Street Garage East Façade			2,500,000		2,500,000		Low
Bass Museum Expansion Phase II				15,000,000	15,000,000		Low
400 Block Lincoln Rd Site Improvement - Wing		50,000			50,000		Medium
Directory Signs in City Center ROW		108,268			108,268		Medium
Preferred Lot Parking Garage				70,000,000	70,000,000		Low
Lincoln Road - Collins to Washington -CC Bid Pack 9C	2,488,093	28,490			28,490	Construc Mgt	High
Lincoln Road- Washington Ave to Lennox			20,000,000		20,000,000		Low
Collins Canal S./Pedestrian Enh. and Seawall - Meridian to Washington			10,000,000		10,000,000	Replaces Dade Blvd to Park St - Promenade & L	Low
Convention Center Connectors/Complex - Lincoln Road Connector				10,000,000	10,000,000	includes Penn, Drexel and Meridian	Low
Collins Park Ancillary Improvements			5,000,000		5,000,000		Low
17th Street North Improvements (landscaping, irrigation, lighting, etc.)			2,000,000		2,000,000		Low
Botanical Gardens/Collins Canal Corridor Enhancements			1,208,662		1,208,662		Low
Collins Park Pkg Garage (Cultural Campus I) - Repay Pkg Advance				24,046,775	24,046,775		Low
<b>TOTAL CITY CENTER RDA</b>	<b>2,488,093</b>	<b>186,758</b>	<b>40,708,662</b>	<b>131,860,917</b>	<b>172,756,337</b>		
<b>SOUTH POINTE PROJECTS</b>							
Available Funds (in Millions)							
South Pointe Pre-RDA Expiration Funds as of 10/1/09		\$	0.26				
South Pointe Renewal and Replacement as of 10/1/10		\$	0.49				
Projected 10/1/10							
Miami-Dade County Interlocal Funds for CDT/RT Capital Projects		\$	8.00	Pending July 1 Certification of Tax Roll for South Pointe and Miami-Dade County Millage Rates			
<b>South Pointe Pre and Post RDA Projects</b>							
5th & Alton Rd Joint Venture (repayment)				7,297,725	7,297,725		Low
South Pointe Park Remediation		800,000			800,000		High
Restorative Tree Wells PH 6 - 5th St Alton to Ocean		202,987			202,987		High
South Pointe Park Playground & Shade Structure Replacement		275,000			275,000		High
South Pointe RDA Imps Phase III-V	20,603,389	228,027			228,027	Construc Mgt	High
South Pointe Pier	6,625,671	0	90,821		90,821	Construc Mgt	Low
Washington to South Pointe Street Improvements		594,675					Medium
South Pointe LED Lighting Program Retrofit							TBD
Sunrise Plaza Streetend Project			799,000				Medium
<b>TOTAL SOUTH POINTE</b>	<b>20,803,389</b>	<b>2,899,689</b>	<b>7,388,546</b>	<b>0</b>	<b>8,894,560</b>		

PROJECT	PRIOR	FY 2010/11	FY 2011/12 FY 2014/15	FUTURE - TBD	TOTAL ADDITIONAL FUNDING	COMMENTS/POTENTIAL FUNDING SOURCES	FY 2010/11 PRIORITY (high, medium, low)
<b>CONVENTION CENTER PROJECTS</b>							
Available Funding Net of 6% and 11% Reserves as of 10/1/09		(In Millions)					
CONVENTION CENTER OPERATING FUND		\$ 1.75					
<b>Previously appropriated funding recommended for deferral to future years, providing funding for future projects</b>							
CC-Ballroom Upgrades		(500,000)					
CC- Carpet Replacement		(150,000)					
CC- East and West Sidewalk Replacement		(200,000)					
CC - Life Safety Upgrades		(200,000)					
CC - Painting		(850,000)					
<b>Total Deferred</b>		<b>(1,900,000)</b>					
CC- Miscellaneous Projects - FY 10/11 (priority #1)		250,000			250,000		High
CC-Meeting Room Renovations (Priority #2)		1,500,000		2,000,000	3,500,000		High
CC-Electrical Switchgear Testing & Maintenance (Priority #3)		400,000		800,000	1,200,000		High
CC-Exterior Stairs & Handrailing Repairs (Priority #4)		350,000			350,000		High
CC-Main Kitchen Equipment Upgrades		90,000			90,000		High
CC-Loading Dock Bay Repairs		80,000			80,000		High
CC-Replace Skylight Panels		400,000			400,000		High
CC-Repl 4 Roll-Up Loading Dock Doors (replace only 2)		150,000			150,000		High
CC-Installation of Exhaust Fans in Storage Ramps		250,000			250,000		High
CC-Catwalk Beam Cleaning		15,000			15,000		High
CC-Procurement of Truck		20,000			20,000		High
CC-Air Vents on Main Roof Drains				1,000,000	1,000,000		High
CC-Ballroom Upgrades				1,200,000	1,200,000		Low
CC-C/D Airhandlers Replacement				300,000	300,000		Low
CC-Carpet Replacement				1,500,000	1,500,000		Low
CC-Cleaning Equipment				300,000	300,000		Low
CC-Concession Stand Renovations				50,000	50,000		Low
CC-East and West Sidewalk Replacement				400,000	400,000		Low
CC-Executive Offices furniture Replacement				300,000	300,000		Low
CC-Exhibit Hall Floor Repairs				800,000	800,000		Low
CC-Exhibit Hall Lighting Upgrades				400,000	400,000		Low
CC-Exterior Marquee signage				1,800,000	1,800,000		Low
CC-Floor Pocket Connector Replacement				700,000	700,000		Low
CC-Future FF&E				475,635	475,635		Low
CC-Future General Maintenance				5,600,000	5,600,000		Low
CC-Future Mechanical				75,000	75,000		Low
CC-Hall Sound System Replacement				500,000	500,000		Low
CC-Hurricane Imp Resistant Glass Inst				4,000,000	4,000,000		Low
CC-Install Exhaust Fans-StorageRamp				250,000	250,000		Low
CC-Install Rubber Floor-Serv Coridors				350,000	350,000		Low
CC-Installation of Rubber Flooring in Service Corridors				350,000	350,000		Low
CC-Interior Door Gen Master Key Syst				20,000	20,000		Low
CC-Landscaping				150,000	150,000		Low
CC-Life Safety Upgrades				1,800,000	1,800,000		Low
CC-Lighting Control System Replace				700,000	700,000		Low
CC-Maint High Boom Scissors & Forklifts				300,000	300,000		Low
CC-Meeting Room Signage Replace				50,000	50,000		Low
CC-Misc Projects Future Years				750,000	750,000		Low
CC-NewGen Master Key Sys Ext Door				9,000	9,000		Low
CC - Painting				850,000	850,000		Low

PROJECT	PRIOR	FY 2010/11	FY 2011/12 FY 2014/15	FUTURE - TBD	TOTAL ADDITIONAL FUNDING	COMMENTS/POTENTIAL FUNDING SOURCES	FY 2010/11 PRIORITY (high, medium, low)
CC-Panic Hardware Install Hall Doors				69,000	69,000		Low
CC-Renov North & South Load Docks				500,000	500,000		Low
CC-Renovate Old NW Chiller Room				300,000	300,000		Low
CC-Renovate West Kitchen				1,000,000	1,000,000		Low
CC-Renovations to Loading Docks				500,000	500,000		Low
CC-Replace 6 Package Roof Units for Water Cooled Units				650,000	650,000		Low
CC-Replacement East Side Doors				500,000	500,000		Low
CC-Replacement of Sound Equipment				600,000	600,000		Low
CC-Security Cameras System Upgrades				600,000	600,000		Low
CC-Sensor Switches - Lighting Control				20,000	20,000		Low
CC-Solar Energy Project				3,000,000	3,000,000		Low
CC-Telephone Infrastructure & Switching Equipment				400,000	400,000		Low
CC-Video Information System				150,000	150,000		Low
CC-West Kitchen Renovation				1,000,000	1,000,000		Low
CC-West Side Dimmer				500,000	500,000		Low
<b>TOTAL CONVENTION CENTER</b>	<b>0</b>	<b>3,505,000</b>	<b>0</b>	<b>37,568,635</b>	<b>41,073,635</b>		

PROJECT	PRIOR	FY 2010/11	FY 2014/15	FUTURE - TBD	TOTAL ADDITIONAL FUNDING	COMMENTS/POTENTIAL FUNDING SOURCES	PRIORITY (high, medium, low)
<b>PARKING PROJECTS</b>							
Available Funds as of 10/1/09	(in Millions)						
Operating net of 11% and 6% Reserves	\$ 3.2						
SB Parking Impact Fee	\$ 1.0						
MB Parking Impact Fee	\$ 0.1						
NB Parking Impact Fee	\$ 2.5						
<b>Project Savings/Deleted</b>	<b>2,352,030</b>	<b>(129,764)</b>					
17th Street parking Garage Maintenance		(129,764)				(129,764) Parking Operations	
<b>Additional Funding for Existing Projects in Adopted CIP</b>							
17th Street Parking Garage Elevator Enclosure	610,000	36,600				36,600 Parking	High
Surface Lot 8B Improvements at 42nd and Royal Palm	1,305,000	78,300				78,300 Parking - Construct Mgt	Medium
Surface Lot 1A Penroads	1,320,000	121,600				121,600 Parking - Design & Eng/Constr Mgt	Medium
Surface Lot 4D West Ave and 16 St	525,000	31,500				31,500 Parking - Construct Mgt	Medium
Surface Lot 9E Harding Ave and 71st (East)	225,000	25,000				25,000 Parking - Design & Eng	Medium
Surface Lot 12X 9t Street and Washington Ave	97,000	53,000				53,000 Parking - Design & Eng/Constr	Medium
Surface Lot 13X 10th St and Washington	340,000	18,000				18,000 Parking - Design & Eng	Medium
Surface Lot 17X Collins Ave and 13th St	418,000	25,080				25,080 Parking - Construct Mgt	Medium
Maint/13th St Parking Garage 10		105,000				105,000 Parking	High
Surface Lot 10F So Lincoln Lane & Meridian		302,100				302,100 Parking	Low
Surface Lot 24C 6972 Bay Dr		323,300				323,300 Parking	Low
Surface Lot 24B 871-71st Street		180,200				180,200 Parking	Low
Surface Lot P48 Bass Museum Lot		220,000				220,000 Parking	Low
Surface Lot 2B Meridian & 6th St		233,200				233,200 Parking	Low
Surface Lot 10C 1682 Meridian Ave		1,325,000				1,325,000 Parking	Low
Surface Lot Michigan Lot		1,272,000				1,272,000 Parking	Low
Surface Lot 10G 1620 Michigan Ave		174,900				174,900 Parking	Low
Surface Lot 10X 1668 Lenox Ave		911,600				911,600 Parking	Low
Surface Lot 5H 1901 Meridian Ave		238,500				238,500 Parking	Low
Surface Lot 8H 4001 Prairie Ave		556,500				556,500 Parking	Low
Surface Lot 10D 1620 Jefferson Ave		556,500				556,500 Parking	Low
Surface Lot 22X NSYC Lot		381,600				381,600 Parking	Low
Surface Lot 25X 7061 Bonita Dr		127,200				127,200 Parking	Low
<b>Additional Funding for Existing Projects Not in Adopted CIP</b>	<b>4,840,000</b>	<b>494,080</b>		<b>0</b>	<b>7,296,980</b>		
<b>Proposed New Parking Projects</b>							
Surface Lot 26C (P-107) Collins and 79th				797,500		797,500 Parking Ops	Low
Surface Lot 26D (P-109) Collins and 83rd				880,000		880,000 Parking Ops	Low
<b>Sub-Total Proposed New Parking Projects</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,677,500</b>	<b>1,677,500</b>		
<b>TOTAL PARKING OPERATIONS</b>	<b>4,840,000</b>	<b>494,080</b>	<b>0</b>	<b>1,677,500</b>	<b>8,974,180</b>		

PROJECT	PRIOR	FY 2010/11	FY 2011/12 FY 2014/15	FUTURE - TBD	TOTAL ADDITIONAL FUNDING	COMMENTS/POTENTIAL FUNDING SOURCES	FY 2010/11 PRIORITY (high, medium, low)
<b>PROPOSED PARKING BONDS</b>							
<b>PROPOSED PARKING PROJECTS PENDING PAYBACK FROM PURDY AVE BOND</b>							
Surface Lot at Collins Ave & 84th	725,000				0	Prop Pkg Bonds-09/10	Medium
Surface Lot 19B @ Collins & 53 Street	1,540,000				0	Prop Pkg Bonds-09/10	Medium
13th Street Parking Garage Maintenance 09	90,000				0	Prop Pkg Bonds-09/10	Medium
17th Street Parking Garage Maintenance 09	135,000				0	Prop Pkg Bonds-09/10	Medium
Collins Park Garage Cultural Campus Parking Garage I	19,432				0	Prop Pkg Bonds-09/10	Medium
Master Meter Phase II	1,496,878				0	Prop Pkg Bonds-09/10	Medium
Pay-on-Foot-Machines	315,578				0	Prop Pkg Bonds-09/10	Medium
<b>Sub-total Proposed Parking Bonds</b>	<b>4,321,888</b>						
<b>PARKING BONDS FOR PROGRAMMED PROJECTS</b>							
Collins Park Garage (Cultural Campus P I)(to be repaid by City Center in f	5,000,000	19,046,775			19,046,775	Prop Pkg Bonds-09/10	High
North Beach Parking Garage			25,000,000		25,000,000	Prop Pkg Bonds-Future	Low
South Beach Parking Garage				25,000,000	25,000,000	Prop Pkg Bonds-Future	Low
Sunset Harbor Garage/Purdy Garage	13,892,000	6,988,435			6,988,435	Prop Pkg Bonds-09/10	High
					0		
<b>ADDITIONAL FUNDING NEEDS FOR BOND-FUNDED PROJECTS</b>							
Surface Lot at Collins Ave & 84th	See above	43,500			43,500	Prop Pkg Bonds-09/10	High
Surface Lot 19B @ Collins & 53 Street	See Above	129,500			129,500	Prop Pkg Bonds-09/10	High
					0	Prop Pkg Bonds-09/10	
<b>TOTAL PARKING BONDS</b>	<b>23,529,465</b>	<b>26,188,210</b>	<b>25,000,000</b>	<b>25,000,000</b>	<b>78,188,210</b>		
			<b>ALL YEARS</b>	<b>2010 Series</b>	<b>49,717,675</b>		
				<b>FUTURE</b>	<b>50,000,000</b>		
<b>TOTAL PARKING PROJECTS</b>	<b>28,369,465</b>	<b>26,682,290</b>	<b>31,802,600</b>	<b>26,677,500</b>	<b>85,162,390</b>		

THIS PAGE INTENTIONALLY LEFT BLANK





**Condensed Title:**

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending The Time Frame From One Hour To Thirty (30) Minutes For The Imposition Of Special Service Charges, Pursuant To Section 119.079(D) Of The Florida Statutes, For The Costs Incurred For The Extensive Use Of Information Technology Resources, Or For The Labor Costs Of Extensive Clerical Or Supervisory Assistance By Personnel Of The City, Or Both, For Public Record Requests.

**Key Intended Outcome Supported:**

Supporting Data (Surveys, Environmental Scan, etc.): N/A

**Issue:**

Shall the City adopt this resolution to amend the existing Public Records Request Policy?

**Item Summary/Recommendation:**

The Florida Statute allows authorization as follows: ... "If the nature or volume of public records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both."

Under the City of Miami Beach Public Records Request Policy, the term "extensive" shall be defined as labor of one (1) hour or more, which will be charged at the flat rate of the employee (fringe benefits not included) whose normal scope of duties include performing the function.

If this resolution is adopted, the definition of "extensive" shall be defined as labor of half an hour (1/2 hour) or more.

**Advisory Board Recommendation:**

Approved at the August 25, 2010 Finance and Citywide Projects Committee Meeting

**Financial Information:**

Source of Funds:		Amount	Account
OBPI	1		
	2		
	3		
	Total		

Financial Impact Summary:

**City Clerk's Office Legislative Tracking:**

Robert E. Parcher, City Clerk

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
Robert Parcher	Dolores Mejia	Jorge M. Gonzalez

T:\AGENDA\2010\September 20\Public Records Request Summary.doc





## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

**SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE TIME FRAME FROM ONE HOUR TO THIRTY (30) MINUTES FOR THE IMPOSITION OF SPECIAL SERVICE CHARGES, PURSUANT TO SECTION 119.079(D) OF THE FLORIDA STATUTES, FOR THE COSTS INCURRED FOR THE EXTENSIVE USE OF INFORMATION TECHNOLOGY RESOURCES, OR FOR THE LABOR COSTS OF EXTENSIVE CLERICAL OR SUPERVISORY ASSISTANCE BY PERSONNEL OF THE CITY, OR BOTH, FOR PUBLIC RECORD REQUESTS.**

### ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve the resolution.

### BACKGROUND

The Florida Legislature recently debated Senate Bill 1598, which required all elected and appointed public officials to undergo education and training on the requirements of the Sunshine in Government Act, and provided that if the nature or volume of the public record requested to be inspected or copied required more than 30 minutes of agency resources, the agency may charge a fee for the agency resources incurred, etc. Staff costs may be charged only for a public-record request that requires more than 30 minutes of the staff member's time to complete. Staff costs must be calculated based on the base hourly rate of the lowest paid staff member who is capable of providing the requested public record, including the cost of any supervisory assistance. Although the Bill died at committee, the 30-minute policy is justifiable for the City of Miami Beach, due to the amount of public records requests processed throughout the departments.

The Florida Statute allows authorization as follows: ... "If the nature or volume of public records requested to be inspected or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both."

Under the City of Miami Beach Public Records Request Policy, the term "extensive" shall be defined as labor of one (1) hour or more, which will be charged at the flat rate of the employee (fringe benefits not included) whose normal scope of duties include performing the function.

If this resolution is adopted, the definition of "extensive" shall be defined as labor of half an hour (1/2 hour) or more.

### ANALYSIS

The City Clerk's Office has compiled a list of municipalities performing Public Records Requests and their regarding "extensive" use of clerical or supervisory assistance throughout Miami-Dade and Broward Counties (see second page). It has been estimated that the average "extensive" use of labor is assessed roughly after thirty (30) minutes.

<b>Municipality</b>	<b>“Extensive” Use of Clerical/Supervisory Assistance</b>	<b>Policy</b>
Coral Gables	After 20 minutes	Ordinance 2004-39
Fort Lauderdale	N/A	
Hialeah	No time set	
Homestead	After 15 minutes	
Miami	After 20 minutes	
Miami Shores	After one hour	
Miami-Dade County	After 20 minutes	Administrative Order 4-48
North Miami	After 10 minutes	First 35 pages are free
Pembroke Pines	After 30 minutes	
Pinecrest	N/A	
South Miami	After three or more hours	No policy in place
Sunny Isles	After two hours	
Sunrise	After 30 minutes	

**CONCLUSION**

The Administration recommends approval of the resolution.

T:\AGENDA\2010\September 20\Public Records Request - Memo.doc

**RESOLUTION TO BE SUBMITTED**

**Condensed Titles:**

A Resolution authorizing the City Manager to enter into certain independent contractor agreements for professional and other services, subject to and contingent upon the following parameters: 1) the City Manager shall only enter into contracts to provide services and/or work related to vacant budgeted positions; 2) the amount of the fee and/or other compensation to be paid shall not exceed the authorized amount for the respective position/classification; 3) the term of any agreement authorized herein shall not extend beyond the end of FY 2010/2011; 4) at a minimum, the City Manager shall require that any agreement entered into pursuant to this Resolution shall utilize the City's standard form for independent contractors; and 5) providing that the Authority granted to the City Manager pursuant to this Resolution shall be brought to the City Commission for renewal annually as part of the annual operating budget approvals.

A Resolution authorizing the City Manager to enter into certain independent contractor agreements for certain services, as required and as deemed in the best interest of the City subject to the following minimum parameters: 1) the amount of the fee and/or other compensation to be paid by the City under such agreement(s) shall not exceed the authorized amount for the respective services, as set forth in the City's approved Fiscal Year (FY) 2010/2011 annual budget; 2) the term of any agreement authorized herein shall not extend beyond the end of FY 2010/2011; 3) at a minimum, the City Manager shall require that any agreement entered into pursuant to this Resolution shall utilize the City's standard form for independent contractors; and 4) providing that the Authority granted to the City Manager pursuant to this Resolution shall be brought to the City Commission for renewal annually as part of the annual operating budget approvals.

**Key Intended Outcome Supported:**

1) Increase satisfaction with family recreational activities; 2) Enhance external and internal communications from and within the City; 3) Control costs of payroll including salary and fringes/ minimize taxes/ ensure expenditure trends are sustainable over the long term.

Supporting Data (Surveys, Environmental Scan, etc.): 2009 Community Satisfaction survey

- 84.9% of residents rated Recreation Programs as excellent or good
- 79.3% of residents rated the amount of information they receive from the City as excellent or good

**Issue:**

Shall the City Manager be granted the authority to enter into certain Independent Contractor Agreements?

**Item Summary/Recommendation:**

Under the City Charter, the City Manager has the authority to appoint an employee into a vacant, budgeted position with a salary within the range established by the City Commission for that classification. Given the current financial realities, the City has had to eliminate positions in its annual budget the past three (3) fiscal years, and again for the one ending on September 30, 2011. It has been the City's practice to restrict hiring for vacant positions where practicable. In some instances where positions were held vacant, the City has retained independent contractors to provide the respective services and/or work. The Administration recommends that the City Commission authorize the City Manager to negotiate, enter into, and execute certain independent contractor agreements, including those having an amount which may exceed \$25,000, to provide services and/or work related to vacant, budgeted positions, subject to certain parameters. Additionally, the Administration recommends that the City Manager be authorized to negotiate, enter into, and execute independent contractor agreements, including those having an amount greater than \$25,000, to provide services related to certain activities typically retained on an annual basis as outlined in the City Commission Memorandum, subject to certain minimum parameters.

**Advisory Board Recommendation:**

N/A

**Financial Information:**

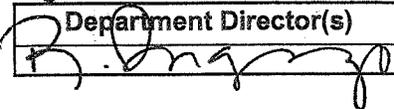
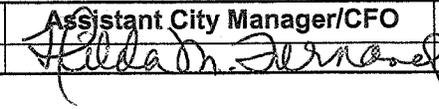
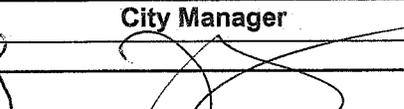
Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 5px;"></div> OBPI	1		
	2		
	Total		

**Financial Impact Summary:** Funds are already included in the FY 2010/2011 Annual Operating Budget, in either Salaries or Professional Services line items in various respective departments

**City Clerk's Office Legislative Tracking:**

Ramiro Inguanzo, Human Resources Director / Gus Lopez, Procurement Director

**Sign-Offs:**

Department Director(s) 	Assistant City Manager/CFO 	City Manager 
---	--	---





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER, ON BEHALF OF THE CITY, TO ENTER INTO CERTAIN INDEPENDENT CONTRACTOR AGREEMENTS FOR PROFESSIONAL AND OTHER SERVICES, AS REQUIRED AND AS THE CITY MANAGER DEEMS IN THE BEST INTEREST OF THE CITY, SUBJECT TO AND CONTINGENT UPON THE FOLLOWING PARAMETERS: 1) THE CITY MANAGER SHALL ONLY ENTER INTO CONTRACTS FOR SUCH PROFESSIONAL AND OTHER SERVICES TO PROVIDE SERVICES AND/OR WORK RELATED TO VACANT BUDGETED POSITIONS, AS IDENTIFIED IN THE CITY'S APPROVED FISCAL YEAR (FY) 2010/2011 ANNUAL BUDGET; 2) THE AMOUNT OF THE FEE AND/OR OTHER COMPENSATION TO BE PAID BY THE CITY UNDER SUCH CONTRACT(S) SHALL NOT EXCEED THE AUTHORIZED AMOUNT FOR THE RESPECTIVE POSITION/CLASSIFICATION, AS SET FORTH, RESPECTIVELY, IN THE CITY'S CLASSIFIED OR UNCLASSIFIED SALARY ORDINANCE (AS THE CASE MAY BE); 3) THE TERM OF ANY INDEPENDENT CONTRACTOR AGREEMENT AUTHORIZED HEREIN SHALL NOT EXTEND BEYOND THE END OF FY 2010/2011 (SEPTEMBER 30, 2011); 4) AT A MINIMUM, THE CITY MANAGER SHALL REQUIRE THAT ANY INDEPENDENT CONTRACTOR AGREEMENT ENTERED INTO PURSUANT TO THIS RESOLUTION SHALL UTILIZE THE CITY'S STANDARD FORM FOR INDEPENDENT CONTRACTORS (AS ATTACHED TO THIS RESOLUTION), PROVIDED THAT THE CITY MANAGER MAY INCORPORATE ADDITIONAL TERMS, WHICH MAY BE MORE STRINGENT THAN THE CITY'S FORM, BUT NOT MORE LENIENT; AND 5) PROVIDING THAT THE AUTHORITY GRANTED TO THE CITY MANAGER PURSUANT TO THIS RESOLUTION SHALL BE BROUGHT TO THE CITY COMMISSION FOR RENEWAL ANNUALLY AS PART OF THE ANNUAL OPERATING BUDGET APPROVALS.**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER, ON BEHALF OF THE CITY, TO ENTER INTO CERTAIN INDEPENDENT CONTRACTOR AGREEMENTS FOR THE FOLLOWING SERVICES, AS REQUIRED AND AS THE CITY MANAGER DEEMS IN THE BEST INTEREST OF THE CITY: DANCE INSTRUCTION; ICE SKATING INSTRUCTION; ATHLETICS INSTRUCTION/ COACHING; AEROBICS INSTRUCTION; FITNESS INSTRUCTION; LITERACY, MATH AND SAT TUTORING; SCHOOL LIAISON OFFICERS; RESIDENT PROJECT REPRESENTATIVES (RPR); COMMUNITY INFORMATION SERVICES; CONSTRUCTION COST ESTIMATING/CONSULTING SERVICES; TELEVISION PRODUCTION SERVICES; VIDEOGRAPHER SERVICES; GRAPHIC DESIGNER SERVICES; PROGRAM MONITOR SERVICES; COST ALLOCATION SERVICE; AND AUDITORS; PROVIDED FURTHER THAT THE CITY MANAGER**

**SHALL BE AUTHORIZED TO NEGOTIATE, ENTER INTO, AND EXECUTE THE AFORESTATED AGREEMENTS SUBJECT TO THE FOLLOWING MINIMUM PARAMETERS: 1) THE AMOUNT OF THE FEE AND/OR OTHER COMPENSATION TO BE PAID BY THE CITY UNDER SUCH AGREEMENT(S) SHALL NOT EXCEED THE AUTHORIZED AMOUNT FOR THE RESPECTIVE SERVICES, AS SET FORTH IN THE CITY'S APPROVED FISCAL YEAR (FY) 2010/2011 ANNUAL BUDGET; 2) THE TERM OF ANY SERVICES AGREEMENT AUTHORIZED HEREIN SHALL NOT EXTEND BEYOND THE END OF FY 2010/2011 (SEPTEMBER 30, 2011); 3) AT A MINIMUM, THE CITY MANAGER SHALL REQUIRE THAT ANY AGREEMENT ENTERED INTO PURSUANT TO THIS RESOLUTION SHALL UTILIZE THE CITY'S STANDARD FORM INDEPENDENT CONTRACTOR AGREEMENT (AS ATTACHED TO THIS RESOLUTION), PROVIDED THAT THE CITY MANAGER MAY INCORPORATE ADDITIONAL TERMS, WHICH MAY BE MORE STRINGENT THAN THE CITY'S FORM, BUT NOT MORE LENIENT; AND 4) PROVIDING THAT THE AUTHORITY GRANTED TO THE CITY MANAGER PURSUANT TO THIS RESOLUTION SHALL BE BROUGHT TO THE CITY COMMISSION FOR RENEWAL ANNUALLY AS PART OF THE ANNUAL OPERATING BUDGET APPROVALS.**

#### **ADMINISTRATION RECOMMENDATION**

Adopt both Resolutions.

#### **BACKGROUND / ANALYSIS**

The first Resolution pertains to independent contractor agreements, which are for individuals hired to perform a specific function for a temporary period. These individuals are usually compensated at an hourly or project specific rate.

Under the City Charter, the City Manager has the authority to appoint an employee into a vacant, budgeted position with a salary within the range established by the City Commission for that classification.

Given current financial realities, the City has had to eliminate positions in its annual budget for each of the last three (3) fiscal years and again for the fiscal year starting on October 1, 2010. It has been the City's practice to restrict hiring for vacant positions where practicable. All vacant positions identified to be filled are carefully analyzed. Positions that were deemed mission critical have been filled, but others have been held vacant. This has been done to try to place employees whose positions may have been eliminated, and also to avoid hiring an employee and then possibly having to lay them off at the end of the fiscal year if their position is eliminated.

In some instances where positions were held vacant, the City has retained independent contractors to provide the respective services and/or work. Because the City Code requires contracts in excess of \$25,000 to be approved by the City Commission, these agreements have typically been limited to that maximum amount.

In an effort to save on both short-term and long-term costs, such as pension and health benefits, the Administration is recommending that the City Commission authorize the City Manager to negotiate, enter into, and execute certain independent contractor agreements, including those having an amount which may exceed \$25,000, subject to all of the following

parameters:

- the independent contractor agreements authorized under this Resolution will be limited to services and/or work related to a vacant, budgeted position, as approved in the City's Fiscal Year (FY) 2010/2011 annual operating budget;
- the value of the agreement will not exceed the amount already authorized in the City's Classified and Unclassified Salary Ordinances (as applicable), and will not extend beyond September 30, 2011; and
- any agreement entered into will contain, at a minimum, the provisions outlined in the City's standard form independent contractor agreement (Attachment A).

A Resolution requesting the initial authorization for the City Manager to enter into these agreements was first heard at the September 24, 2009 City Commission meeting, where it was referred to the Finance and Citywide Projects Committee. At its October 29, 2009 meeting, the Finance and Citywide Projects Committee held a discussion regarding this item. As part of the discussion, the Administration clarified that the purpose of this item was not to replace those employees currently in a position, or to eliminate a position and layoff an employee to then hire an independent contractor to perform the same functions. The independent contractors will be used to perform the functions of vacant, budgeted positions where a previous incumbent employee separated from City of their own choosing, or through termination based on cause.

The City Commission approved this Resolution at its December 9, 2009 meeting for the fiscal year ending on September 30, 2010. It was agreed that the use of Independent Contractor Agreements would be monitored through quarterly Letters to the Commission (LTC), and that this authority would be brought back for renewal on an annual basis as part of the budget process, as the authority expires at the end of the fiscal year.

As a reminder of the quarterly status reports, only one (1) agreement was executed pursuant to this authority. An agreement for services related to latent fingerprint examination and training in the Police Department, at a rate of \$50.00 per hour, was signed. A Crime Scene Technician II position has remained vacant to fund this agreement. Current City employees are being trained so that, once trained, promotion into the Crime Scene Technician II classification may be possible.

This updated resolution is for the 2010-2011 fiscal year.

The second Resolution also pertains to independent contractors who will be providing certain specific services and/or work and which were otherwise budgeted in each of the respective departmental budgets. Some of the services budgeted may include: Dance Instruction, Ice Skating Instruction, Athletics Instruction/Coaching, Aerobics Instruction, Fitness Instruction, and Literacy, Math and SAT Tutoring for the Parks and Recreation Department; School Liaison Officers for the Police Department; Resident Project Representatives (RPR); Community Information Services; Construction Cost Estimating/Consulting Services for the Capital Improvement Projects (CIP) Office; Television Production Services, Videographer Services, and Graphic Designer Services for the Office of Communications; Homeless Outreach, Housing Services, Tutoring Services and Program Monitor Services for the Office of Real Estate, Housing and Community Development; Cost Allocation Services for the Finance Department; and Auditor Services for the Office of

## Budget and Performance Improvement.

In an effort to coordinate the execution of agreements for the kind of services and/or work referenced in the second Resolution, the Administration also recommends that the City Manager be authorized to negotiate, enter into, and execute such agreements, including those having an amount greater than \$25,000, subject to all of the following parameters:

- the agreements will only be limited to the services and/or work specifically listed in the second Resolution;
- the value of the agreement will not exceed the authorized amount for the respective services and/or work, as set forth in the City's Approved FY 2010/2011 Annual Budget;
- the term of the agreement shall not extend beyond the end of FY 2010/2011 (September 30, 2011); and
- any agreement entered into will contain, at a minimum, the provisions outlined in the City's standard form agreement for independent contractors (Attachment A).

The City Commission also approved this Resolution at its December 9, 2009 meeting for the fiscal year ending on September 30, 2010, subject to the same monitoring through quarterly Letters to the Commission (LTC) as the Resolution above, and that this authority would be brought back for renewal on an annual basis as part of the budget process, as the authority expires at the end of the fiscal year.

As a reminder of the quarterly status reports, only four (4) agreements for School Liaison Officers, each for amounts not to exceed \$35,000, were executed pursuant to this authority. It should be noted that other agreements for services such as athletic coaching, art instruction and auditors have been executed. However, these agreements have not fallen under the purview of this authority, as each vendor has been awarded agreements totaling \$25,000 or less.

This updated resolution is for the 2010-2011 fiscal year.

### **CONCLUSION**

The Administration recommends adopting both Resolutions.

### **Attachment**

T:\AGENDA\2010\September 20\Consent\Independent Contractor Memo.doc

**ATTACHMENT A**

**CITY'S STANDARD FORM  
FOR INDEPENDENT CONTRACTORS**

**INDEPENDENT CONTRACTOR AGREEMENT**

This Agreement is entered into on this \_\_\_\_\_ day of \_\_\_\_\_, between **[ENTER FULL NAME OF CONTRACTOR]** (Contractor), and the City of Miami Beach, Florida (City), for a period of **[ENTER DURATION/TERM OF AGREEMENT]**, with an effective starting date of **[\_\_\_\_\_]**, and an end date of **[\_\_\_\_\_]** (the Term).

**1. Scope of Work/Services.**

This Agreement is for the purpose of providing **[PROVIDE BRIEF DESCRIPTION/SUMMARY OF WHAT CONTRACTOR WILL DO]** to the City's **[\_\_\_\_\_]** Department. Specifically, throughout the Term of this Agreement, Contractor shall provide and/or perform the following minimum services:

**[INSERT DETAILED AND/OR ITEMIZED DESCRIPTION OF WORK AND/OR SERVICES CONTRACTOR WILL PROVIDE]**

**2. Fee.**

In consideration of the work and/or services to be provided pursuant to this Agreement, the City agrees to pay Contractor a fee, in the not to exceed amount of **[ FILL IN TOTAL \$AMOUNT]**, which shall be paid as follows:

**[INSERT, IN DETAIL, HOW FEE WILL BE PAID. INCLUDE WHETHER FEE WILL BE PAID HOURLY, WEEKLY, MONTHLY, ETC.; WHETHER IT'S SUBJECT TO CONTRACTOR PROVIDING TIME SHEETS, OR WORK SCHEDULE, ETC.]**

The total fee paid to Contractor pursuant to this Agreement shall not exceed **[FILL IN A NOT TO EXCEED AMOUNT]** for the Term provided herein.

**3. Work Schedule.**

During the Term of the Agreement, Contractor shall provide the work and/or services in accordance with the following minimum work schedule:

**[INSERT WORK SCHEDULE (EXAMPLE: MON – FRI, 9 AM TO 5PM, EXCLUDING RECOGNIZED CITY HOLIDAYS). IF IT'S ANOTHER TYPE OF SCHEDULE SUCH AS ON AN HOURLY BASIS OR ONLY ON SPECIFIC DAYS, BE SPECIFIC AS TO MINIMUM HOURS OR DAYS CONTRACTOR IS EXPECTED TO WORK IN ORDER TO GET PAID THE FEE SET FORTH HERE.]**

Contractor's work and/or services shall be overseen by the following City Department/Individual: **[INSERT TITLE, DEPARTMENT OF CITY (INDIVIDUAL OVERSEEING SERVICES).]**

**4. Termination.**

This Agreement may be terminated for convenience of either party, with or without cause, by giving written notice to the other party of such termination, which shall become effective upon fourteen (14) days following receipt by the other party of the written termination notice.

Upon termination in accordance with this paragraph, the Contractor shall be paid a sum equal to all payments due to him/her up to the date of termination; provided Contractor is satisfactorily continuing to satisfactorily perform all work and/or services up to the date of

termination. Thereafter, the City shall be fully discharged from any further liabilities, duties, and terms arising out of, or by virtue of, this Agreement.

**5. Indemnification/Hold Harmless.**

Contractor agrees to indemnify, defend, and hold harmless the City of Miami Beach and its officers, employees and agents, from and against any and all actions, claims, liabilities, losses and expenses, including but not limited to, attorney's fees, for personal economic or bodily injury, wrongful death, loss of or damage to property, at law or in equity, which may arise or be alleged to have arisen from the negligent acts or omissions or other wrongful conduct of Contractor, and/or any and all subcontractors, employees, agents, or any other person or entity acting under Contractor's control, in connection with the Contractor's performance of the work and/or services pursuant to this Agreement. Contractor shall pay all such claims and losses and shall pay all costs and judgments which may arise from any lawsuit arising from such claims and losses, and shall pay all costs and attorney's fees expanded by the City in defense of such claims and losses, including appeals. The parties agree that one percent (1%) of the total compensation to Contractor for performance of the work and/or services under this Agreement is the specific consideration from the City to Contractor for the Contractor's agreement to indemnify and hold the City harmless, as provided herein. Contractor and the City hereby agree and acknowledge that this indemnity provision is intended to and shall survive the termination (or earlier expiration) of this Agreement.

**6. Limitation of Liability.**

The City desires to enter into this Agreement only if in so doing the City can place a limit on City's liability for any cause of action for money damages due to an alleged breach by the City of this Agreement, so that its liability for any such breach never exceeds the sum of the compensation/fee to be paid to Contractor pursuant to this Agreement, less any amounts actually paid by the City as of the date of the alleged breach. Contractor hereby expresses his willingness to enter into this Agreement with Contractor's recovery from the City for any damage action for breach of contract to be limited to a maximum amount equal to the compensation/fee to be paid to Contractor pursuant to this Agreement, less any amounts actually paid by the City as of the date of the alleged breach. Accordingly, and notwithstanding any other term or condition of this Agreement, Contractor hereby agrees that the City shall not be liable to Contractor for damages in the amount in excess of the compensation/fee to be paid to Contractor pursuant to this Agreement, less any amounts actually paid by the City as of the date of the alleged breach, for any action or claim for breach of contract arising out of the performance or non-performance of any obligations imposed upon the City by this Agreement. Nothing contained in this subparagraph or elsewhere in this Agreement is in any way intended to be a waiver of the limitation placed upon City's liability as set forth in Section 768.28, Florida Statutes.

**7. Notices.**

All notices and communications in writing required or permitted hereunder may be delivered personally to the representatives of the Contractor and the City listed below or may be mailed by registered mail, postage prepaid (or airmailed if addressed to an address outside of the city of dispatch).

Until changed by notice in writing, all such notices and communications shall be addressed as follows:

CONTRACTOR:        **[INSERT NAME OF CONTRACTOR]**  
                          **[INSERT ADDRESS OF CONTRACTOR]**  
                          **[INSERT PHONE NUMBER]**

CITY:                 **[INSERT DEPARTMENT DIRECTOR]**  
                          City of Miami Beach  
                          **[INSERT DEPARTMENT NAME]**  
                          1700 Convention Center Drive  
                          Miami Beach, FL 33139  
                          (305) \_\_\_\_\_

Notices hereunder shall be effective:

If delivered personally, on delivery; if mailed to an address in the city of dispatch, on the day following the date mailed; and if mailed to an address outside the city of dispatch on the seventh day following the date mailed.

**8.     Venue.**

This Agreement shall be governed by, and construed in accordance with, the laws of the State of Florida, both substantive and remedial, without regard to principles of conflict of laws. The exclusive venue for any litigation arising out of this Agreement shall be Miami-Dade County, Florida, if in state court, and the U.S. District Court, Southern District of Florida, if in federal court. BY ENTERING INTO THIS AGREEMENT, CITY AND CONTRACTOR EXPRESSLY WAIVE ANY RIGHTS EITHER PARTY MAY HAVE TO A TRIAL BY JURY OF ANY CIVIL LITIGATION RELATED TO, OR ARISING OUT OF, THIS AGREEMENT.

**9.     Duty of Care/Compliance with Applicable Laws.**

With respect to the performance of the work and/or service contemplated herein, Contractor shall exercise that degree of skill, care, efficiency and diligence normally exercised by reasonable persons and/or recognized professionals with respect to the performance of comparable work and/or services.

In its performance of the work and/or services, Contractor shall comply with all applicable laws, ordinances, and regulations of the City, Miami-Dade County, the State of Florida, and the federal government, as applicable.

The Contractor agrees to adhere to and be governed by the Miami-Dade County Conflict of Interest Ordinance, as same may be amended from time to time; and by any and all ethics/standards of conducts as referenced in Chapter 2 of the City of Miami Beach Code (as may be amended from time to time).

Contractor covenants that it presently has no interest and shall not acquire any interest, direct or indirectly which should conflict in any manner or degree with the performance of the work and/or services. Contractor further covenants that in the performance of work and/or services under this Agreement, no person having any such interest shall knowingly be employed by the Contractor. No member of or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or to any benefits arising there from.

**10.    Ownership of Documents/Patents and Copyrights.**

Any and all documents prepared by Contractor pursuant to this Agreement are related exclusively to the work and/or services described herein, and are intended or represented for

ownership by the City. Any re-use distribution, or dissemination of same by Contractor, other than to the City, shall first be approved in writing by the City Manager, which approval, if granted at all, shall be at the City Manager's sole and absolute discretion.

Any patentable and/or copyrightable result arising out of this Agreement, as well as all information, specifications, processes, data and findings, shall be made available to the City, in perpetuity, for public use.

No reports, other documents, articles or devices produced in whole or in part under this Agreement shall be the subject of any application for patent or copyright by or on behalf of the Contractor (or its employees or sub-contractors, (if any) without the prior written consent of the City Manager, which consent, if given at all, shall be at the Manager's sole and absolute discretion.

11. **No Assignment/Transfer.**

This section intentionally left blank.

12. **Liability for Sub-contractors.**

Contractor shall be liable for its work and/or services, responsibilities and liabilities under this Agreement and the services, responsibilities and liabilities of any sub-contractors (if any), and any other person or entity acting under the direction or control of Contractor (if any). When the term "Contractor" is used in this Agreement, it shall be deemed to include any sub-contractors (if any) and/or any other person or entity acting under the direction or control of Contractor (if any). All sub-contractors (if any) must be approved in writing by the City Manager prior to their engagement by Contractor, which approval, if granted at all, shall be at the City Manager's sole and absolute discretion.

13. **Independent Contractor/No Joint Venture.**

**THIS AGREEMENT SHALL NOT CONSTITUTE OR MAKE THE PARTIES A PARTNERSHIP OR JOINT VENTURE. FOR THE PURPOSES OF THIS AGREEMENT, THE CONTRACTOR SHALL BE DEEMED TO BE AN INDEPENDENT CONTRACTOR, AND NOT AN AGENT OR EMPLOYEE OF THE CITY, AND SHALL NOT ATTAIN ANY RIGHTS OR BENEFITS UNDER THE CIVIL SERVICE OR PENSION ORDINANCE OF THE CITY, OR ANY RIGHT GENERALLY AFFORDED CLASSIFIED OR UNCLASSIFIED EMPLOYEES INCLUDING ANNUAL AND SICK DAY ACCRUAL. FURTHER, THE CONTRACTOR SHALL NOT BE DEEMED ENTITLED TO FLORIDA WORKER'S COMPENSATION BENEFITS AS AN EMPLOYEE OF THE CITY OR ACCUMULATION OF SICK OR ANNUAL LEAVE.**

14. **Waiver of Breach.**

A party's failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A party's waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.

15. **Severance.**

In the event this Agreement or a portion of this Agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless City elects to terminate this Agreement.

**16. Joint Preparation.**

The parties hereto acknowledge that they have sought and received whatever competent advice and counsel as was necessary for them to form a full and complete understanding of all rights and obligations herein and that the preparation of this Agreement has been a joint effort of the parties, the language has been agreed to by parties to express their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

**17. Entire Agreement.**

This writing and any exhibits and/or attachments incorporated (and/or otherwise referenced for incorporation herein) embody the entire Agreement and understanding between the parties hereto, and there are no other agreements and understandings, oral or written, with reference to the subject matter hereof that are not merged herein and superceded hereby.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by the respective officials thereunto duly authorized, this date and year first above written.

FOR CITY:

CITY OF MIAMI BEACH, FLORIDA

ATTEST:

By: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Manager

FOR CONTRACTOR:

[INSERT CONTRACTOR NAME]

WITNESS:

By: \_\_\_\_\_  
\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

By: \_\_\_\_\_  
\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name / Title

Approved:

\_\_\_\_\_  
Department Director

\_\_\_\_\_  
Office of Budget and Performance Improvement

\_\_\_\_\_  
Human Resources

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER, ON BEHALF OF THE CITY, TO ENTER INTO CERTAIN INDEPENDENT CONTRACTOR AGREEMENTS FOR PROFESSIONAL AND OTHER SERVICES, AS REQUIRED AND AS THE CITY MANAGER DEEMS IN THE BEST INTEREST OF THE CITY, SUBJECT TO AND CONTINGENT UPON THE FOLLOWING PARAMETERS: 1) THE CITY MANAGER SHALL ONLY ENTER INTO CONTRACTS FOR SUCH PROFESSIONAL AND OTHER SERVICES TO PROVIDE SERVICES AND/OR WORK RELATED TO VACANT BUDGETED POSITIONS, AS IDENTIFIED IN THE CITY'S APPROVED FISCAL YEAR (FY) 2010/2011 ANNUAL BUDGET; 2) THE AMOUNT OF THE FEE AND/OR OTHER COMPENSATION TO BE PAID BY THE CITY UNDER SUCH CONTRACT(S) SHALL NOT EXCEED THE AUTHORIZED AMOUNT FOR THE RESPECTIVE POSITION/CLASSIFICATION, AS SET FORTH, RESPECTIVELY, IN THE CITY'S CLASSIFIED OR UNCLASSIFIED SALARY ORDINANCE (AS THE CASE MAY BE); 3) THE TERM OF ANY INDEPENDENT CONTRACTOR AGREEMENT AUTHORIZED HEREIN SHALL NOT EXTEND BEYOND THE END OF FY 2010/2011 (SEPTEMBER 30, 2011); 4) AT A MINIMUM, THE CITY MANAGER SHALL REQUIRE THAT ANY INDEPENDENT CONTRACTOR AGREEMENT ENTERED INTO PURSUANT TO THIS RESOLUTION SHALL UTILIZE THE CITY'S STANDARD FORM FOR INDEPENDENT CONTRACTORS (AS ATTACHED TO THIS RESOLUTION), PROVIDED THAT THE CITY MANAGER MAY INCORPORATE ADDITIONAL TERMS, WHICH MAY BE MORE STRINGENT THAN THE CITY'S FORM, BUT NOT MORE LENIENT; AND 5) PROVIDING THAT THE AUTHORITY GRANTED TO THE CITY MANAGER PURSUANT TO THIS RESOLUTION SHALL BE BROUGHT TO THE CITY COMMISSION FOR RENEWAL ANNUALLY AS PART OF THE ANNUAL OPERATING BUDGET APPROVALS.

WHEREAS, under the City Charter, the City Manager has the authority to appoint an employee into a vacant, budgeted position with a salary within the range established by the City Commission for the classification; and

WHEREAS, given current financial realities, the City has had to eliminate positions in its annual budget for each of the last three (3) fiscal years and again for the fiscal year starting on October 1, 2010; and

WHEREAS, it has been the City's practice to restrict hiring for vacant positions where practicable; and

WHEREAS, all vacant positions identified to be filled are carefully analyzed, and positions that were deemed mission critical have been filled, but others have been held vacant; and

WHEREAS, this has been done to try to place employees whose positions may have been eliminated, and also to avoid hiring an employee and then possibly having to lay them off at the end of the fiscal year if their position is eliminated; and

**WHEREAS**, in some instances where positions were held vacant, the City has retained independent contractors to provide the respective services and/or work; and

**WHEREAS**, because the City Code requires contracts in excess \$25,000 to be approved by the City Commission, these agreements have typically been limited to that maximum amount; and

**WHEREAS**, on rare occasions, independent contractor agreements for amounts over \$25,000 have been brought to the City Commission for approval; and

**WHEREAS**, in an effort to save on both short-term and long-term costs, such as pension and health benefits, the Administration is recommending that the City Commission authorize the City Manager to negotiate, enter into, and execute certain independent contractor agreements, including those having an amount which may exceed \$25,000, subject to the following parameters:

- the independent contract agreements authorized under this Resolution will be limited to services and/or work related to a vacant, budgeted position, as approved in the City's Fiscal Year (FY) 2010/2011 annual operating budget;
- the value of the agreement will not exceed the amount already authorized in the City's Classified and Unclassified Salary Ordinances (as applicable), and will not extend beyond September 30, 2011; and
- any agreement entered into will contain, at a minimum, the provisions outlined in the City's standard form independent contractor agreement; and

**WHEREAS**, the City Commission granted similar authority to the City Manager on December 9, 2009 for FY 2009/2010, and since that time, only one (1) agreement was executed pursuant to that authority; and

**WHEREAS**, during the discussions for the initial authority, it was said that this authority would be brought back for renewal on an annual basis as part of the budget process, as the authority expires at the end of the fiscal year.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the City Manager is authorized, on behalf of the City, to enter into certain independent contractor agreements for professional and other services, as required and as the City Manager deems in the best interest of the City, subject to and contingent upon the following parameters: 1) the City Manager shall only enter into contracts for such professional and other services to provide services and/or work related to vacant budgeted positions, as identified in the City's approved Fiscal Year (FY) 2010/2011 Annual Budget; 2) the amount of the fee and/or other compensation to be paid by the City under such contract(s) shall not exceed the authorized amount for the respective position/classification, as set forth, respectively, in the City's Classified or Unclassified Salary Ordinance (as the case may be); 3) the term of any independent contractor agreement authorized herein shall not extend beyond the end of FY 2010/2011 (September 30, 2011); 4) at a minimum, the City Manager shall require that any independent contractor agreement entered into pursuant to this resolution shall utilize the City's standard form for independent contractors, provided that the City Manager may incorporate additional terms, which may be more stringent than the City's form, but not more lenient; and 5) providing that the authority granted to the City Manager pursuant to this Resolution shall be brought to the City Commission for renewal annually as part of the annual operating budget approvals.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

T:\AGENDA\2010\September 20\Consent\Independent Contractor Resos.doc

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

  
\_\_\_\_\_  
Date

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER, ON BEHALF OF THE CITY, TO ENTER INTO CERTAIN INDEPENDENT CONTRACTOR AGREEMENTS FOR THE FOLLOWING SERVICES, AS REQUIRED AND AS THE CITY MANAGER DEEMS IN THE BEST INTEREST OF THE CITY: DANCE INSTRUCTION; ICE SKATING INSTRUCTION; ATHLETICS INSTRUCTION/ COACHING; AEROBICS INSTRUCTION; FITNESS INSTRUCTION; LITERACY, MATH AND SAT TUTORING; SCHOOL LIAISON OFFICERS; RESIDENT PROJECT REPRESENTATIVES (RPR); COMMUNITY INFORMATION SERVICES; CONSTRUCTION COST ESTIMATING/CONSULTING SERVICES; TELEVISION PRODUCTION SERVICES; VIDEOGRAPHER SERVICES; GRAPHIC DESIGNER SERVICES; PROGRAM MONITOR SERVICES; COST ALLOCATION SERVICE; AND AUDITORS; PROVIDED FURTHER THAT THE CITY MANAGER SHALL BE AUTHORIZED TO NEGOTIATE, ENTER INTO, AND EXECUTE THE AFORESTATED AGREEMENTS SUBJECT TO THE FOLLOWING MINIMUM PARAMETERS: 1) THE AMOUNT OF THE FEE AND/OR OTHER COMPENSATION TO BE PAID BY THE CITY UNDER SUCH AGREEMENT(S) SHALL NOT EXCEED THE AUTHORIZED AMOUNT FOR THE RESPECTIVE SERVICES, AS SET FORTH IN THE CITY'S APPROVED FISCAL YEAR (FY) 2010/2011 ANNUAL BUDGET; 2) THE TERM OF ANY SERVICES AGREEMENT AUTHORIZED HEREIN SHALL NOT EXTEND BEYOND THE END OF FY 2010/2011 (SEPTEMBER 30, 2011); 3) AT A MINIMUM, THE CITY MANAGER SHALL REQUIRE THAT ANY AGREEMENT ENTERED INTO PURSUANT TO THIS RESOLUTION SHALL UTILIZE THE CITY'S STANDARD FORM INDEPENDENT CONTRACTOR AGREEMENT (AS ATTACHED TO THIS RESOLUTION), PROVIDED THAT THE CITY MANAGER MAY INCORPORATE ADDITIONAL TERMS, WHICH MAY BE MORE STRINGENT THAN THE CITY'S FORM, BUT NOT MORE LENIENT; AND 4) PROVIDING THAT THE AUTHORITY GRANTED TO THE CITY MANAGER PURSUANT TO THIS RESOLUTION SHALL BE BROUGHT TO THE CITY COMMISSION FOR RENEWAL ANNUALLY AS PART OF THE ANNUAL OPERATING BUDGET APPROVALS.

WHEREAS, the City budgets for certain services to be provided each year in its annual operating budget in the respective departmental budgets; and

WHEREAS, some of the services budgeted include: Dance Instruction, Ice Skating Instruction, Athletics Instruction/Coaching, Aerobics Instruction, Fitness Instruction, and Literacy, Math and SAT Tutoring for the Parks and Recreation Department; School Liaison Officers for the Police Department; Resident Project Representatives (RPR); Community Information Services; Construction Cost Estimating/Consulting Services for the Capital Improvement Projects (CIP) Office; Television Production Services, Videographer Services, and Graphic Designer Services for the Office of Communications; Homeless Outreach; Housing Services; Tutoring Services and Program Monitor Services for the Office of Real Estate, Housing and Community Development; Cost Allocation Services for the Finance Department; and Auditor Services for the Office of Budget and Performance Improvement; and

**WHEREAS**, because the City Code requires contracts in excess \$25,000 to be approved by the City Commission, agreements for these services have typically been limited to that maximum amount; and

**WHEREAS**, on rare occasions, independent contractor agreements for amounts over \$25,000 have been brought to the City Commission for approval; and

**WHEREAS**, in an effort to coordinate the execution of agreements for the kind of services and/or work referenced herein, the Administration is recommending that the City Commission authorize the City Manager to negotiate, enter into, and execute certain independent contractor agreements, including those having an amount which may exceed \$25,000, subject to the following parameters:

- the agreements will only be limited to the services and/or work specifically listed in this Resolution;
- the value of the agreement will not exceed the authorized amount for the respective services and/or work, as set forth in the City's Approved FY 2010/2011 Annual Budget;
- the term of the agreement shall not extend beyond the end of FY 2010/2011 (September 30, 2011); and
- any agreement entered into will contain, at a minimum, the provisions outlined in the City's standard form agreement for independent contractors; and

**WHEREAS**, the City Commission granted similar authority to the City Manager on December 9, 2009 for FY 2009/2010, and since that time, only four (4) agreements for School Liaison Officers were executed pursuant to that authority; and

**WHEREAS**, during the discussions for the initial authority, it was said that this authority would be brought back for renewal on an annual basis as part of the budget process, as the authority expires at the end of the fiscal year.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the City Manager is authorized, on behalf of the City, to enter into certain independent contractor agreements for the following services, as required and as the City Manager deems in the best interest of the City: Dance Instruction; Ice Skating Instruction; Athletics Instruction/Coaching; Aerobics Instruction; Fitness Instruction; Literacy, Math and SAT Tutoring; School Liaison Officers; Resident Project Representatives (RPR); Community Information Services; Construction Cost Estimating/Consulting Services; Television Production Services; Videographer Services; Graphic Designer Services; Program Monitor Services; and Auditors; provided further that the City Manager shall be authorized to negotiate, enter into, and execute the aforesated agreements subject to the following minimum parameters: 1) the amount of the fee and/or other compensation to be paid by the City under such agreement(s) shall not exceed the authorized amount for the respective services, as set forth in the City's approved Fiscal Year (FY) 2010/2011 Annual Budget; 2) the term of any services agreement authorized herein shall not extend beyond the end of FY 2010/2011 (September 30, 2011); 3) at a minimum, the City Manager shall require that any independent contractor agreement entered into pursuant to this resolution shall utilize the City's standard form for independent contractors, provided that the City Manager may incorporate additional terms, which may be more stringent than the City's form, but not more lenient; and 4) providing that the authority granted to the City Manager pursuant to

this Resolution shall be brought to the City Commission for renewal annually as part of the annual operating budget approvals.

**PASSED** and **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2010.

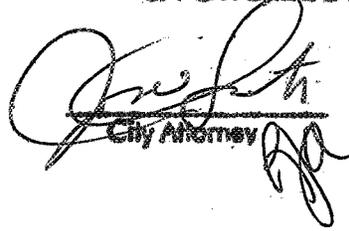
ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

T:\AGENDA\2010\September 20\Consent\Independent Contractor Resos.doc

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney

9/16/10  
\_\_\_\_\_  
Date

**Condensed Title:**

A Resolution adopting and appropriating funds for the Fiscal Year 2010/11 Police Special Revenue Account Budget in the amount of \$60,000.

**Key Intended Outcome Supported:**

Increase Resident and Business ratings of Public Safety.

**Supporting Data (Surveys, Environmental Scan, etc.):** According to the Center For Research and Public Policy Residential and Business Satisfaction Survey of City of Miami Beach residents in 2009, indicated that their three top most important areas of for the City of Miami Beach to address in an effort to improve public safety throughout the City is Preventing Crime 44.9%, Enforcing Traffic Laws 36.1% and Increasing Visibility of Police in Neighborhoods 32.4%,

**Issue:**

Shall the Mayor and City Commission adopt and appropriate funds for the purchase of miscellaneous items for the Miami Beach Police Department?

**Item Summary/Recommendation:**

Unclaimed evidence totaling \$60,000 has been in the custody of the Police Property and Evidence Unit past the sixty (60) day waiting period. These funds have now been placed in the Police Special Revenue Account Fund as provided by Resolution 90-19931, passed on March 7, 1990.

The Administration recommends that the Mayor and City Commission adopt the budget for the Fiscal Year 2010/11 Police Special Revenue Account in the amount of \$60,000 and appropriate funds.

**Advisory Board Recommendation:**

**Financial Information:**

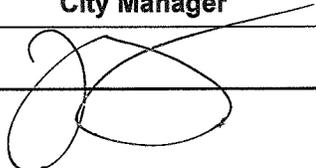
Source of Funds:		Amount	Account	Approved
 OBPI	1	\$ 60,000.00	Special Revenue Account 195.8000.369993	
	2			
	3			
	4			
	<b>Total</b>	<b>\$ 60,000.00</b>		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Mauvett Rattigan, Miami Beach Police Department

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
 Carlos Noriega, Chief		





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING FUNDS FOR THE FISCAL YEAR 2010/11 POLICE SPECIAL REVENUE ACCOUNT BUDGET IN THE AMOUNT OF \$60,000, SUCH ACCOUNT FUNDED BY UNCLAIMED EVIDENCE CURRENTLY HELD IN THE POLICE SPECIAL REVENUE - ACCOUNT.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### ANALYSIS

Florida Statute 705.105 "Procedure for Unclaimed Evidence" provides that unclaimed evidence in the custody of the court from a criminal proceeding, or seized as evidence by and in the custody of a law enforcement agency, shall become the property of that law enforcement agency 60 days after the conclusion of the proceedings.

In March 1990, a special account was established titled "Police Special Revenue Account" in the Special Revenue Fund. Funds for this account are made available in the Police Property and Evidence Unit, as unclaimed evidence, in accordance with Florida Statute 705.105 outlined above.

Unclaimed evidence totaling \$60,000 has been in the custody of the Police Property and Evidence Unit past the sixty (60) day waiting period. These funds have now been placed in the Police Special Revenue Account Fund, as provided in Resolution 90-19931, passed on March 7, 1990.

### CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the Budget for the Fiscal Year 2010/11 Police Special Revenue Account, and appropriate the amount of \$60,000 to provide funds for the purchase of miscellaneous items for the Police Department.

*JMG*  
JMG:CN:RM:MR

**EXHIBIT "A"**

**MIAMI BEACH POLICE DEPARTMENT  
SPECIAL REVENUE ACCOUNT  
BUDGET  
FISCAL YEAR 2010/11**

<b>COMMUNITY ACTIVITIES</b>	<b>\$</b>	<b>25,000</b>
<b>LAW ENFORCEMENT EQUIPMENT AND SUPPLIES</b>	<b>\$</b>	<b>15,000</b>
<b>MIAMI DADE COUNTY CHIEFS OF POLICE ASSOCIATION</b>	<b>\$</b>	<b>15,000</b>
<b>FACILITIES MAINTENANCE</b>	<b>\$</b>	<b>5,000</b>
	<b>TOTAL</b>	<b>\$ 60,000</b>

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING FUNDS FOR THE FISCAL YEAR 2010/2011 POLICE SPECIAL REVENUE ACCOUNT BUDGET IN THE AMOUNT OF \$60,000.00, SUCH ACCOUNT FUNDED BY UNCLAIMED EVIDENCE CURRENTLY HELD IN THE POLICE SPECIAL REVENUE ACCOUNT.**

**WHEREAS**, Section 705.105 of the Florida Statutes, sets forth the procedure for unclaimed evidence, which is seized by, and in the custody of the Miami Beach Police Department, and shall vest permanently in the Miami Beach Police Department sixty (60) days after the conclusion of the proceeding; and

**WHEREAS**, \$60,000.00 was seized, and has been in the custody of the Miami Beach Police Department Property and Evidence Unit in excess of the statutory period set forth in Section 705.105 of the Florida Statutes; and

**WHEREAS**, said funds have vested permanently in the Miami Beach Police Department, and have now been placed in the Police Special Revenue Account Fund, as provided by Resolution No. 90-19931, adopted on March 7, 1990.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, adopting and appropriating funds for the fiscal year 2010/2011 Police Special Revenue Account budget in the amount of \$60,000.00, such account funded by unclaimed evidence currently held in the Police Special Revenue Account .

**PASSED and ADOPTED** this \_\_\_\_\_ day of September, 2010.

**ATTEST:**

\_\_\_\_\_  
MAYOR MATTI HERRERA BOWER

\_\_\_\_\_  
ROBERT PARCHER, CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
  
CITY ATTORNEY AB DATE 9-2-10

**Condensed Title:**

A Resolution adopting and appropriating funds for the Fiscal Year 2010/11 Police Confiscation Trust Fund Budget in the amount of \$496,600 to be funded from the proceeds of the State and Federal Confiscated Funds.

**Key Intended Outcome Supported:**

Increase Resident and Business ratings of Public Safety.

**Supporting Data (Surveys, Environmental Scan, etc.):** According to the Center For Research and Public Policy Residential and Business Satisfaction Survey of City of Miami Beach residents in 2009, indicated that their three top most important areas of for the City of Miami Beach to address in an effort to improve public safety throughout the City is Preventing Crime 44.9%, Enforcing Traffic Laws 36.1% and Increasing Visibility of Police in Neighborhoods 32.4%,

**Issue:**

Shall the Mayor and City Commission adopt and appropriate funds for the Fiscal Year 2010/11 Police Confiscation Trust Fund Budget?

**Item Summary/Recommendation:**

The Chief of Police has reviewed and identified the needs for the appropriation and has established that the expenditures of forfeiture funds are in compliance with Section 932.7055, Florida State Statutes and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies.

The Administration recommends that the Mayor and City Commission adopt the Budget for the Fiscal Year 2010/11 Police Confiscation Trust Fund Budget and appropriate funds in the amount of \$496,600.

**Advisory Board Recommendation:**

N/A

**Financial Information:**

Source of Funds:		Amount	Account
 OBPI	1		Confiscation Funds:
	2	\$201,100.00	607-8000-351210 State funds-Confiscation
	3	\$295,500.00	603-8000-351211 Federal-Justice funds
	4		
	<b>Total</b>	<b>\$496,600.00</b>	

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Mauvett Rattigan, Miami Beach Police Department

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
Carlos Noriega, Chief		





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING FUNDS FOR THE POLICE CONFISCATION TRUST FUND BUDGET FOR FISCAL YEAR 2010/11 IN THE AMOUNT OF \$496,600 TO BE FUNDED FROM THE PROCEEDS OF STATE CONFISCATED FUNDS (\$201,100) AND FEDERAL-JUSTICE (\$295,500) CONFISCATED FUNDS.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### ANALYSIS

Florida Statute 932.7055 provides for expenditures of forfeiture funds for law enforcement purposes.

The Miami Beach Chief of Police, Carlos Noriega, has reviewed and identified the need for the appropriation and has established that the expenditures of forfeiture funds are in compliance with Section 932.7055, Florida State Statutes, and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies. These forfeiture funds have been deposited in the Police Confiscation Trust Fund. The City has complied with all statutory procedures involved in the transaction of these funds.

### CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the Budget for the Fiscal Year 2010/11 Police Confiscation Trust Fund and appropriate funds in the amount of \$496,600, to be funded from the proceeds of State and Federal Confiscation Funds.

*Ray MR*  
JMG/CN/RM/MR

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING FUNDS FOR THE POLICE CONFISCATION TRUST FUND BUDGET FOR FISCAL YEAR 2010/2011 IN THE AMOUNT OF \$496,600.00 TO BE FUNDED FROM STATE CONFISCATED FUNDS (\$201,100.00) AND FEDERAL CONFISCATED FUNDS (\$295,500.00).**

**WHEREAS**, Section 932.7055 of the Florida Statutes sets forth the purpose and procedures to be utilized for the appropriation and expenditures of the Police Confiscation Trust Fund; and

**WHEREAS**, the proceeds and interest earned from the Police Confiscation Trust Fund is authorized to be used for crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes; and

**WHEREAS**, the Chief of Police is authorized to expend these funds upon request to the City of Miami Beach Commission, and only upon appropriation to the Miami Beach Police Department by the City of Miami Beach Commission; and

**WHEREAS**, the Chief of Police of the City of Miami Beach has submitted a written certification which states that this request complies with the provisions of Section 932.7055 of the Florida Statutes (written certification attached as Exhibit A), and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies; and

**WHEREAS**, funds in the amount of \$496,600.00 are available in the Police Confiscation Trust Fund.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, adopting and appropriating funds for the Police Confiscation Trust Fund Budget for fiscal year 2010/2011 in the amount of \$496,600.00 to be funded from State Confiscated Funds (\$201,100.00) and Federal Confiscated Funds (\$295,500.00).

**PASSED and ADOPTED** this \_\_\_\_\_ day of September, 2010.

**ATTEST:**

\_\_\_\_\_  
MAYOR MATTI HERRERA BOWER

\_\_\_\_\_  
ROBERT PARCHER, CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
  
\_\_\_\_\_  
CITY ATTORNEY AB DATE 9/3/10

AFFIDAVIT

I, Raymond Martinez, Acting Chief of Police, City of Miami Beach, do hereby certify that the aforementioned proposed request for expenditures from the City of Miami Beach Police Confiscation Trust Fund, for the 2010/11 fiscal year providing funds for expenditures as indicated on Exhibit "A", complies with the provisions of Section 932.7055(4)(a), Florida Statutes, and the Guide to Equitable Sharing of Federally Forfeited Property for Local Law Enforcement Agencies.



\_\_\_\_\_  
Raymond Martinez  
Acting Chief of Police  
Miami Beach Police Department

9/10/10  
Date

EXHIBIT "A"

MIAMI BEACH POLICE DEPARTMENT  
CONFISCATION TRUST FUND BUDGET  
FISCAL YEAR 2010/11

FEDERAL CONFISCATION FUNDS-Justice:

ORGANIZATIONAL TRAINING	\$ 100,500
LAW ENFORCEMENT FACILITIES AND EQUIPMENT	\$ 125,000
LAW ENFORCEMENT EQUIPMENT	\$ 70,000
SUB-TOTAL OF FEDERAL CONFISCATION FUNDS-Justice	<u>\$ 295,500</u>

STATE FUNDS:

COST CONNECTED WITH THE PROSECUTION AND PROCESSING OF FORFEITURE CASES	\$ 15,000
CRIME PREVENTION INITIATIVES & SCHOOL LIAISON PROJECTS	\$ 22,500
CRIME SCENE PROCESSING EQUIPMENT	\$ 126,100
SUB-TOTAL OF STATE FUNDS	\$ 163,600
GRANT MATCH:	\$ 37,500
SUB-TOTAL OF STATE FUNDS (Grant Match)	\$ 37,500
TOTAL OF STATE FUNDS:	<u>\$ 201,100</u>
TOTAL OF FEDERAL AND STATE FUNDS:	<u>\$ 496,600</u>

THIS PAGE INTENTIONALLY LEFT BLANK

**Condensed Title:**

A Resolution adopting and appropriating funds for the Fiscal Year 2010/11 Police Training & School Resources Fund Budget in the amount of \$33,000.

**Key Intended Outcome Supported:**

Increase Resident and Business ratings of Public Safety.

**Supporting Data (Surveys, Environmental Scan, etc.):** According to the Center For Research and Public Policy Residential and Business Satisfaction Survey of City of Miami Beach residents in 2009, indicated that their three top most important areas of for the City of Miami Beach to address in an effort to improve public safety throughout the City is Preventing Crime 44.9%, Enforcing Traffic Laws 36.1% and Increasing Visibility of Police in Neighborhoods 32.4%,

**Issue:**

Shall the Mayor and City Commission adopt and appropriate funds for education of Miami Beach Police Department personnel?

**Item Summary/Recommendation:**

The Police Training & School Resources Fund provides funds for the education of police personnel at various schools, conferences, and workshops and for the purchase of training/operational supplies in accordance with guidelines established by the Division of Criminal Justice Standards and Training, as provided by Section 938.15, Florida Statutes the source of such funds being court costs from criminal proceedings.

In accordance with Florida Statute, Section 938.15, Criminal Justice Trust Fund, such funds are projected to be received amounting to \$33,000.

The Administration recommends that the Mayor and City Commission adopt the budget for the Fiscal Year 2010/11 Police Training & School Resources Fund and appropriate funds in the amount of \$33,000.

**Advisory Board Recommendation:**

**Financial Information:**

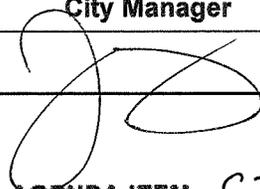
Source of Funds:	Amount	Account	Approved
 OBPI	1	\$ 33,000.00	Police Training & School Resources Fund
	2		608-8000-351300
	3		
	4		
	<b>Total</b>	<b>\$ 33,000.00</b>	

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

*MR* Mauvett Rattigan, Miami Beach Police Department

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
 Carlos Noriega, Chief		



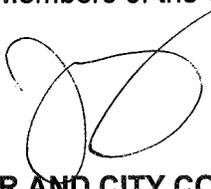


# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: September 20, 2010

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING FUNDS FOR THE FISCAL YEAR 2010/11 POLICE TRAINING & SCHOOL RESOURCES FUND BUDGET IN THE AMOUNT OF \$33,000.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### ANALYSIS

Florida Statute, Section 938.15, entitled "Criminal Justice Education for Local Government", provides for funds to be made available to the law enforcement agency for expenditures related to criminal justice education degree programs and training courses.

The Police Training & School Resources Fund provides funds for the education of police personnel at various schools, conferences, and workshops and for the purchase of training, operational supplies in accordance with guidelines established by the Division of Criminal Justice Standards and Training, as provided by Florida Statute, Section 938.15; the source of such funds being court costs from criminal proceedings.

In accordance with Florida Statute, Section 938.15, entitled "Criminal Justice Education for Local Government", such funds are projected to be received amounting to \$33,000, such funds being court costs from criminal proceedings.

### CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the budget for the Fiscal Year 2010/11 Police Training & School Resources Fund and appropriate funds in the amount of \$33,000.

  
JMG:CN:RM:MR

AFFIDAVIT

I, Raymond Martinez, Acting Chief of Police, City of Miami Beach, do hereby certify that the aforementioned proposed request for expenditures from the City of Miami Beach Police Training & School Resources Fund for the 2010/11 fiscal year, to provide funds for the education of police personnel at various schools, conferences, and workshops and for the purchase of training and operational supplies, is in accordance with guidelines established by the Division of Criminal Justice Standards and Training, as provided by Section 938.15 and 943.25, Florida Statutes.



\_\_\_\_\_  
Raymond Martinez  
Acting Chief of Police  
Miami Beach Police Department

9/3/10  
\_\_\_\_\_  
Date

**RESOLUTION TO BE SUBMITTED**

**Condensed Title:**

A resolution of the Mayor and City Commission of Miami Beach, Florida, approving the execution of professional service agreements with Arts for Learning/Miami, Inc. and Friends of the Bass Museum, Inc. for Curriculum-based Arts Education Program.

**Key Intended Outcome Supported:**

Enhance learning opportunities for youth

**Supporting Data (Surveys, Environmental Scan, etc.):** According to the 2009 Survey, on average, residents attended cultural activities 10.61 times per month and family friendly activities 7.19 times per month. Additionally, 24.2 % of residents said the City should strive not to reduce arts and culture.

**Issue:**

Shall the City enter into professional service agreements with Arts for Learning/Miami, Inc. and Friends of the Bass Museum, Inc. to provide arts education programs for Miami Beach youth?

**Item Summary/Recommendation:**

Since FY 2005/06 the City has contracted for in-school curriculum-based arts education programs and after-school arts classes in Miami Beach schools and parks, allowing thousands of children and youth to benefit from the proven advantages arts education provides: higher grade point averages, higher test scores, greater participation and community involvement, and lower drop-out rates.

The Administration is recommending entering into professional services agreements with Arts for Learning/Miami, Inc. to provide 30 16-week-long after-school arts classes at Miami Beach schools and parks at a cost not to exceed \$55,000; and with Friends of the Bass Museum, Inc. to expand its highly successful in-school curriculum-based IDEA@theBass program to include every 4<sup>th</sup> and 5<sup>th</sup> grade classroom in Miami Beach at a cost not to exceed \$50,000. Together these two programs will reach reach 1,500 students in addition to the 3,600 schoolchildren in grades K - 3 already participating in IDEA@theBass.

It is recommended that the Mayor and City Commission approve the resolution.

**Advisory Board Recommendation:**

The Cultural Arts Council approved the expenditure at its meeting on May 6, 2010.

**Financial Information:**

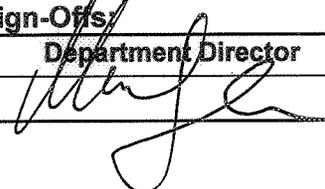
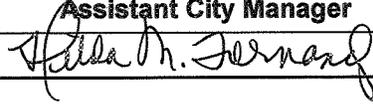
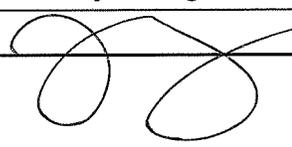
Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 40px; margin-bottom: 5px;"></div> OBP!	1	\$75,000	140.6080 Cultural Arts Council Fund
	2	\$30,000	011.0380 - Tourism and Cultural Development Dept.
	3		
	<b>Total</b>	<b>\$105,000</b>	

Financial Impact Summary: N/A

**City Clerk's Office Legislative Tracking:**

Max Sklar, Ext 6116

**Sign-Offs/**

Department Director	Assistant City Manager	City Manager
		





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

SUBJECT: **PROFESSIONAL SERVICES AGREEMENT FOR CURRICULUM-BASED ARTS EDUCATION PROGRAMMING**

**A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A NEW PROFESSIONAL SERVICES AGREEMENT WITH ARTS FOR LEARNING/MIAMI, A NOT-FOR-PROFIT CORPORATION, FOR AFTER-SCHOOL ARTS EDUCATION PROGRAMS AT VARIOUS CITY SCHOOLS AND PARKS, IN AN AMOUNT NOT TO EXCEED \$55,000, SAID AGREEMENT HAVING AN INITIAL TERM OF ONE (1) YEAR, COMMENCING ON OCTOBER 1, 2010, AND ENDING ON SEPTEMBER 30, 2011, WITH THE OPTION, AT THE CITY'S SOLE DISCRETION, TO EXTEND FOR AN ADDITIONAL TWO (2) YEARS**

**A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH FRIENDS OF THE BASS MUSEUM, A NOT-FOR-PROFIT CORPORATION, FOR EXPANSION OF "IDEA@THE BASS" CURRICULUM-BASED ARTS EDUCATION PROGRAMS IN EVERY MIAMI BEACH ELEMENTARY SCHOOL FOR FISCAL YEAR 2010/2011, IN AN AMOUNT NOT TO EXCEED \$50,000, SAID AGREEMENT HAVING AN INITIAL TERM OF ONE (1) YEAR, COMMENCING ON OCTOBER 1, 2010, AND ENDING ON SEPTEMBER 30, 2011, WITH THE OPTION, AT THE CITY'S SOLE DISCRETION, TO EXTEND FOR AN ADDITIONAL TWO (2) YEARS**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolutions.

### FUNDING

Funding is available within the Tourism and Cultural Development and Cultural Arts Council's (CAC) budgets for Fiscal Year 2010/2011.

## **ANALYSIS**

In January 2006, via Resolution No. 2006-26096, and pursuant to Section 287.057 of the Florida Statutes which exempts these services from competitive bidding requirements, the City Commission authorized the execution of an agreement with Arts For Learning/Miami ("A4L"), a not-for-profit corporation, to provide in-school curriculum-based arts education in Miami Beach schools, after-school and summer camp arts education programs in the schools and parks, and arts education in pre-school and day care centers (as approved by the city administration). Said agreement was extended for an additional year, per the resolution, due to the overwhelmingly positive response from teachers, students, parents and parks staff. As such, funding was included and approved in the FY 2006/07 budget to continue the program for an additional year to offer Miami Beach students the opportunity to benefit from the proven advantages arts education provides: higher grade point averages, higher test scores, greater participation and community involvement, and lower drop-out rates.

The City's FY 2007/08 adopted budget included up to \$117,000 in funding in the Tourism and Cultural Development Department budget to continue the Arts Education Program. Furthermore, Tourism and Cultural Development has established Department Performance Indicators tied to this program in the department's Performance Plan based on the fact that this program was included in the adopted budget. On December 12, 2007 the City Commission approved Resolution No. 2007-26724, which authorized the execution of a new professional services agreement with A4L which ultimately allowed them to provide arts education services through September 30, 2010.

In FY 2005/06, the first year of the contracted programs, the City was able to offer arts programming at Flamingo Park summer camp and at two early childhood centers (RAIN and Happy Kids/Jefferson,) reaching a total of 465 children. In FY 2006/07, programming expanded to include eight early childhood centers (Children Around the World, Happy Kids/Byron, King's Kids Palace, Rainbow Miami Beach, Stars Learning Center, Montessori School Temple Beth Shmuel, Montessori Academy of St. John, and Abbott School; Fienberg-Fisher, Treasure Island and North Beach Elementary Schools; teacher training at Nautilus Middle School; and after-school programs at Biscayne Elementary, Treasure Island Elementary, Flamingo Park, North Shore Park and Youth Center, and Scott Rakow Youth Center, benefiting a total of 4,760 children. In FY 2007/08 programming childhood programs at Raindrops, St. Patrick Pre-school and Temple Menorah Early Childhood Program; teacher training at Fienberg-Fisher Elementary and Nautilus Middle School; after-school classes at Biscayne Elementary, Flamingo Park and Scott Rakow Youth Center; and summer camp programs at Flamingo Park. A total of 1,441 children were served. Early childhood programs in FY 2008/09 were offered at St. Patrick Pre-school, Temple Menorah Early Childhood Program, Mt. Sinai Young Presidents Club Child Care Center, and Children Around the World; teacher training continued at Fienberg-Fisher Elementary; and after-school classes were conducted at Flamingo Park, Scott Rakow Youth Center, and Biscayne Elementary School. Live performances were presented to children at Biscayne Elementary, Flamingo Park, St. Patricks Pre-school and Miami Beach Senior High. Total number of participants was 2,949. In FY 2009/10 programming included early childhood classrooms at Mt. Sinai Young Presidents Club Child Care Center, St. Patrick Pre-school, Temple Menorah Early Childhood Program, and Happy Kids; teacher training at Fienberg Fisher; and after-school classes at Scott Rakow Youth Center, Biscayne Elementary School and Flamingo Park, serving a total of 2,178 children.

Based on the positive experience and results accomplished through its arts education initiative, the Administration believes it is in the City's best interest to continue these programs, and proposes to contract with A4L to continue to offer after-school arts classes at Miami Beach schools and parks. In addition, and in order to reach as many students as possible, the Administration is proposing to contract with the Friends of the Bass Museum, Inc. to expand "IDEA@theBass", its highly successful, in-school curriculum-based program. IDEA@theBass is currently being offered to every grade K – 3 students in every Miami Beach feeder pattern elementary school. Expanding the program to include 4<sup>th</sup> and 5<sup>th</sup> graders would allow a 50% increase (1,800 additional students) in the population served at all Miami Beach feeder pattern schools, to approximately 5,400 total schoolchildren. However, this agreement will only provide funding for expansion of the program to the Miami Beach elementary schools.

#### *Arts For Learning/Miami*

Arts for Learning/Miami ("A4L") is a community-based non-profit organization dedicated to advancing teaching and learning through the arts and community cultural resources. It was established by a group of business and community leaders in 2000 as a partnership between the Miami-Dade Cultural Affairs Council, Miami-Dade County Public Schools, and Young Audiences, the nation's leading supplier of arts-in-education services. Through hands-on professional development for teachers and teaching artists, creation and dissemination of multi-media teaching resources, community arts programming and parent outreach, A4L is creating a comprehensive system for infusing cultural arts into early learning, K – 12 education, and after-school and summer programs. A4L has offered its programs in Miami Beach since its first CAC grant in 2002.

#### *IDEA@theBass*

IDEA@theBass is a transformative, in-school creativity program that uses art to stimulate critical thinking skills of children between the ages of 3 and 10. It is based on a method of problem-solving developed by the Bass Museum of Art in conjunction with Stanford University's acclaimed "d.school" (Hasso Plattner Institute of Design,) founded and supported by David Kelley, a proponent of Design Thinking and Chairman of the renown design firm IDEO. Design Thinking is a process for practical, creative resolution of problems or issues that looks for an improved future imaginative result. Unlike analytical thinking, Design Thinking is a creative process based on the building up of ideas. This method of problem-solving eliminates fear of failure, encourages vocalization, ideation (brainstorming,) and prototyping. The program is structured to relate to the International Baccalaureate Program and to meet all Florida Sunshine State Standards.

The Bass Museum is not only concerned with numbers of students exposed to the program, but also, and most importantly, the immersion quality and depth of their experience. This is not a typical art program, nor a typical art appreciation program. Children are not asked to copy what they see. Instead they are asked to brainstorm about what they see and create their own versions or interpretations. This method empowers and trains the teacher to use the custom-designed materials created for and provided by the program to teach their lesson plans using art. The teachers are trained at workshops and have back-up visits and consultations with Dr. Adrienne Von Lates, who personally visits the schools to support the programs.

With the continued state-wide reduction in in-school art instruction and activity, it is increasingly more important to provide curriculum-enhancing arts programs that can be used to teach core curriculum and satisfy statewide educational standards. IDEA@theBass is at its most basic an arts appreciation program, yet it seamlessly meshes with core curriculum, specifically that of the IB program, to allow for art to transcend typical arts-in-education activities and become a vehicle for total learning. IDEA@theBass was launched last year with the support of the John S. and James L. Knight Foundation Knight Arts Challenge, which provided seed funding of \$300,000 over three years.

### **SCOPE OF SERVICES**

*Arts For Learning:* A4L's after-school programs have demonstrated that when children participate in high-quality after-school programming, they increase their artistic abilities as well as develop self-confidence and self-esteem. Children and youth learn to use the arts to communicate their ideas, work as a team, and find their own voice. For these programs, artists will conduct 30 16-week-long classes at schools and parks in Miami Beach parks and school locations at a cost of \$55,000. Each course is customized to complement the goals of the selected location. Approximate number of children served: 300.

*IDEA@theBass:* IDEA@theBass is currently offered at all Miami Beach feeder-pattern elementary schools in a total of 120 K – 3 classrooms serving approximately 3,600 schoolchildren. Expansion funding of \$50,000 would increase programming to include all 4<sup>th</sup> and 5<sup>th</sup> grade classrooms at the Miami Beach elementary schools, which include North Beach Elementary, South Pointe Elementary, Fienberg-Fisher Elementary and Biscayne Elementary, adding another 40 classrooms and approximately 1,200 students. The Bass Museum will be seeking additional funding to also expand the program to Treasure Island Elementary and Ruth K. Broad – Bay Harbor Elementary/Middle School.

### **CONCLUSION**

The Administration recommends approving professional services agreements with Arts for Learning/Miami and with Friends of the Bass Museum, Inc for arts education programs for fiscal year 2010/2011, with the option at the city's sole discretion, to extend said professional services agreements for two additional years contingent upon funds appropriations and program performance evaluations.

JMG/HMF/MAS/gf

F:\info\$ALL\Max\TCD\Commission Memos\A4L Commission Memo 10.doc

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A NEW PROFESSIONAL SERVICES AGREEMENT WITH ARTS FOR LEARNING/MIAMI, A NOT-FOR-PROFIT CORPORATION, FOR AFTER-SCHOOL ARTS EDUCATION PROGRAMS AT VARIOUS CITY SCHOOLS AND PARKS, IN AN AMOUNT NOT TO EXCEED \$55,000, SAID AGREEMENT HAVING AN INITIAL TERM OF ONE (1) YEAR, COMMENCING ON OCTOBER 1, 2010, AND ENDING ON SEPTEMBER 30, 2011, WITH THE OPTION, AT THE CITY'S SOLE DISCRETION, TO EXTEND FOR AN ADDITIONAL TWO (2) YEARS**

**WHEREAS**, on December 12, 2007, the Mayor and City Commission approved Resolution No. 2007-26724, approving and authorizing the Mayor and City Clerk to execute a Professional Services Agreement with Arts For Learning/Miami to provide arts education programs at various city public schools, parks and day-care centers; and

**WHEREAS**, said Agreement will expire on September 30, 2010 and no longer has renewal options; and

**WHEREAS**, the city's FY 2010/11 budget includes funding in the Tourism and Cultural Development Department budget to continue the Arts Education Program;

**WHEREAS**, the City Administration recommends contracting with Arts for Learning/Miami for a one year initial term, with two renewal options at the City's sole discretion for arts education programming at after-school programs at City parks and Miami Beach public schools.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby approve and authorize the Mayor and City Clerk to execute a new Professional Services Agreement with Arts For Learning/Miami, Inc., a not for profit corporation, to provide after-school arts education classes at Miami Beach public schools and various City parks and youth centers (as shall be determined by the City Administration) for Fiscal Year 2010/11, in the amount not to exceed \$55,000, said agreement having an initial term of one (1) year, commencing on October 1, 2010, and ending on September 30, 2010, with the option, at the City's sole discretion, to extend for an additional two (2) years.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

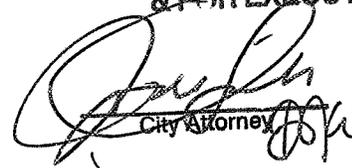
ATTEST:

\_\_\_\_\_  
MAYOR:

\_\_\_\_\_  
CITY CLERK

JMG/HMF/MAS/gf

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

9/8/10  
\_\_\_\_\_  
Date

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH FRIENDS OF THE BASS MUSEUM, A NOT-FOR-PROFIT CORPORATION, FOR EXPANSION OF "IDEA@THE BASS" CURRICULUM-BASED ARTS EDUCATION PROGRAMS IN EVERY MIAMI BEACH ELEMENTARY SCHOOL FOR FISCAL YEAR 2010/2011, IN AN AMOUNT NOT TO EXCEED \$50,000, SAID AGREEMENT HAVING AN INITIAL TERM OF ONE (1) YEAR, COMMENCING ON OCTOBER 1, 2010, AND ENDING ON SEPTEMBER 30, 2011, WITH THE OPTION, AT THE CITY'S SOLE DISCRETION, TO EXTEND FOR AN ADDITIONAL TWO (2) YEARS

WHEREAS, the City has contracted with Arts for Learning/Miami since 2006 to provide in-school, curriculum-based arts education programs in Miami Beach public schools, in addition to preschool and after-school programming at City schools, parks and youth centers; and

WHEREAS, the Administration would like to expand such in-school programming to reach as many students as possible; and

WHEREAS, the innovative, cost-effective and highly successful IDEA@theBass in-school, curriculum-based arts education program is currently being offered in every Miami Beach kindergarten through third grade classroom to enhance Sunshine State and International Baccalaureate program standards; and

WHEREAS, if funding allows, it is the Administration's intent to expand the IDEA@theBass program to include every fourth and fifth grade classroom in Miami Beach; and

WHEREAS, the City Administration recommends contracting with the Friends of the Bass Museum for a one year initial term, with two renewal options at the City's sole discretion for arts education programming at every public elementary school in Miami Beach.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and authorize the Mayor and City Clerk to execute a Professional Services Agreement with Friends of the Bass Museum, Inc., a not for profit corporation, to provide its IDEA@theBass in-school curriculum-based program to every 4<sup>th</sup> and 5<sup>th</sup> grade classroom at North Beach, South Pointe, Fienberg-Fisher and Biscayne Elementary Schools for Fiscal Year 2010/11, in the amount not to exceed \$50,000, said agreement having an initial term of one (1) year, commencing on October 1, 2010, and ending on September 30, 2011, with the option, at the City's sole discretion, to extend for two (2) additional years.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ATTEST:

\_\_\_\_\_  
MAYOR:

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
CITY CLERK

JMG/HMF/MAS/gf

  
\_\_\_\_\_  
City Attorney  
Date 9/8/10

THIS PAGE INTENTIONALLY LEFT BLANK

**Condensed Title:**

A Resolution approving the allocation of \$536,495 from FY 2010/11 General Fund account 011.0930 to the Friends of the Bass Museum for the purpose of funding operating expenses at the Museum through September 30, 2011; and further authorizing the City Manager to execute a Letter Agreement with the Friends of the Bass Museum in the amount of \$536,495.

**Key Intended Outcome Supported:**

Increase community rating of cultural activities.

**Supporting Data (Surveys, Environmental Scan, etc.):**

The 2009 Community Satisfaction Survey shows that 73.3 % of residents and 58.7 % of businesses feel the City has the "right amount" of cultural events available. The same survey shows that residents attend museums on average 6.85 times per year. However, 29.3% of residents also feel the City has "too few" museums.

**Issue:**

Should the City Commission adopt the resolution?

**Item Summary/Recommendation:**

The Bass Museum was established from its inception as a strong public/private partnership through a contractual agreement entered into 45 years ago when the City accepted the gift of the art collection of John and Johanna Bass. This agreement stipulates that the City will maintain the collection in perpetuity, keep it open to the public, and provide basic funding for the maintenance and exhibition of the collection. The agreement further stipulates that the Bass Museum, as an operating entity, should be overseen by a Board of Trustees. In addition to the City and the Board of Trustees, a third entity has existed to promote and further the mission of the Bass Museum of Art: The Friends of the Bass Museum, Inc. This private and separate 501(c)3 organization was established in 1978 as the membership and fundraising arm of the Museum. For the past several years there has been discussion at the Trustee Board regarding a change to the governance structure of the Bass Museum; the need for this change was also identified through a strategic planning process and peer review.

At the June 3, 2009, City Commission Meeting, Resolution No. 2009-27089 was approved, which authorized the transfer of \$137,000 to the Friends of the Bass Museum. Transferring the budget allocations for certain line items began the process of transitioning much of the day-to-day administration and oversight of the Museum to the Friends pending a larger re-vamp of the governing structure of the Museum. This concept was also discussed at the May 5, 2009 Finance and Citywide Projects Committee. The Finance Committee approved the transfer of those operating line item balances and recommended that the Administration come back, as part of the City budget process, for any future allocations. Accordingly, at the September 24, 2009 City Commission Meeting, Resolution No. 2009-27216 was approved, authorizing the transfer of \$512,000 to the Friends of the Bass Museum, to fund certain operating expenses for Fiscal Year 2009-10. Concurrently, the City and Dennis Richards (as successor in interest to John and Johanna Bass) began discussing changes to the existing Agreement to address the governance issues.

On March 10, 2010, the City Commission adopted Resolution No. 2010-27349 amending the agreement between the City and Dennis Richard.

The City is now finalizing a separate management agreement with the Bass Museum, Inc., the new entity that will assume the day-to-day management and operation of the Museum on behalf of the City. However, there are still some outstanding items that need to be finalized. Therefore, similar to the September 2009 action, the Administration is seeking authorization to allocate \$536,495 to the Friends of the Bass for salary expenses related to the Museum's Assistant Director, curatorial services, security guard, and a building supervisor (these funds are available as a result of vacancies in these positions), as well as transferring funds for operating expenses as approved in 2009.

**Advisory Board Recommendation:**

The Finance and Citywide Projects Committee endorsed this concept at the May 5, 2009 meeting.

**Financial Information:**

Source of Funds:	Amount	Account	Approved
1	\$ 536,495	FY 2010/11 General Fund 011.0930	
2			
<b>Total</b>	<b>\$ 536,495</b>		

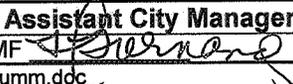
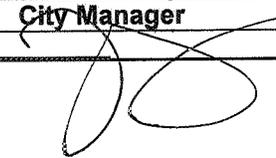
  
OBPI

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Max Sklar, ext. 6116

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
MAS	HMF 	JMG 

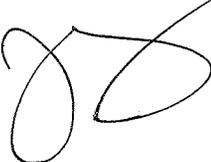
T:\AGENDA\2010\September 20\Bass Budget Summ.doc





## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: September 20, 2010

SUBJECT **A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AN ALLOCATION, IN THE AMOUNT OF \$536,495, FROM FY 2010/11 GENERAL FUND ACCOUNT NO. 011.0930; SAID ALLOCATION TO BE PROVIDED AND UTILIZED BY THE FRIENDS OF THE BASS MUSEUM, INC., FOR THE PURPOSE OF CONTINUING TO FUND AND PROVIDE CERTAIN OPERATING EXPENSES AT THE BASS MUSEUM OF ART, THROUGH SEPTEMBER 30, 2011; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE A NEW LETTER AGREEMENT WITH THE FRIENDS OF THE BASS MUSEUM, INC. MEMORIALIZING THE PARTIES' RESPECTIVE OBLIGATIONS WITH REGARD TO CERTAIN MANAGEMENT AND OPERATION RESPONSIBILITIES OF THE BASS MUSEUM THROUGH SEPTEMBER 30, 2011.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### FUNDING

Funding is available in the FY 2010/11 General Fund, Bass Museum of Art Budget.

### ANALYSIS

The Bass Museum was established from its inception as a strong public/private partnership through a contractual agreement entered into 45 years ago when the City accepted the gift of the art collection of John and Johanna Bass. This agreement stipulates that the City will "maintain the collection in perpetuity... provide for the exhibition of the collection, keep it open and available to the public," and provide basic funding for the maintenance and exhibition of the collection. The City fulfills this obligation by funding the operational elements of the Museum, and maintaining the building, which is a City asset. The agreement further stipulated that the Bass Museum, as an operating entity, should be overseen by a Board of Trustees with responsibility for Museum policies and procedures, as well as day-to-day management through the staff it employed. The Museum's Executive Director/Chief Curator, for example, is a City employee with full benefits, but is hired by, and answers to, the Board of Trustees.

In addition to the City and the Board of Trustees, a third entity has existed to promote and further the mission of the Bass Museum of Art: The Friends of the Bass Museum, Inc. This private and separate 501(c)3 organization was established in 1978 as the membership and fundraising arm of the Museum. The President of the Friends chairs the Board of Trustees. The Friends' Board of Directors serves as advisory to the Trustees, advocates and raises funds for the Museum, and sponsors Museum programs, which include all special exhibitions and educational programs. The Museum's membership, education, development and marketing efforts are realized by employees of the Friends of the Bass Museum. Thus the current Museum staff consists of City employees (both classified and unclassified) and Friends employees, with substantial differences in benefits and pay scales.

To remedy this situation, the Administration began working with the Museum's staff and Boards to streamline the current governance model and to standardize employment practices. The need for a

modification of the Museum's governance structure was also identified through a Strategic Planning Process and Peer Review. While the City remains fully committed to the Bass Museum and its success, both the Administration and the Museum felt that the City can continue to fulfill its contractual obligations without having actual City employees working at the Museum, while funding for the Museum may be better allocated if the Museum is able to function independent of certain City processes and contracts. To this end two recently-vacated City positions at the Bass, the Assistant Director and Curator, have been filled as employees of the Friends. The objective is to transition all Bass Museum positions to the Friends of the Bass over time, which will allow for significant savings to the City in salaries and benefits (especially pension). Additional savings in certain operational line items have also been identified.

At the June 3, 2009, City Commission Meeting, Resolution No. 2009-27089 was approved, which authorized the transfer of \$137,000 to the Friends of the Bass Museum. In addition to providing them with direct oversight and management of these operational issues, this also allows the Friends to pursue potential savings by using non-City contracts for services such as carpet cleaning or for the purchase of office supplies, for example. Transferring the budget allocations for certain line items this action also began the process of transitioning much of the day-to-day administration and oversight to the Friends. This is an important step in moving towards increased simplification of the Museum's governance structure, which has been considered essential for the future well-being of the institution and was included in the Museum's own five-year strategic plan, completed in March 2007.

This concept was also discussed at the May 5, 2009 Finance and Citywide Projects Committee. The Finance Committee approved the transfer of those operating line item balances and recommended that the Administration come back, as part of the City budget process, for any future allocations. Accordingly, at the September 24, 2009 City Commission Meeting, Resolution No. 2009-27216 was approved, authorizing the transfer of \$512,000 to the Friends of the Bass Museum, to fund certain operating expenses for Fiscal Year 2009-10.

Concurrent with the above, in August 2009, the Administration, the testamentary representative of the Bass Family, and representatives of the Friends commenced discussions to begin the process of developing a new governance model for the Museum, which includes an overhaul of the existing by-laws of the Friends, culminating in reconstituting that 501(C)3 as the Bass Museum of Art, Inc. (which entity will replace the Friends as the new governing entity for the Museum).

Additionally, on March 10, 2010, the City Commission adopted Resolution No. 2010-27349 amending the agreement between the City and Dennis Alan Richard (as Successor in Interest to John and Johanna Bass). This new Agreement, among other things, replaced both the existing Bass Board of Trustees and the Friends of the Bass Museum, Inc., with the Bass Museum of Art, Inc., a 501(c)3, composed of actual stakeholders (as opposed to the current Board of Trustees, who maintain their seats by virtue of their contractually designated positions under the 1963 Agreement). The City Manager retained membership on the new governing board, with voting power equivalent to 20% of the membership of the Board, comparable to the City Manager's representation on the current Board of Trustees. The day-to-day responsibility to ensure the City's contractual obligations to maintain the Collection would be handled by this new governing body through a separate management agreement with the City.

The City is now finalizing a separate management agreement with the Bass Museum, Inc. However, there are still some outstanding items that need to be negotiated. Therefore, similar to the September 2009 action, the Administration is seeking authorization to allocate \$536,495 to the Friends of the Bass for salary expenses related to the Museum's Assistant Director, curatorial services, security guard, and a building supervisor. These funds are available as a result of vacancies in these positions. Additionally, the Administration recommends transferring funds for operating expenses as approved in 2009. The allocation is broken out as follows:

• Salaries:	\$191,768
• Professional Services:	\$ 93,343
• Electricity:	\$108,000
• Sanitation:	\$ 900
• Rent/Building/Equipment (art storage):	\$113,184
• Contract Maintenance:	\$ 8,800
• Office Supplies:	\$ 7,000
• Repairs and Maintenance:	\$ 1,000
• Other Operating Expenses:	\$ 10,000
• <u>Dues:</u>	<u>\$ 2,500</u>
<b>TOTAL</b>	<b>\$536,495</b>

Similar to the previous allocation, the Administration also recommends entering into a letter agreement with the Friends delineating the responsibilities the Friends would be required to meet in exchange for the funding. These obligations would be very similar to functions currently carried out jointly between the City and Friends.

**CONCLUSION**

The Administration recommends approving the transfer of currently-budgeted operating funds from the City to Friends of the Bass Museum, Inc.

JMG/HMF/mas

T:\AGENDA\2010\September 20\Bass Budget Memo.doc

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROPRIATING \$536,495, FROM FY 2010/11 GENERAL FUND ACCOUNT NO. 011.0930; SAID APPROPRIATION TO BE PROVIDED TO AND UTILIZED BY THE FRIENDS OF THE BASS MUSEUM, INC., FOR THE PURPOSE OF CONTINUING TO PROVIDE CERTAIN SERVICES FOR THE MANAGEMENT AND OPERATION OF THE BASS MUSEUM OF ART FOR FISCAL YEAR (FY) 2010-11; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE A NEW LETTER AGREEMENT WITH THE FRIENDS OF THE BASS MUSEUM, INC. MEMORIALIZING THE PARTIES' RESPECTIVE OBLIGATIONS WITH REGARD TO THE AFORESTATED MANAGEMENT AND OPERATION OF THE BASS MUSEUM.**

**WHEREAS**, the Bass Museum (Museum) was established from its inception as a strong public/private partnership through a contractual agreement entered into in 1963 between the City and John and Johanna Bass, whereby the City accepted the gift of the art collection of John and Johanna Bass (the Bass Collection), in exchange for making the Bass Collection open and available to the public in a building maintained by the City (the 1963 Agreement and all subsequent amendments thereto is hereinafter referred to as the "1963 Bass Agreement"); and

**WHEREAS**, the 1963 Bass Agreement, requires the City to maintain the Bass Collection in perpetuity; provide for the exhibition of the Collection; keep it open and available to the public; and provide basic funding for the maintenance and exhibition of the Collection; and

**WHEREAS**, the City fulfills this obligation by funding the operational elements of the Bass Museum and maintaining the building, which is a City asset; and

**WHEREAS**, the 1963 Bass Agreement further stipulates that the Bass Museum shall be overseen by a Board of Trustees, who has the responsibility for Museum policies and procedures, as well as day-to-day management through the staff it employs; and

**WHEREAS**, a third entity exists to promote and further the mission of the Bass Museum, the Friends of the Bass Museum, Inc., which is a 501(c)3 was established in 1978 as the membership and fundraising arm of the Museum; and

**WHEREAS**, since 2008, the Administration has been working closely with the Bass Board of Trustees (Bass Board) and the Friends of Bass Museum, Inc.(Friends) to streamline the current governance model, standardize employment practices, and empower the Museum to fully realize its potential as the City's prominent art institution; and

**WHEREAS**, during this time, the City approved Resolution Nos. 2009-27089 and 2009-27216, whereby the City agreed to appropriate and transfer budgeted operating funds for the Museum, in consideration of the Friends' agreement to undertake certain management and operational responsibility (on behalf of the City) for the Museum; and

**WHEREAS**, on March 10, 2010, the City Commission adopted Resolution No. 2010-27349 which approved an Amended and Restated Bass Museum Agreement between the City and Dennis Alan Richard (as successor in interest to John and Johanna Bass); the Amended and Restated Agreement was intended to replace and supersede the 1963 Bass Agreement, and is attached as Exhibit "A" hereto; and

**WHEREAS**, the City and Friends have agreed to execute another Letter Agreement for Fiscal Year (FY) 2010/11, whereby the Friends will to continue to provide those certain oversight and management responsibilities relative to the Bass Museum, through FY 2010/11.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH FLORIDA** that the Mayor and City Commission hereby appropriate \$536,495, from FY 2010/11 General Fund Account No. 011.0930; said appropriation to be provided to and utilized by the Friends of the Bass Museum, Inc., for the purpose of continuing to provide certain services for the management and operation of the Bass Museum of Art for Fiscal Year (FY) 2010-11; and further authorizing the City Manager to execute a new letter agreement with the Friends of the Bass Museum, Inc. memorializing the parties' respective obligations with regard to the aforestated management and operation of the Bass Museum.

**PASSED and ADOPTED** this 20th day of September, 2010.

\_\_\_\_\_  
**MAYOR**

**ATTESTED BY:**

\_\_\_\_\_  
**CITY CLERK**

T:\AGENDA\2010\September 20\Bass Museum Reso.doc.RTF

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney

9/10/10  
Date

**AMENDED AND RESTATED BASS MUSEUM AGREEMENT**

This Amended and Restated Bass Museum Agreement is entered into this 31<sup>ST</sup> day of MARCH, 2010, by and between the City of Miami Beach, a Florida municipal corporation (hereinafter "City"), and Dennis Alan Richard as the successor to "Bass," defined below (hereinafter "Dennis Richard").

WITNESSETH:

**RECITALS**

WHEREAS, on the 8<sup>th</sup> day of July, 1963 (the Effective Date), an agreement was made between John and Johanna Bass of the City of New York, State of New York ("Bass") and the City, whereby Bass donated and the City accepted a substantial and valuable art collection, known as the "JOHN AND JOHANNA BASS COLLECTION," for the use and enjoyment of the citizens and visitors of the City, conditioned, amongst others, upon the agreement on the part of the City that the collection shall be made open and available to the public; maintained in the building previously utilized by the City as a library, modified structurally; that the collection be known in perpetuity as the JOHN AND JOHANNA BASS COLLECTION, and maintained and administered by a self-perpetuating board of trustees; and the building named "THE BASS MUSEUM OF ART" ("Agreement"); and

WHEREAS, the JOHN AND JOHANNA BASS COLLECTION was augmented after the Effective Date of the Agreement with additional donations made by John and/or Johanna Bass and accepted by the City which, together with the original donation became part of the JOHN AND JOHANNA BASS COLLECTION; and

WHEREAS, the City has funded the maintenance and operation of THE BASS MUSEUM OF ART and the JOHN AND JOHANNA BASS COLLECTION since 1963 in

EXHIBIT "A"

accordance with its obligations under the Agreement; and

WHEREAS, all of the right, title and interest of Bass under the Agreement was duly assigned and transferred to Melvin J. Richard on or about June 21, 1979; and thereafter, duly assigned and transferred to Dennis Richard on or about February 12, 2001; and

WHEREAS, the Agreement was amended by Melvin J. Richard and the City in June of 1979; in June of 1988; and again in September of 1990; and

WHEREAS, Dennis Richard and the City have determined that it would be in the parties' best interest, and in the best interest of the public, to amend and restate the Agreement as set forth in this Amended and Restated Bass Museum Agreement.

NOW, THEREFORE, Dennis Richard and the City hereby agree as follows:

1. The foregoing Recitals are true.
2. The City agrees to continue to fund the administration, operation, and maintenance of the JOHN AND JOHANNA BASS COLLECTION, in perpetuity and as a whole, in compliance with the American Association of Museums ("AAM") Standards for Collections Stewardship and the placement of such portions of the JOHN AND JOHANNA BASS COLLECTION (as the Board may determine) on exhibit for the use and enjoyment of the public under the terms and conditions hereinafter specified. City agrees to maintain the JOHN AND JOHANNA BASS COLLECTION in the building formerly utilized by the City as a municipal library, as such building has been and may be modified or expanded from time to time, which building is located on a site which is generally bounded as follows: By 21<sup>st</sup> Street on the South; 22<sup>nd</sup> Street on the North; Park Avenue on the West; and Collins Avenue on the East. Said building shall continue to be named the "THE BASS MUSEUM OF ART." In the event that said building becomes unavailable because of damage, destruction, act of God, or compelling public necessity, the City agrees to make available other facilities, equal and

comparable to said building, in which the JOHN AND JOHANNA BASS COLLECTION shall be housed and maintained under the same terms and conditions.

3. The City agrees to maintain the said building so that it is suitable and utilizable as an art museum in accordance with AAM Standards for Facilities Risk Management and Collections Stewardship, and to provide and maintain:

- a. Adequate and proper lighting for the purposes intended;
- b. Adequate provisions for office space, storage, receiving and repair space;
- c. Adequate and appropriate facilities and appurtenances for the hanging and display of art; and
- d. Suitable signs identifying the building name as "THE BASS MUSEUM OF ART," placed on Collins Avenue, 21<sup>st</sup> Street, 22<sup>nd</sup> Street, and Park Avenue, Miami Beach, and above the main entrance to the Museum;

The City may delegate or contract out these obligations.

4. The JOHN AND JOHANNA BASS COLLECTION shall be governed, administered, operated, and maintained, in compliance with AAM Guidelines, by The Friends of the Bass Museum, Inc., an independent 501(c)(3) non-profit corporation (the Friends), or by an immediately proceeding successor 501(c)(3) entity to the Friends, which may be renamed THE BASS MUSEUM OF ART, INC., through its Board of Directors (hereinafter the Board of Directors of the Friends or the immediately proceeding successor entity shall be referred to as the "Board"), which shall be responsible for the following:

- a. Mission and Strategic Planning - The Board shall engage in ongoing planning activities as necessary to determine the mission of the Museum and its strategic direction; to define specific goals and objectives related to the mission; and to evaluate the success of the Museum's services toward achieving the mission.

b. Fiscal Responsibility - The Board shall annually approve the Museum's budget and regularly assess the Museum's financial performance in relation to the budget.

c. Fundraising - The Board shall actively participate in the fundraising process through members' financial support and active seeking of the support of others.

d. Oversight of Executive Director - The Board shall hire, fire, define and approve job description, set the compensation for, and annually evaluate the performance of the Executive Director. The Executive Director shall either be an employee of the Friends (or its immediately preceding successor entity) or an independent contractor, but in no event shall the Executive Director (or any other employee, agent or contractor of the Board) be considered to be an employee of the City. The Board shall be solely responsible for the Director's supervision and daily direction and control and for setting and paying his or her compensation (and federal income tax withholding) and any employee benefits.

e. Legal and Other Compliance - The Board shall ensure that an internal review of the Museum's compliance with known existing legal, regulatory, and financial reporting requirements is conducted annually and that a summary of the results of the review is provided to the entire Board.

f. Bylaws — the Board shall enact bylaws, and amendments thereto, provided that nothing therein shall be inconsistent with this agreement.

5. The City Manager shall be a voting member of the Board, with voting power equivalent to 20% of the total members of the Board. For example, if the Board consists of five (5) members, the City Manager's vote shall be equivalent to one (1) vote; if the Board consists of twenty (20) members, the City Manager's vote shall be equivalent to four (4) votes; and so on. The City Manager shall also be a voting member of the Executive Committee (as said Committee may from time to time be appointed by the Board, pursuant to the Friends' bylaws),

with voting power equivalent to twenty percent (20%) of the Committee.

6. The JOHN AND JOHANNA BASS COLLECTION shall be administered, operated, and maintained, in perpetuity, and displayed and open to the public in accordance with a reasonable time schedule established by the Board; and shall not be disposed of in whole or in part by sale, gift, exchange, or otherwise, except as decided by the Board, in accordance with its bylaws and AAM guidelines. In the event any works in the said COLLECTION are disposed of, the proceeds thereof shall be used exclusively for the purchase of other works of art, which shall become part of the JOHN AND JOHANNA BASS COLLECTION and shall be subject to the same terms and provisions of the original COLLECTION. All accession and deaccession of objects of art in the said COLLECTION shall be in accordance with standard museum practices and AAM guidelines.

7. Any controversies or claims arising out of, or relating to this Agreement, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association and judgment upon the award rendered by the arbitrators may be entered in any Court having jurisdiction.

8. THIS AGREEMENT shall be binding upon the heirs, personal representatives, administrators, assigns and successors of the parties hereto.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]



## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION APPROVING AN AMENDED AND RESTATED AGREEMENT BETWEEN THE CITY AND DENNIS ALAN RICHARD (AS SUCCESSOR IN INTEREST TO JOHN AND JOHANNA BASS), WHICH NEW AGREEMENT REPLACES AND SUPERCEDES THE 1963 AGREEMENT (AND ALL AMENDMENTS THERETO) BETWEEN THE CITY AND JOHN AND JOHANNA BASS, AND HEREINAFTER SETS FORTH THE PARTIES' RESPECTIVE RIGHTS AND OBLIGATIONS WITH RESPECT TO THE CONTINUED ADMINISTRATION, OPERATION AND MAINTENANCE OF THE JOHN AND JOHANNA BASS COLLECTION AT THE BASS MUSEUM OF ART; PROVIDED FURTHER THAT THE CITY AND MR. RICHARD SHALL NOT EXECUTE AND EFFECTUATE THE SAID NEW AGREEMENT UNTIL SUCH TIME AS 1) THE FRIENDS OF THE BASS MUSEUM, INC. APPROVES ITS NEW BY-LAWS, WHICH BY-LAWS, IN PART, WILL FORMALLY RENAME THE FRIENDS TO THE BASS MUSEUM OF ART, INC.; AND 2) THE TRANSITION FROM THE FRIENDS (AND THE CURRENT BASS MUSEUM BOARD OF DIRECTORS) TO THE BASS MUSEUM OF ART, INC., AS THE INTENDED NEW GOVERNING ENTITY OF THE BASS MUSEUM, IS ACCOMPLISHED.**

**WHEREAS**, the Bass Museum (Museum) was established from its inception as a strong public/private partnership through a contractual agreement entered into in 1963 between the City and John and Johanna Bass, whereby the City accepted the gift of the art collection of John and Johanna Bass (the Bass Collection), in exchange for making the Bass Collection open and available to the public in a building maintained by the City (the 1963 Agreement and all subsequent amendments thereto is hereinafter referred to as the "1963 Bass Agreement"); and

**WHEREAS**, the 1963 Bass Agreement, requires the City to maintain the Bass Collection in perpetuity; provide for the exhibition of the Collection; keep it open and available to the public; and provide basic funding for the maintenance and exhibition of the Collection; and

**WHEREAS**, the City fulfills this obligation by funding the operational elements of the Bass Museum and maintaining the building, which is a City asset; and

**WHEREAS**, the 1963 Bass Agreement further stipulates that the Bass Museum shall be overseen by a Board of Trustees, who has the responsibility for Museum policies and procedures, as well as day-to-day management through the staff it employs; and

**WHEREAS**, a third entity exists to promote and further the mission of the Bass Museum, the Friends of the Bass Museum, Inc., which is a 501(c)3 was established in 1978 as the membership and fundraising arm of the Museum; and

**WHEREAS**, the President of the Friends chairs the Board of Trustees and is a member of the Friends' board of directors who advocate and raise funds for the Museum, and sponsor Museum programs (which include all special exhibitions and educational programs); and

**WHEREAS**, the Administration has been working closely with representatives of the Board of Trustees and the Friends to streamline the Museum's current governance model, standardize employment practices, and empower the Museum to fully realize its potential as the City's preeminent art institution; and

**WHEREAS**, at the June 3, 2009, City Commission Meeting, Resolution No. 2009-27089 was approved, which authorized the transfer of \$137,000 in budgeted, appropriated funds for

the Bass Museum, to the Friends of the Bass Museum, which provided the Friends with direct oversight and management of the operational issues funded by this allocation, allowing the Friends to pursue potential savings by using non-City contracts for certain services.

**WHEREAS**, this transfer also began the process of transitioning some of the day-to-day administration and oversight of operational issues to the Friends; and

**WHEREAS**, at the September 24, 2009 City Commission Meeting, Resolution No. 2009-27216 was approved, authorizing the transfer of \$512,000 to the Friends of the Bass Museum to fund certain operating expenses for Fiscal Year 2009-10; and

**WHEREAS**, the Administration and representatives of the Friends of the Museum commenced discussions in August of 2009 to begin the process of developing a new governance model for the Museum, which includes an overhaul of the existing by-laws of the Friends, culminating in the renaming of Friends of the Bass Museum, to the Bass Museum of Art, Inc.; and

**WHEREAS**, the Administration has also been working with Dennis Alan Richard, who is the testamentary representative of the Bass Family (and therefore successor in interest to John and Johanna Bass under the 1963 Bass Agreement) to draft a new agreement, essentially updating and clarifying the terms and conditions of the 1963 Bass Agreement; and

**WHEREAS**, this new Agreement would, among other things, rename the Friends of the Bass Museum, Inc. and replace the existing Board of Trustees, with a new governing body, named the Bass Museum of Art, Inc., composed of actual stakeholders (as opposed to the current Board of Trustees, who maintain their seats by virtue of their contractually designated positions); and

**WHEREAS**, the City Manager would retain membership on the new governing board, with voting power equivalent to 20% of the Board and the day-to-day responsibility to ensure the City's contractual obligations to maintain the Collection would be handled by this new governing body; and

**WHEREAS**, The Friends are currently working on updating and amending their by-laws in preparation for their transitioning to this new governing body, the Bass Museum of Art, Inc. and will be presented to their Board of Directors at their April 2010 meeting for approval and adoption; and

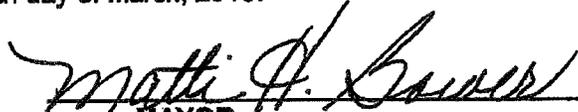
**WHEREAS**, replacing the current governance structure with the aforesaid new board will transfer decision-making power to professionals and stakeholders; finally bringing the Museum into full compliance with the accepted operating standards of the American Association of Museums (AAM), and empowering the institution to become, for the first time, one of the region's leading art museums.

**WHEREAS**, although the City will continue its financial obligations to maintain and exhibit the Collection, in perpetuity: it will realize substantial savings over time through the transitioning of all City staff and daily operational expenses to the new governing body; and

**WHEREAS**, the Finance and Citywide Projects Committee discussed this at their January meeting and unanimously recommended in favor of the Amended and Restated the Bass Museum Agreement.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH FLORIDA that the Mayor and City Commission hereby approve and authorize the Mayor and City Clerk to execute an Amended and Restated Agreement between the City and Dennis Alan Richard (as successor in interest to John and Johanna Bass), which new agreement replaces and supercedes the 1963 Agreement (and all amendments thereto) between the City and John and Johanna Bass, and hereinafter sets forth the parties' respective rights and obligations with respect to the continued administration, operation and maintenance of the John and Johanna Bass Collection at the bass museum of Art; provided further that the City and Mr. Richard shall not execute and effectuate the said new agreement until such time as 1) the Friends of the Bass Museum, inc. approves its new by-laws, which by-laws, in part, will formally rename the Friends to the Bass Museum of Art, Inc.; and 2) the transition from the Friends (and the current Bass Museum Board of Directors) to the Bass Museum of Art, inc., as the intended new governing entity of the Bass Museum, is accomplished.

PASSED and ADOPTED this 10th day of March, 2010.

  
MAYOR

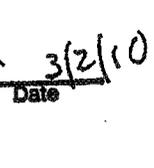
ATTESTED BY:

  
CITY CLERK

T:\AGENDA\2010\March 10\Consent\Bass Museum Reso.doc.RTF

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
City Attorney

  
Date

THIS PAGE INTENTIONALLY LEFT BLANK

## Special City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
September 20, 2010

Mayor Matti Herrera Bower  
Vice-Mayor Jorge Exposito  
Commissioner Michael Góngora  
Commissioner Jerry Libbin  
Commissioner Edward L. Tobin  
Commissioner Deede Weithorn  
Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez  
City Attorney Jose Smith  
City Clerk Robert E. Parcher

Visit us at [www.miamibeachfl.gov](http://www.miamibeachfl.gov) for agendas and video "streaming" of City Commission Meetings.

### ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

### REGULAR AGENDA

#### R5 - Ordinances

- R5A An Ordinance Amending Ordinance No. 789, The Classified Employees' Salary Ordinance; Providing For The Group I Classifications, Being Those Classifications Covered By The American Federation Of State, County And Municipal Employees/Local No. 1554 (AFSCME), By Transferring The Classifications Of Building Services Technician, Concession Attendant, Customer Service Representative, Ice Rink Technician, Recreation Leader I, Recreation Leader II, School Guard, And Storekeeper III From Group VI, Being Classifications In The Classified Service Not Covered By A Bargaining Unit ("Others") To Group I, And By Abolishing The Classification Of Stores Clerk From Group I; Providing For The Classifications In Group V, Being Those Classifications Covered By The Government Supervisors Association Of Florida/OPIEU Local 100 (GSA); By Abolishing The Classifications Of Parking Facilities Supervisor, Property Management Operations Supervisor And Tennis Center Supervisor From Group V; Providing For Classifications In Group VI, Being Classifications In The Classified Service Not Covered By A Bargaining Unit ("Others"), By Establishing The Classifications Of Fire Inspector I And Seasonal Recreational Aide, And By Transferring The Classifications Of Building Services Technician, Concession Attendant, Customer Service Representative, Ice Rink Technician, Recreation Leader I, Recreation Leader II, School Guard, And Storekeeper III From Group VI To Group I; Providing For Repealer, Severability, And An Effective Date. **5:00 p.m. Second Reading Public Hearing** (Page 125)  
(Human Resources)

**R5 - Ordinances** (Continued)

**R5B Amend Special Masters Fees**

An Ordinance Amending The Following Provisions Of The Miami Beach City Code With Regard To Administrative Special Master Hearing Appeal Fees Which Will Be Set Uniformly Via Resolution Of The City Commission, And To Provide Consistent References To Administrative Special Master Hearing Procedures And Appeal Fees Throughout The City Code, By Amending Chapter 18, Entitled "Businesses," By Amending Article XV, Entitled "Street Performers And Art Vendors"; By Amending Section 18-911(B) Thereof; By Amending Chapter 30, Entitled "Code Enforcement," By Amending Article III, Entitled "Enforcement Procedures," By Amending Sections 30-72(A) And 30-79(A) Thereof; By Amending Chapter 42, Entitled "Emergency Services," By Amending Article II, Entitled "Alarm Systems," By Amending Section 42-91(C) Thereof; By Amending Chapter 46, Entitled "Environment," By Amending Article VI, Entitled "Noise," By Amending Sections 46-159(B)-(C) And 46-161(D) Thereof; By Amending Chapter 82, Entitled "Public Property," By Amending Article IV, Entitled "Uses In Public Rights-Of-Way," By Amending Section 82-151(E) Thereof; By Amending Chapter 86, Entitled "Sales," By Amending Article II, Entitled "Garage Sales," And Article III, Entitled "Non-Profit Vending And Distribution," By Amending Sections 86-108(B) And 86-150(B), Respectively; By Amending Chapter 90, Entitled "Solid Waste," By Amending Article IV, Entitled "Private Waste Collectors/Contractors," By Amending Section 90-231(B) Thereof; By Amending Chapter 102, Entitled "Taxation," By Amending Article IV, Entitled "Resort Tax," And Article V, Entitled "Local Business Tax," By Amending Sections 102-322(C)(1), 102-372(A), 102-377(A)(2), And 102-384, Respectively; By Amending Chapter 106, Entitled "Traffic And Vehicles," By Amending Article V, Entitled "Police Vehicle Towing," And Article X, Entitled "Nonmotorized Vehicles For Hire," By Amending Sections 106-220(A) And 106-467(B)-(C), Respectively; Providing For Codification; Severability; Repealer; And An Effective Date. **5:00 p.m. Second Reading Public Hearing** (Page 137)

(City Clerk's Office)

**R5C Parking Rate Ordinance Amendments**

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 106, Entitled "Traffic And Vehicles," By Amending Article II, Entitled "Metered Parking," By Amending Division 1, Entitled "Generally," By Amending Section 106-55, Entitled "Parking Rates, Fees, And Penalties;" By Amending Parking Meter Rates And Time Limits In The South Beach Parking Zone And Amending The Fees For The Hotel Hang Tag Program; Providing For Codification, Repealer, Severability, And An Effective Date. **5:00 p.m. Second Reading Public Hearing** (Page 151)

(Parking Department)

**R5D Sidewalk Café Fees Ordinance**

An Ordinance Amending, Respectively, Appendix A To Section 82-383(a), And Appendix A To Section 50-3(z) Of The City Code, To Modify The Sidewalk Café Occupancy Fee And The Sidewalk Café Propane Tank Heater Fee; Providing For Repealer, Codification, Severability, And An Effective Date. **5:00 p.m. Second Reading Public Hearing** (Page 159)

(Public Works)

**R5E An Ordinance Amending Miami Beach City Code, Chapter 90, Entitled "Solid Waste," By Amending Appendix A To Section 90-137(a) Entitled "Fee Schedule" For City Collection And Disposal Of Garbage And Trash, And Decreasing The Current Rates By \$1.58; Providing For Repealer, Severability, Codification, And An Effective Date. First Reading** (Page 165)

(Public Works)

**R5 - Ordinances** (Continued)

- R5F An Ordinance Amending Part I, Subpart B, Article IX, Related Special Acts, Of The Miami Beach City Code Entitled "Pension System For Disability And Retirement Of Members Of Police And Fire Departments"; Implementing Provisions Of The 2009-2012 Collective Bargaining Agreements Between The City And Fire Fighters Of Miami Beach, IAFF Local 1510, And Miami Beach Fraternal Order Of Police, William Nichols Lodge No. 8; Amending Section 65 Entitled "Computation Of Creditable Service; Service Record", Providing For The Purchase Of Additional Creditable Service Upon Completion Of Ten Years Of Service With The City; Amending Section 66 Entitled "Service And Disability Benefits Generally", Providing For The Inclusion Of Compensation For Certain Off Duty Services In A Member's Salary For Pension Purposes, And Providing For The Sale Of Unused Sick And/Or Vacation Time For Inclusion In A Member's Final Average Monthly Earnings, Subject To Certain Limitations; Revising The Limitation On Overtime Pay Included In Salary For Pension Purposes; Amending Section 67, Entitled "Cost-Of-Living Adjustment", Providing For An Annual Adjustment On The Anniversary Date Of A Member's Retirement Or Separation From Employment; "Amending Section 79 Entitled "Deferred Retirement Option Plan", Providing For A Maximum Drop Period Of Sixty Months And A Modified Cost Of Living Adjustment During The Drop Period; Creating A New Section 87 Entitled "Benefits For Employees Hired On Or After July 14, 2010"; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date. **5:00 p.m. Second Reading Public Hearing** (Page 171)  
(Human Resources)  
(First Reading on July 14, 2010)  
(Continued from September 15, 2010)

**R7 - Resolutions**

- R7A1 A Resolution Adopting: 1) The Final Ad Valorem Millage of 6.2155 Mills For General Operating Purposes, Which is Zero Point Two Percent (0.2%) More Than The "Rolled-Back" Rate Of 6.2030 Mills; And 2) The Debt Service Millage Rate of 0.2870 Mills For Fiscal Year (FY) 2010/11. **5:01 p.m. Second Reading Public Hearing** (Page 179)  
(Budget & Performance Improvement)
- R7A2 A Resolution Adopting Final Budgets For The General, G.O. Debt Service, RDA Ad Valorem Taxes, Enterprise, And Internal Service Funds For Fiscal Year 2010/11. **5:01 p.m. Second Reading Public Hearing** (Page 195)  
(Budget & Performance Improvement)
- R7B1 A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Final Ad Valorem Millage Of 1.0375 Mills For Fiscal Year (FY) 2010/11 For The Normandy Shores Local Government District Which Is Three And A Half Percent (3.5%) More Than The "Rolled-Back" Rate Of 1.0025 Mills. **5:02 p.m. Second Reading Public Hearing** (Page 237)  
(Budget & Performance Improvement)
- R7B2 A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Adopting The Final Operating Budget For Fiscal Year (FY) 2010/11. **5:02 p.m. Second Reading Public Hearing** (Page 243)  
(Budget & Performance Improvement)

**R7 - Resolutions** (Continued)

- R7C A Resolution Adopting The Annual Fiscal Year (FY) 2010/11 Appropriation For The Capital Renewal And Replacement Fund Budget, In The Amount Of \$1,777,254. (Page 249)  
(Budget & Performance Improvement)
- R7D A Resolution Adopting And Appropriating The City Of Miami Beach Capital Budget For Fiscal Year 2010/11 And The Capital Improvement Plan For Fiscal Years 2010/11-2014/15. **Joint City Commission and Redevelopment Agency** (Page 255)  
(Budget & Performance Improvement)
- R7E A Resolution Adopting Fiscal Year (FY) 2010/11 Budgets For Special Revenue Funds For Resort Tax; The 7<sup>th</sup> Street Parking Garage Operations; City's Share Of The Shortfall Contribution Requirement For The 5<sup>th</sup> & Alton Parking Garage Operations; Art In Public Places (AiPP), And The Information And Communications Technology Fund - Debt Service. (Page 289)  
(Budget & Performance Improvement)
- R7F A Resolution Amending The Parking Flat Rate At Certain Attended Municipal Surface Lots For FY 2010/11. (Page 297)  
(Parking Department)
- R7G A Resolution Reaffirming New Living Wage Rates, Effective October 1, 2010 As Follows: \$10.16 Per Hour With Contributions Towards Health Benefits Of At Least \$1.25 Per Hour, And \$11.41 Per Hour Without Benefits; And Authorizing The City Manager Or Designee, And City Clerk To Execute Amendments To All Covered Services Contracts, As Listed In Exhibit 1 Attached Hereto, To Reflect The New Living Wage Rates And Requirements, Pursuant To Ordinance No. 2010-3682. (Page 301)  
(Procurement)
- R7H A Resolution Authorizing The Appropriation Of \$600,000 From The Fiscal Year (FY) 2009/10 People's Transportation Plan (PTP) Funds, \$600,000 In FY 2010/11 PTP Funds, And \$30,000 From The FY 2010/11 Concurrency Mitigation South Beach Funds To Fund The Operating Budget For The Local Circulators In Miami Beach; And Further Appropriating \$235,000 From FY 2009/10 PTP Funds For Administrative And Technical Operating Expenditures, As Part Of The Five Percent (5%) Of Administrative Assistance And Technical Assistance Allowable For PTP Expenditures. (Page 307)  
(Public Works)
- R7I A Resolution Adopting The Miami Beach Cultural Arts Council's Fiscal Year 2010/11 Budget In The Amount Of \$1,153,000. (Page 321)  
(Tourism & Cultural Development)
- R7J A Resolution Accepting The City Manager's Recommendation, And Approving The Cultural Arts Council's Funding Recommendations, And Awarding \$627,676 In Said Grants, For Fiscal Year 2010/11, As Identified In The Attached Exhibit "A"; And Further Authorizing The Mayor And City Clerk To Execute Said Grant Agreements, And Make The Award Of Said Grant Monies Subject To And Contingent Upon The Approval Of The Cultural Arts Council's Budget For Fiscal Year 2010/11. (Page 327)  
(Tourism & Cultural Development)

**R7 - Resolutions** (Continued)

R7K A Resolution Adopting And Approving The Miami Beach Visitor And Convention Authority (VCA) FY 2010/11 Budget In The Amount Of \$1,774,511. (Page 335)  
(Tourism & Cultural Development)

R7L A Resolution Amending Resolution 2010-27326, Increasing The Present Fire Rescue Transport Fees From \$358.67 To \$500.00 For Basic Life Support, From \$425.93 To \$600.00 For Advanced Life Support 1, And From \$616.47 To \$800.00 For Advanced Life Support 2, And Maintaining The Current Fees For All Expendable Medical Supplies, With Services Not To Be Withheld Due To A Person's Inability To Pay; Revising The "Special Events Requirements And Guidelines," By Amending The Section Entitled "Weddings And Ceremonies," And Amending The Special Event Fee Schedule; Approving The Special Master Hearing And Appeal Fee, As Provided Pursuant To Various Provisions Throughout The City Code, And Increasing The Fee From \$75 To \$100 Effective October 1, 2010; Amending Resolution No. 2003-25306 Which Established The Current Schedule Of User Fees For Various Parks And Recreation Programs And Services, Facility Admissions And Rentals And Other Related Activities, By Modifying Specific Fees For Admissions To Swimming Pools For Non-Residents, Resident And Non-Resident Annual Memberships And Hourly Rates Charged At The City's Tennis Centers, The Activity Fee For All After School And Summer Camp Program, And Eliminating The Non-Resident Sibling Discount Provision; Further Authorizing The City Manager The Flexibility To Establish A Lesser Rate For Tennis Tournaments; Promotions And Daily Play Rates When He Deems It Necessary For The Efficient And Financially Prudent Operation Of The Tennis Centers, As Set Forth In This Resolution. (Page 341)  
(Fire Department/Tourism & Cultural Development/City Clerk's Office/Parks & Recreation)

R7M A Resolution Authorizing The Issuance By The City Of Miami Beach, Florida Of (I) Parking Revenue Refunding Bonds, Series 2010A, In An Aggregate Principal Amount Not To Exceed \$20,000,000, For The Purpose Of Refunding The City's Outstanding Parking Revenue Bonds, Series 1997, And (II) Parking Revenue Bonds, Series 2010B, In An Aggregate Principal Amount Not To Exceed \$30,000,000, For The Purpose Of Paying Costs Of Improvements To The Parking System; Providing For The Issuance Of Additional Parking Revenue Bonds And The Incurrence Of Other Types Of Indebtedness Of The City To Pay All Or Part Of The Cost Of Additional Improvements To The City's Parking System And For Refunding Outstanding Parking Revenue Bonds; Providing For The Payment Of Such Bonds And Other System Debt; Setting Forth The Rights And Remedies Of The Holders Of Such Bonds And Other System Debt; Providing Certain Details Of The Series 2010 Bonds; Delegating Other Matters In Connection With The Issuance Of The Series 2010 Bonds, Including Whether To Secure One Or More Credit Facilities And/Or Reserve Account Insurance Policies, And The Refunding Of The Prior Bonds To The Mayor; Appointing Underwriters, A Bond Registrar, An Escrow Agent And A Disclosure Dissemination Agent; Authorizing The Negotiated Sale Of The Series 2010 Bonds And Approving The Form And Execution Of A Bond Purchase Agreement For The Series 2010 Bonds; Approving The Forms Of A Preliminary Official Statement And An Official Statement For The Series 2010 Bonds And Authorizing Execution Of The Official Statement; Covenanting To Provide Continuing Disclosure In Connection With The Series 2010 Bonds And Approving The Form And Execution Of A Continuing Disclosure Agreement; Approving The Form And Execution Of An Escrow Deposit Agreement For The Prior Bonds; Authorizing Officials Of The City To Take All Necessary Actions In Connection With The Issuance Of The Series 2010 Bonds And Refunding Of The Prior Bonds; Providing A Severability Clause; And Providing An Effective Date..

**5:00 p.m. Second Reading Public Hearing** (Page 347)

(Finance Department)

(First Reading on September 15, 2010)

**End of Regular Agenda**





**Condensed Title:**

An Ordinance Amending Ordinance No. 789, The Classified Employees' Salary Ordinance, Providing For The Group I Classifications, Being Those Classifications Covered By The American Federation of State, County And Municipal Employees/Local No. 1554 (AFSCME), By Transferring Certain Classifications From The Classified Service Not Covered By a Bargaining Unit ("Others"), And By Abolishing Certain Classification; Providing For The Classifications In Group V, Being Those Classifications Covered By The Government Supervisors Association Of Florida/OPIEU Local 100 (GSA), By Abolishing Certain Classifications; Providing For Classifications In Group VI ("Others"), By Establishing The Classifications Of Fire Inspector I And Seasonal Recreational Aide.

**Key Intended Outcome Supported:**

Control costs of payroll including salary and fringes/ minimize taxes/ ensure expenditure trends are sustainable over the long term.  
**Supporting Data (Surveys, Environmental Scan, etc.):** N/A

**Issue:**

Shall the City amend the Classified Employees' Salary Ordinance?

**Item Summary/Recommendation:**

**SECOND READING**

Pursuant to the recent collective bargaining negotiations between the City and the American Federation of State, County and Municipal Employees/Local No. 1554 (AFSCME), and between the City and the Government Supervisors Association of Florida/OPIEU Local 100, (GSA), the respective Collective Bargaining Agreements (Agreements) are being amended to reflect the most up-to-date and accurate listing of classifications for each bargaining unit as recognized by the City, the respective union, and/or the Florida Public Employees Relations Commission (PERC), as appropriate. (Pursuant to Chapter 447, Part II, Florida Statutes, PERC is the State agency responsible for registering public labor unions and appointing classifications to a respective union.) By amending the Classified Employees' Salary Ordinance, the City will ensure that there is a classification and compensation system which is fair and externally competitive. These changes are simply administrative in nature, and there will be no changes in compensation for any employee in these classifications. The Administration recommends that the City Commission adopt the Ordinance on second reading.

**Advisory Board Recommendation:**

N/A

**Financial Information:**

Source of Funds:	Amount		Account
	1	2	
OBPI	2		
	3		
	<b>Total</b>		

**Financial Impact Summary:** There is no fiscal impact by creating, amending or abolishing the classifications as outlined herein.

**City Clerk's Office Legislative Tracking:**

Ramiro Inguanzo, Human Resources Director

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
Ramiro Inguanzo	Hilda Fernandez	Jorge M. Gonzalez

T:\AGENDA\2010\September 20\Regular\cl sal ord afsme gsa others Summary 2nd Reading.doc

Agenda Item RSA

Date 9-20-10





## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

SECOND READING

**SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES' SALARY ORDINANCE; PROVIDING FOR THE GROUP I CLASSIFICATIONS, BEING THOSE CLASSIFICATIONS COVERED BY THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES/LOCAL NO. 1554 (AFSCME), BY TRANSFERRING THE CLASSIFICATIONS OF BUILDING SERVICES TECHNICIAN, CONCESSION ATTENDANT, CUSTOMER SERVICE REPRESENTATIVE, ICE RINK TECHNICIAN, RECREATION LEADER I, RECREATION LEADER II, SCHOOL GUARD, AND STOREKEEPER III FROM GROUP VI, BEING CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT ("OTHERS") TO GROUP I, AND BY ABOLISHING THE CLASSIFICATION OF STORES CLERK FROM GROUP I; PROVIDING FOR THE CLASSIFICATIONS IN GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA/OPIEU LOCAL 100 (GSA); BY ABOLISHING THE CLASSIFICATIONS OF PARKING FACILITIES SUPERVISOR, PROPERTY MANAGEMENT OPERATIONS SUPERVISOR AND TENNIS CENTER SUPERVISOR FROM GROUP V; PROVIDING FOR CLASSIFICATIONS IN GROUP VI, BEING CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT ("OTHERS"), BY ESTABLISHING THE CLASSIFICATIONS OF FIRE INSPECTOR I AND SEASONAL RECREATIONAL AIDE, AND BY TRANSFERRING THE CLASSIFICATIONS OF BUILDING SERVICES TECHNICIAN, CONCESSION ATTENDANT, CUSTOMER SERVICE REPRESENTATIVE, ICE RINK TECHNICIAN, RECREATION LEADER I, RECREATION LEADER II, SCHOOL GUARD, AND STOREKEEPER III FROM GROUP VI TO GROUP I; PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

### ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve the ordinance on second reading.

## **ANALYSIS**

The Administration needs to provide appropriate titles for individuals performing specific duties. Incumbents in these positions have been performing their functions using similar titles and grades, pending approval. As a result, classifications need to be established, amended, and deleted in order to ensure that the City has an employee classification and compensation system which is fair, externally competitive and representative of the functions performed in the City. This is done through amendments to Ordinance No. 789, the Classified Employees' Salary Ordinance ("Ordinance").

Pursuant to the recent collective bargaining negotiations between the City and the American Federation of State, County and Municipal Employees/Local No. 1554 (AFSCME), and between the City and the Government Supervisors Association of Florida/OPIEU Local 100, (GSA), the respective Collective Bargaining Agreements (Agreements) are being amended to reflect the most up-to-date and accurate listing of classifications for each bargaining unit as recognized by the City, the respective union, and/or the Florida Public Employees Relations Commission (PERC), as appropriate (pursuant to Chapter 447, Part II, Florida Statutes, PERC is the State agency responsible for registering public labor unions and appointing classifications to a respective union).

It should be noted that these changes are simply administrative in nature, and there will be no changes in compensation for any employee in these classifications or to any salary range for any of these classifications.

The following classifications are being established for employee Group VI ("Others"), being classifications in the classified service not covered by a bargaining unit, as they have been created since the last amendments to the Ordinance in 2006, and are not currently recognized in the Ordinance:

1. Fire Inspector I
2. Seasonal Recreational Aide

The following classifications are being transferred from employee Group VI, being "Others", into Group I (AFSCME), as PERC has ordered these classifications to be represented by that bargaining unit:

1. Building Services Technician
2. Concession Attendant
3. Customer Service Representative
4. Ice Rink Technician
5. Recreation Leader I
6. Recreation Leader II
7. School Guard
8. Storekeeper III

The following classification is being abolished from employee Group I (AFSCME), as the classification was reclassified into the Storekeeper I classification and no longer exists:

1. Stores Clerk

The following classifications are being abolished from employee Group V (GSA), as they either no longer exist or were reclassified, as indicated below:

1. Parking Facilities Supervisor – reclassified to Parking Operations Supervisor
2. Property Management Operations Supervisor – no longer exists
3. Tennis Center Supervisor – no longer exists

### **CONCLUSION**

The Administration recommends that the City Commission adopt the ordinance on second reading.

JMG/RI/KT/PKR

T:\AGENDA\2010\September 20\Regular\cl sal ord afscme gsa others Memo 2nd Reading.doc

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES' SALARY ORDINANCE; PROVIDING FOR THE GROUP I CLASSIFICATIONS, BEING THOSE CLASSIFICATIONS COVERED BY THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES/LOCAL NO. 1554 (AFSCME), BY TRANSFERRING THE CLASSIFICATIONS OF BUILDING SERVICES TECHNICIAN, CONCESSION ATTENDANT, CUSTOMER SERVICE REPRESENTATIVE, ICE RINK TECHNICIAN, RECREATION LEADER I, RECREATION LEADER II, SCHOOL GUARD, AND STOREKEEPER III FROM GROUP VI, BEING CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT ("OTHERS") TO GROUP I, AND BY ABOLISHING THE CLASSIFICATION OF STORES CLERK FROM GROUP I; PROVIDING FOR THE CLASSIFICATIONS IN GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA/OPIEU LOCAL 100 (GSA); BY ABOLISHING THE CLASSIFICATIONS OF PARKING FACILITIES SUPERVISOR, PROPERTY MANAGEMENT OPERATIONS SUPERVISOR AND TENNIS CENTER SUPERVISOR FROM GROUP V; PROVIDING FOR CLASSIFICATIONS IN GROUP VI, BEING CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT ("OTHERS"), BY ESTABLISHING THE CLASSIFICATIONS OF FIRE INSPECTOR I AND SEASONAL RECREATIONAL AIDE, AND BY TRANSFERRING THE CLASSIFICATIONS OF BUILDING SERVICES TECHNICIAN, CONCESSION ATTENDANT, CUSTOMER SERVICE REPRESENTATIVE, ICE RINK TECHNICIAN, RECREATION LEADER I, RECREATION LEADER II, SCHOOL GUARD, AND STOREKEEPER III FROM GROUP VI TO GROUP I; PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Administration needs to provide appropriate titles for individuals performing specific duties; and

**WHEREAS**, there is a need to ensure that the City has an employee classification and compensation system which is fair, externally competitive and representative of the functions performed in the City; and

**WHEREAS**, pursuant to the recent collective bargaining negotiations between the City and the American Federation of State, County and Municipal Employees/Local No. 1554 (AFSCME), and between the City and the Government Supervisors Association of Florida/OPIEU Local 100, (GSA), the respective Collective Bargaining Agreements (Agreements) are being amended to reflect the most up-to-date and accurate listing of classifications for each bargaining unit as recognized by the City, the respective union,

and/or the Florida Public Employees Relations Commission (PERC), as appropriate; and

**WHEREAS**, pursuant to Chapter 447, Part II, Florida Statutes, PERC is the State agency responsible for registering public labor unions and appointing classifications to a respective union; and

**WHEREAS**, as a result, classifications need to be established, amended, and deleted in order to ensure that the City has an employee classification and compensation system which is fair, externally competitive and representative of the functions performed in the City; and

**WHEREAS**, these changes are simply administrative in nature, and there will be no changes in compensation for any employee in these classifications.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

**SECTION 1:** The following lines of Section 1 of the Ordinance No. 789, the Classified Employees' Salary Ordinance ("Ordinance"), providing for the Group I classifications, being those classifications covered by the AFSCME bargaining unit; shall be amended to read as follows:

**GROUP I AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES**

**A. Salary Grades and Ranges**

GRADE	MINIMUM	MAXIMUM
10	42,921	69,320
9	39,500	63,797
8	36,352	58,712
7	33,453	54,031
6	30,788	49,725
5	28,334	45,760
4	26,076	42,114
3	23,996	38,757
2	22,084	35,668
1	20,324	32,825

**B. Grades and Classifications**

GRADE	CLASSIFICATION	UNION
10	BUILDING SUPERVISOR	AFSCME

10	DIESEL GENERATOR MECHANIC	AFSCME
10	FIRE EQUIPMENT MECHANIC	AFSCME
10	MECHANIC III	AFSCME
10	PEST CONTROL SUPERVISOR	AFSCME
<u>10</u>	<u>STOREKEEPER III</u>	<u>AFSCME</u>
9	HEAVY EQUIPMENT OPERATOR II	AFSCME
<u>9</u>	<u>ICE RINK TECHNICIAN</u>	<u>AFSCME</u>
9	IRRIGATION SYSTEMS SUPERVISOR	AFSCME
9	MECHANIC II	AFSCME
9	PARK SUPERVISOR	AFSCME
9	PUMPING MECHANIC	AFSCME
9	RECREATION PROGRAM SUPERVISOR	AFSCME
9	SEWER SUPERVISOR	AFSCME
9	STREET SUPERVISOR	AFSCME
9	TREE MAINTENANCE SUPERVISOR	AFSCME
9	WASTE DRIVER SUPERVISOR	AFSCME
9	WATER SUPERVISOR	AFSCME
<u>8</u>	<u>BUILDING SERVICES TECHNICIAN</u>	<u>AFSCME</u>
8	CONTROL ROOM OPERATOR	AFSCME
8	HEAVY EQUIPMENT OPERATOR I	AFSCME
8	SIGN MAKER	AFSCME
8	STOREKEEPER II	AFSCME
8	STREET LIGHTING TECHNICIAN II	AFSCME
7	ASSISTANT PUMPING MECHANIC	AFSCME
7	CENTRAL SERVICES TECHNICIAN	AFSCME
7	FLEET SERVICE REPRESENTATIVE	AFSCME
7	MUNICIPAL SERVICE WORKER III	AFSCME
7	SEWER PIPEFITTER	AFSCME
7	STOREKEEPER I	AFSCME
7	WATER METER TECHNICIAN II	AFSCME
7	WATER PIPEFITTER	AFSCME
<u>6</u>	<u>CUSTOMER SERVICE REPRESENTATIVE</u>	<u>AFSCME</u>
6	FLEET SERVICE WRITER	AFSCME
6	MECHANIC I	AFSCME
<u>6</u>	<u>RECREATION LEADER II</u>	<u>AFSCME</u>
6	STREET LIGHTING TECHNICIAN I	AFSCME
5	MUNICIPAL SERVICE WORKER II	AFSCME
5	<del>STORES CLERK</del>	AFSCME
5	TREE TRIMMER	AFSCME
5	WASTE COLLECTOR	AFSCME
5	WATER METER TECHNICIAN I	AFSCME

4	MUNICIPAL SERVICE WORKER I	AFSCME
<u>4</u>	<u>RECREATION LEADER I</u>	<u>AFSCME</u>
<u>3</u>	<u>CONCESSION ATTENDANT</u>	<u>AFSCME</u>
3	MUNICIPAL SERVICE WORKER TRAIN	AFSCME
3	MUSEUM GUARD	AFSCME
<u>2</u>	<u>SCHOOL GUARD</u>	<u>AFSCME</u>

**SECTION 2:** The following lines of Section 1 of the Ordinance, providing for the Group V classifications, being those classifications covered by the GSA bargaining unit, shall be amended to read as follows:

**GROUP V GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA (GSAF) - CLASS AND PAY GRADES, SALARIES, AND CLASSIFICATIONS**

**A. Salary Grades and Ranges**

GRADE	MINIMUM	MAXIMUM
15	66,600	101,482
14	57,826	93,394
13	53,218	85,950
12	48,975	79,098
11	45,071	72,793
10	41,478	66,990
9	38,173	61,654
8	35,130	56,738
7	32,330	52,215
6	29,753	42,768

**B. Grades and Classifications**

GRADE	CLASSIFICATION	UNION
15	BEACH PATROL OPERATIONS SUPERVISOR	GSA
15	CITY SURVEYOR	GSA
14	AIR CONDITIONING SUPERVISOR	GSA
14	CRIME SCENE SUPERVISOR	GSA
14	ELECTRICIAN SUPERVISOR	GSA
14	PLUMBING SUPERVISOR	GSA
14	SENIOR BUILDING INSPECTOR	GSA
14	SENIOR ENGINEERING INSPECTOR	GSA

13	COMMUNICATIONS SUPERVISOR	GSA
13	FLEET OPERATIONS SUPERVISOR	GSA
<del>43</del>	<del>PROPERTY MGMT OPERATIONS SUPERVISOR</del>	<del>GSA</del>
13	PUMPING OPERATIONS SUPERVISOR	GSA
13	METERED SERVICES SUPERVISOR	GSA
13	SEWER FIELD OPERATIONS SUPERVISOR	GSA
13	WATER FIELD OPERATIONS SUPERVISOR	GSA
12	CENTRAL SERVICES SUPERVISOR	GSA
12	ELECTRONICS/INSTRUMENT SUPERVISOR	GSA
12	MAINTENANCE SUPERVISOR	GSA
12	PARK OPERATIONS SUPERVISOR	GSA
12	PARKING OPERATIONS SUPERVISOR	GSA
12	SANITATION OPERATIONS SUPERVISOR	GSA
12	STREET LIGHTING OPERATIONS SUPERVISOR	GSA
12	STREETS OPERATIONS SUPERVISOR	GSA
12	WAREHOUSE SUPERVISOR	GSA
12	WATER METER SUPERVISOR	GSA
11	BACKFLOW COORDINATOR	GSA
11	LEAD MECHANIC	GSA
11	PAINT SUPERVISOR	GSA
11	RECREATION SUPERVISOR I	GSA
10	911 COMMUNICATIONS RECORDS CUSTODIAN	GSA
10	CARPENTER SUPERVISOR	GSA
<del>40</del>	<del>PARKING FACILITIES SUPERVISOR</del>	<del>GSA</del>
9	SERVICE SUPERVISOR	GSA
<del>6</del>	<del>TENNIS CENTER SUPERVISOR</del>	<del>GSA</del>

**SECTION 3:** The following lines of Section 1 of the Ordinance, providing for the Group VI classifications "OTHERS", being those classifications not covered by a Bargaining unit; shall be amended to read as follows:

**GROUP VI OTHERS**

**CLASS AND PAY GRADES, SALARIES, AND CLASSIFICATIONS**

**A. Salary Grades and Ranges**

GRADE	MINIMUM	MAXIMUM
-------	---------	---------

14	59,837	96,641
13	55,068	88,940
12	50,678	81,848
11	46,638	75,325
10	42,921	69,320
9	39,500	63,797
8	36,352	58,712
7	33,453	54,031
6	30,788	49,725
5	28,334	45,760
4	26,076	42,114
3	23,996	38,757
2	22,084	35,668

**B. Grades and Classifications**

<b>GRADE</b>	<b>CLASSIFICATION</b>	<b>UNION</b>
14	EMPLOYEE BENEFITS SPECIALIST	OTHER CLASSIFIED
14	SENIOR ELECTRICAL INSPECTOR	OTHER CLASSIFIED
14	SENIOR ELEVATOR INSPECTOR	OTHER CLASSIFIED
14	SENIOR MECHANICAL INSPECTOR	OTHER CLASSIFIED
14	SENIOR PLUMBING INSPECTOR	OTHER CLASSIFIED
12	COMPUTER OPERATOR	OTHER CLASSIFIED
12	FIREARMS SPECIALIST	OTHER CLASSIFIED
<u>11</u>	<u>FIRE INSPECTOR I</u>	<u>OTHER CLASSIFIED</u>
11	HUMAN RESOURCES TECHNICIAN III	OTHER CLASSIFIED
10	HUMAN RESOURCES TECHNICIAN II	OTHER CLASSIFIED
10	STOREKEEPER III	OTHER CLASSIFIED
9	<del>ICE RINK TECHNICIAN</del>	<del>OTHER CLASSIFIED</del>
9	HUMAN RESOURCES TECHNICIAN I	OTHER CLASSIFIED
8	<del>BUILDING SERVICES TECHNICIAN</del>	<del>OTHER CLASSIFIED</del>
6	RECREATION LEADER II	OTHER CLASSIFIED

6	CUSTOMER SERVICE REPRESENTATIVE	<del>OTHER CLASSIFIED</del>
5	OFFICE ASSOCIATE II (HR & IT)	OTHER CLASSIFIED
4	RECREATION LEADER-I	OTHER CLASSIFIED
3	CONCESSION ATTENDANT	OTHER CLASSIFIED
<u>2</u>	<u>SEASONAL RECREATIONAL AIDE</u>	<u>OTHER CLASSIFIED</u>
2	SCHOOL GUARD	OTHER CLASSIFIED

**SECTION 4: REPEALER.**

That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 5: SEVERABILITY.**

If any section, subsection, clause, or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 6: EFFECTIVE DATE**

This Ordinance shall take effect the \_\_\_\_ day of \_\_\_\_\_, 2010.

**PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2010.**

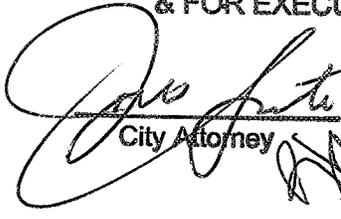
**ATTEST:**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

T:\AGENDA\2010\September 15\Regular\cl sal ord afsme gsa others Reso.doc

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

9/8/10  
\_\_\_\_\_  
Date



**MIAMI BEACH**  
**CITY OF MIAMI BEACH**  
**NOTICE OF A SPECIAL**  
**CITY COMMISSION MEETING**

**NOTICE IS HEREBY** given that a Special Commission Meeting will be held by the City Commission of the City of Miami Beach, Florida, on **Monday, September 20, 2010 commencing at 5:00 P.M.**, for the following Second Reading Public Hearings in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida. In addition, the City Commission will be discussing other City business at this meeting.

ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING, RESPECTIVELY, APPENDIX A TO SECTION 82-383(a), AND APPENDIX A TO SECTION 50-3(z) OF THE CITY CODE, TO MODIFY THE SIDEWALK CAFE OCCUPANCY FEE AND THE SIDEWALK CAFE PROPANE TANK HEATER FEE; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.  
 Inquiries may be directed to Public Works Department at (305) 673-7080.

\* ORDINANCE AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES' SALARY ORDINANCE; PROVIDING FOR THE GROUP I CLASSIFICATIONS, BEING THOSE CLASSIFICATIONS COVERED BY THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES/LOCAL NO. 1554 (AFSCME), BY TRANSFERRING THE CLASSIFICATIONS OF BUILDING SERVICES TECHNICIAN, CONCESSION ATTENDANT, CUSTOMER SERVICE REPRESENTATIVE, ICE RINK TECHNICIAN, RECREATION LEADER I, RECREATION LEADER II, SCHOOL GUARD, AND STOREKEEPER III FROM GROUP VI, BEING CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT ("OTHERS") TO GROUP I, AND BY ABOLISHING THE CLASSIFICATION OF STORES CLERK FROM GROUP I; PROVIDING FOR THE CLASSIFICATIONS IN GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA/OPIEU LOCAL 100 (GSA); BY ABOLISHING THE CLASSIFICATIONS OF PARKING FACILITIES SUPERVISOR, PROPERTY MANAGEMENT OPERATIONS SUPERVISOR AND TENNIS CENTER SUPERVISOR FROM GROUP V; PROVIDING FOR CLASSIFICATIONS IN GROUP VI, BEING CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT ("OTHERS"), BY ESTABLISHING THE CLASSIFICATIONS OF FIRE INSPECTOR I AND SEASONAL RECREATIONAL AIDE, AND BY TRANSFERRING THE CLASSIFICATIONS OF BUILDING SERVICES TECHNICIAN, CONCESSION ATTENDANT, CUSTOMER SERVICE REPRESENTATIVE, ICE RINK TECHNICIAN, RECREATION LEADER I, RECREATION LEADER II, SCHOOL GUARD, AND STOREKEEPER III FROM GROUP VI TO GROUP I; PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Inquiries may be directed to Human Resources at (305) 673-7520.

ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 106, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE II, ENTITLED "METERED PARKING," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 106-55, ENTITLED "PARKING RATES, FEES, AND PENALTIES;" BY AMENDING PARKING METER RATES AND TIME LIMITS IN THE SOUTH BEACH PARKING ZONE AND AMENDING THE FEES FOR THE HOTEL HANG TAG PROGRAM; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.  
 Inquiries may be directed to the Parking Department at (305) 673-7275.

**INTERESTED PARTIES** are invited to appear at this meeting or be represented by an agent or to express their views in writing addressed to the City Commission c/o the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This meeting may be opened and continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk  
 City of Miami Beach

Pursuant to Section 286.0105, FL Statutes, the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding, or to request information on access for persons with disabilities, or to request this publication in accessible format, or to request sign language interpreters, should contact the City Clerk's office at (305) 673-7411, no later than four days prior to the proceeding. If hearing impaired, contact the City Clerk's office via the Florida Relay Service numbers: (800) 955-8771 (TTY) or (800) 955-8770 (VOICE). **AD #625**

**Condensed Title:**

An Ordinance Amending Various Sections Of The City Code With Regard To Administrative Special Master Hearing Fees Which Will Be Set Uniformly Via Resolution Of The City Commission.

**Key Intended Outcome Supported:**

N/A

**Supporting Data (Surveys, Environmental Scan, etc.):**

N/A

**Issue:**

Shall the City Commission approve the ordinance?

**Item Summary/Recommendation:**

**SECOND READING PUBLIC HEARING**

This ordinance amendment was approved on first reading at the September 15, 2010 Commission Meeting. Approval of this ordinance allows for the special master hearing fee to be set by resolution. A companion resolution is on the September 20, 2010 agenda changing the fee from \$75, set in 1992, to \$100.

In 1992, the special master hearing fee was set at \$75. The fee has not increased in eighteen (18) years. With this in mind, and taking into consideration the increase in special master staff salaries, special master compensation, and the noticing of condominium common area violations, the Administration is recommending a fee increase.

The City Clerk's Office, in conjunction with the Office of Budget and Performance Improvement analyzed just the staffing costs to administer the special master program. The analysis determined that the fee should be increased from \$75 to \$150.

Increasing the fee was discussed at the Finance and Citywide Projects Committee meeting held on August 25, 2010. After the discussion, a motion was made to increase the fee from \$75 to \$100.

The Administration recommends adopting this ordinance on second reading which allows for the special master hearing fee to be set by resolution.

**Advisory Board Recommendation:**

The Finance and Citywide Projects Committee at their August 25, 2010 meeting approved by motion an increase to \$100.

**Financial Information:**

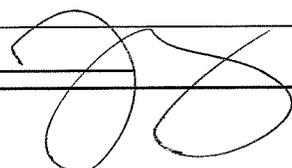
Source of Funds:	Amount	Account
n/a	1	N/A

Financial Impact Summary:

**City Clerk's Office Legislative Tracking:**

Robert Parcher, extension 7411

**Sign-Offs:**

Robert Parcher, Department Director	Dolores Mejia, Special Projects Coordinator	Jorge M. Gonzalez, City Manager
RP 	DM _____	JMG 

T:\AGENDA\2010\September 20\Regular\Ordinance Special Master fee Summary.doc

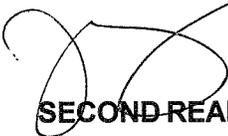


## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

  
~~SECOND READING PUBLIC HEARING~~

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FOLLOWING PROVISIONS OF THE MIAMI BEACH CITY CODE WITH REGARD TO ADMINISTRATIVE SPECIAL MASTER HEARING APPEAL FEES WHICH WILL BE SET UNIFORMLY VIA RESOLUTION OF THE CITY COMMISSION, AND TO PROVIDE CONSISTENT REFERENCES TO ADMINISTRATIVE SPECIAL MASTER HEARING PROCEDURES AND APPEAL FEES THROUGHOUT THE CITY CODE, BY AMENDING CHAPTER 18, ENTITLED "BUSINESSES," BY AMENDING ARTICLE XV, ENTITLED "STREET PERFORMERS AND ART VENDORS"; BY AMENDING SECTION 18-911(b) THEREOF; BY AMENDING CHAPTER 30, ENTITLED "CODE ENFORCEMENT," BY AMENDING ARTICLE III, ENTITLED "ENFORCEMENT PROCEDURES," BY AMENDING SECTIONS 30-72(a) AND 30-79(a) THEREOF; BY AMENDING CHAPTER 42, ENTITLED "EMERGENCY SERVICES," BY AMENDING ARTICLE II, ENTITLED "ALARM SYSTEMS," BY AMENDING SECTION 42-91(c) THEREOF; BY AMENDING CHAPTER 46, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE VI, ENTITLED "NOISE," BY AMENDING SECTIONS 46-159(b)-(c) AND 46-161(d) THEREOF; BY AMENDING CHAPTER 82, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING SECTION 82-151(e) THEREOF; BY AMENDING CHAPTER 86, ENTITLED "SALES," BY AMENDING ARTICLE II, ENTITLED "GARAGE SALES," AND ARTICLE III, ENTITLED "NON-PROFIT VENDING AND DISTRIBUTION," BY AMENDING SECTIONS 86-108(b) AND 86-150(b), RESPECTIVELY; BY AMENDING CHAPTER 90, ENTITLED "SOLID WASTE," BY AMENDING ARTICLE IV, ENTITLED "PRIVATE WASTE COLLECTORS/CONTRACTORS," BY AMENDING SECTION 90-231(b) THEREOF; BY AMENDING CHAPTER 102, ENTITLED "TAXATION," BY AMENDING ARTICLE IV, ENTITLED "RESORT TAX," AND ARTICLE V, ENTITLED "LOCAL BUSINESS TAX," BY AMENDING SECTIONS 102-322(c)(1), 102-372(a), 102-377(a)(2), AND 102-384, RESPECTIVELY; BY AMENDING CHAPTER 106, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE V, ENTITLED "POLICE VEHICLE TOWING," AND ARTICLE X, ENTITLED "NONMOTORIZED VEHICLES FOR HIRE," BY AMENDING SECTIONS 106-220(a) AND 106-467(b)-(c), RESPECTIVELY; PROVIDING FOR CODIFICATION; SEVERABILITY; REPEALER; AND AN EFFECTIVE DATE.**

## **ADMINISTRATION RECOMMENDATION**

The Administration recommends adopting the ordinance following a second reading, public hearing.

## **BACKGROUND**

This ordinance amendment was approved on first reading at the September 15, 2010 Commission Meeting. Approval of this ordinance allows for the special master hearing fee to be set by resolution. A companion resolution will be placed on the September 20, 2010 agenda changing the fee from \$75, set in 1992, to \$100.

In various chapters of the City Code, administrative procedures are provided whereby special masters may hear and decide cases in which violators of the City Code are prosecuted or appealed.

In 1992, the special master hearing fee was set at \$75. The fee has not increased in eighteen (18) years. With this in mind, and taking into consideration the increase in special master staff salaries, special master compensation, and the noticing of condominium common area violations, the Administration is recommending a fee increase. Pursuant to the City Code, the Administration is authorized to recover all costs associated with special master hearings. The City Clerk's Office, in conjunction with the Office of Budget and Performance Improvement analyzed just the staffing costs to administer the special master program. The analysis determined that the fee should be increased from \$75 to \$150.

Increasing the fee was discussed at the Finance and Citywide Projects Committee meeting held on August 25, 2010. After the discussion, a motion was made to increase the fee from \$75 to \$100. On second reading of this ordinance at the September 20, 2010 Special Commission Meeting, if approved, allows for the special master fee to be set by resolution.

## **CONCLUSION**

Considering the fact that the special master fee has not increased in eighteen (18) years, while the costs associated with these proceedings have increased, the Administration recommends the Mayor and City Commission approve this ordinance which allows for the special master hearing fee to be set by resolution.

JMG/REP

T:\AGENDA\2010\September 20\Regular\Ordinance Special Master fee Memo.doc

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FOLLOWING PROVISIONS OF THE MIAMI BEACH CITY CODE WITH REGARD TO ADMINISTRATIVE SPECIAL MASTER HEARING APPEAL FEES WHICH WILL BE SET UNIFORMLY VIA RESOLUTION OF THE CITY COMMISSION, AND TO PROVIDE CONSISTENT REFERENCES TO ADMINISTRATIVE SPECIAL MASTER HEARING PROCEDURES AND APPEAL FEES THROUGHOUT THE CITY CODE, BY AMENDING CHAPTER 18, ENTITLED "BUSINESSES," BY AMENDING ARTICLE XV, ENTITLED "STREET PERFORMERS AND ART VENDORS"; BY AMENDING SECTION 18-911(b) THEREOF; BY AMENDING CHAPTER 30, ENTITLED "CODE ENFORCEMENT," BY AMENDING ARTICLE III, ENTITLED "ENFORCEMENT PROCEDURES," BY AMENDING SECTIONS 30-72(a) AND 30-79(a) THEREOF; BY AMENDING CHAPTER 42, ENTITLED "EMERGENCY SERVICES," BY AMENDING ARTICLE II, ENTITLED "ALARM SYSTEMS," BY AMENDING SECTION 42-91(c) THEREOF; BY AMENDING CHAPTER 46, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE VI, ENTITLED "NOISE," BY AMENDING SECTIONS 46-159(b)-(c) AND 46-161(d) THEREOF; BY AMENDING CHAPTER 82, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING SECTION 82-151(e) THEREOF; BY AMENDING CHAPTER 86, ENTITLED "SALES," BY AMENDING ARTICLE II, ENTITLED "GARAGE SALES," AND ARTICLE III, ENTITLED "NON-PROFIT VENDING AND DISTRIBUTION," BY AMENDING SECTIONS 86-108(b) AND 86-150(b), RESPECTIVELY; BY AMENDING CHAPTER 90, ENTITLED "SOLID WASTE," BY AMENDING ARTICLE IV, ENTITLED "PRIVATE WASTE COLLECTORS/CONTRACTORS," BY AMENDING SECTION 90-231(b) THEREOF; BY AMENDING CHAPTER 102, ENTITLED "TAXATION," BY AMENDING ARTICLE IV, ENTITLED "RESORT TAX," AND ARTICLE V, ENTITLED "LOCAL BUSINESS TAX," BY AMENDING SECTIONS 102-322(c)(1), 102-372(a), 102-377(a)(2), AND 102-384, RESPECTIVELY; BY AMENDING CHAPTER 106, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE V, ENTITLED "POLICE VEHICLE TOWING," AND ARTICLE X, ENTITLED "NONMOTORIZED VEHICLES FOR HIRE," BY AMENDING SECTIONS 106-220(a) AND 106-467(b)-(c), RESPECTIVELY; PROVIDING FOR CODIFICATION; SEVERABILITY; REPEALER; AND AN EFFECTIVE DATE.

WHEREAS, in various chapters of the City Code, administrative procedures are provided whereby special masters may hear and decide cases in which violations of the City Code are prosecuted or appealed; and

WHEREAS, the special master fee is not uniformly provided for in the various City Code provisions concerning special master hearing procedures; and

**WHEREAS**, there have been increases in the costs associated with special master hearings including, inter alia, increases in staff salaries and special master compensation since 1992 when the special master fee of \$75 was established; and

**WHEREAS**, in order to provide for a consistent and flexible method whereby the special master fee may be adjusted in the relevant provisions of the City Code to reflect the changing costs associated with the special master, such fee should be set by a resolution approved by the City Commission; and

**WHEREAS**, after the adoption of this Ordinance on a second reading, public hearing, a companion resolution, as referenced in this Ordinance, setting a special master fee will be submitted for consideration and adoption by the City Commission; and

**WHEREAS**, in order to provide consistency throughout the City Code with regard to special master hearing procedures and fees, the City Code amendments set forth herein should be adopted.

**NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1.** That Article XV, entitled "Street Performers and Art Vendors," of Chapter 18 of the Miami Beach City Code, entitled "Businesses," is hereby amended as follows:

**CHAPTER 18  
BUSINESSES**

\* \* \*

**ARTICLE XV. Street Performers and Art Vendors**

\* \* \*

**Sec. 18-911. Rights of violators; payment of fine; right to appeal; failure to pay civil fine or to appeal.**

\* \* \*

(b) The procedures for appeal shall be as set forth in Code sections 102-384 and 102-385.

**SECTION 2.** That Article III, entitled "Enforcement Procedures," of Chapter 30 of the Miami Beach City Code, entitled "Code Enforcement," is hereby amended as follows:

**CHAPTER 30  
CODE ENFORCEMENT**

\* \* \*

**ARTICLE III. Enforcement Procedures**

\* \* \*

**Sec. 30-72. Conduct of hearings.**

(a) Upon request of the code inspector or at such other times as may be necessary, the special master may call hearings. The special master at any hearing may set a future hearing date. The special master shall attempt to convene no less frequently than once every month but may meet more or less often as the demand necessitates. Minutes shall be kept of all hearings, and all hearings shall be open to the public. The city manager shall provide clerical and administrative personnel as may be reasonably required for the proper performance of the special master's duties. If the local governing body prevails in prosecuting a case before the special master, it shall be entitled to recover all costs and fees incurred in prosecuting the case before the special master, including but not limited to costs for enforcement, inspections, preparation of enforcement reports, photographs, testing, monitoring, title search, postage, service of notice and or orders, translator, audio/video of proceeding, recordings, demonstrable administrative and or clerical costs, attributable special master fees as approved by a resolution of the city commission, and hearing facility costs; such costs and fees may be included in the lien authorized under F.S. § 162.09(3).

\* \* \*

**Sec. 30-79. Civil liability; penalties; attorneys' fees.**

(a) Any person who violates a provision of this chapter or any lawful rule, regulation, or written order of the special master under this chapter is subject to injunction or other equitable relief to enforce compliance with or to prohibit the violation of this chapter. Further, such person is liable for any damage to city caused by such violation, and for the reasonable costs and expenses incurred by the city in enforcing the provisions of this chapter, including but not limited to all costs for enforcement, administrative and clerical costs, special master fees, and collection. All such sums shall become immediately due and payable upon expenditure by the city and shall become delinquent if not paid within 30 days after notice to the violator of either the city's bill or special master's order itemizing the enforcement costs incurred in enforcing the provisions of this chapter (the "due date"). All such delinquent sums shall bear interest at the rate of 12 percent per annum.

**SECTION 3.** That Division 3, entitled "Burglar Alarms," of Article II, entitled "Alarm Systems," of Chapter 42 of the Miami Beach City Code, entitled "Emergency Services," is hereby amended as follows:

**CHAPTER 42**

**EMERGENCY SERVICES**

\* \* \*

**ARTICLE II. Alarm Systems**

\* \* \*

**Division 3. Burglar Alarms**

\* \* \*

**Sec. 42-91. Appeal of false alarm designation.**

\* \* \*

- (c) All requests for hearings must be accompanied by an an filing bond of \$75.00 appeal fee, as approved by a resolution of the city commission, in cash, money order, or certified check for each alarm disputed. ~~This bond~~ The appeal fee will be returned to the user if the hearing officer rules in his/her/its favor.

**SECTION 4.** That Article IV, entitled "Noise," of Chapter 46 of the Miami Beach City Code, entitled "Environment," is hereby amended as follows:

**CHAPTER 46**

**ENVIRONMENT**

\* \* \*

**ARTICLE IV. Noise**

\* \* \*

**Sec. 46-159. Fines and penalties for violation; appeals; alternate means of enforcement.**

\* \* \*

- (b) A violator who has been served with a notice of violation shall elect either to:

(1) Pay the civil fine in the manner indicated on the notice; or

(2) File a written request for an administrative hearing before a special master to appeal the decision of the code inspector that resulted in the issuance of the notice of violation. The written request shall be submitted to the clerical staff of the special master no later than ten (10) days of service of the notice of violation, and shall be accompanied by an \$75.00 appeal fee as approved by a resolution of the city commission. The fee may be returned to the violator if the special master rules in favor of the violator. All disputes regarding proper notice of the violation and timeliness of the appeal shall be heard by the special master prior to any hearing on the merits of the violation itself.

- (c) The procedures for appeal of the notice of violation shall be as set forth in sections 102-384 and 102-385. A courtesy mail notice shall be promptly provided to the complainant of any hearing regarding the notice of violation, and the complainant may testify at such hearings; provided, however, that non-transmission of the courtesy notice to the complainant shall not in any way invalidate, affect, or impair any of the further proceedings, actions, or determinations in the case. Failure to give such notice shall not be a cause for continuance or cancellation of any scheduled hearing of the matter. Only two continuances, for no longer than 20 days each, shall be granted by the special master for any administrative hearing unless the alleged offender, at a hearing on a motion for continuance, establishes by testimony, and/or other evidence, that good cause exists for a further continuance. If the special master finds that a

violation has occurred, the applicable penalty set forth in subsection 46-159(a) shall be imposed.

\* \* \*

**Sec. 46-161. Motor vehicle alarms.**

- (d) A violation of this section on private property shall cause the person who owns or has custody of the offending vehicle to be fined \$50.00. Any duly designated law enforcement officer and/or code enforcement officer is authorized and empowered to enter without force upon private property in order to detect and issue a citation or notice of violation to and upon the owner or custodian of the offending motor vehicle. A copy of the citation or notice of violation may also be left on the offending vehicle and shall constitute notice. The citation or notice of violation may be appealed in accordance with the procedures set forth in sections 102-384 and 102-385, and Chapter 30 of this Code.

**SECTION 5.** That Division 2, entitled "Temporary Obstructions," of Article IV, entitled "Uses in Public-Rights-of Way," of Chapter 82 of the Miami Beach City Code, entitled "Public Property," is hereby amended as follows:

**CHAPTER 82**

**PUBLIC PROPERTY**

\* \* \*

**ARTICLE IV. Uses in Public Rights-of-Way**

\* \* \*

**Division 2. Temporary Obstructions**

**Sec. 82-151. Permit required.**

\* \* \*

- (e) *Appeal.* Appeal from the determination of required deposit amount by the public works director and appeals from the denial of a permit shall be to the city manager or his designee. Alternatively, the city commission may, by resolution, appoint a special master to hear such appeals. The appeals shall be conducted pursuant to the procedures set forth in sections 102-384 and 102-385. Applications for hearings must be accompanied by a fee as approved by a resolution of the city commission specified in appendix A, which will be refunded if the applicant prevails in the appeal.

**SECTION 6.** That Division 4, entitled "Enforcement," of Article II, entitled "Garage Sales," and Division I, entitled "Generally," of Article III, entitled "Non-profit Vending and Distribution," of Chapter 86 of the Miami Beach City Code, entitled "Sales," are hereby amended as follows:

**CHAPTER 86**

**SALES**

\* \* \*

**ARTICLE II. Garage Sales**

\* \* \*

**Division 4. Enforcement**

\* \* \*

**Sec. 86-108. Rights of violators; payment of fine; right to appeal; failure to pay civil fine or failure to appeal.**

\* \* \*

(b) The procedures for appeal by administrative hearing of the notice of violation shall be as set forth in section 102-384 and 102-385.

\* \* \*

**Article III. Nonprofit Vending and Distribution**

\* \* \*

**Division 1. Generally**

\* \* \*

**Sec. 86-150. Rights of violators; payment of fine; right to appeal; failure to pay civil fine or to appeal.**

\* \* \*

(b) The procedures for appeal shall be as set forth in Code sections 102-384 and 102-385.

**SECTION 7.** That Article IV, entitled "Private Waste Collectors/Contractors," of Chapter 90 of the Miami Beach City Code, entitled "Solid Waste," is hereby amended as follows:

**CHAPTER 90**

**SOLID WASTE**

\* \* \*

**Article IV. Private Waste Collectors/Contractors**

\* \* \*

**Sec. 90-231. Recycling requirements for franchise waste contractors; protest procedures.**

\* \* \*

(b) Protest procedures for multi-family residences only. In the event that the recycling bid and/or price quote (hereinafter, the offer) provided by the contractor to an

account holder who is an owner, occupant, or operator or manager of an apartment building or other multifamily residence, is deemed unfair by said owner, occupant, or operator or manager, then the aggrieved party may file a protest with the city manager. Any such protest must be submitted in writing; must be made within 30 days of receipt of the offer by the aggrieved party; must include a copy of the offer; and must clearly state the reasons and grounds that the aggrieved party considers the offer to be unfair. Protests not made within the time period set forth in the preceding sentence shall be time-barred and shall receive no further consideration. Upon receipt of a timely written protest, the city manager shall provide a copy to the particular contractor, who may respond to the protest, in writing, within 15 days of receipt of the protest. At the end of the 15 days, the city manager has 30 days to direct that an administrative hearing be scheduled to consider the protest (which hearing need not necessarily be held within the 30-day period). Except as otherwise provided in this section, the hearing shall be conducted by the city manager, or a designee appointed by the city manager, and shall be conducted in accordance with the provisions procedures established pursuant to sections 102-384 and 102-385. At the hearing, the city manager or his designee may hear testimony and consider any relevant evidence from the parties regarding the subject protest and, at the conclusion of the hearing, the city manager or his designee shall make a written determination as to the fairness or unfairness of the protest. An offer shall not be deemed to be unfair if it provides for prices, terms, and services as would be provided to buildings of comparable size and character within the area, and which is competitive within the local industry standards. If the offer is deemed unfair, the city manager, or the city manager's designee, shall require the contractor to provide the aggrieved party with a new offer that meets the minimum criteria for fairness (as established in the preceding sentence). The contractor's failure or refusal to provide a fair alternative bid and/or quote may be grounds for suspension or revocation of contractor's franchise agreement.

**SECTION 8.** That Division 4, entitled "Tax," of Article IV, entitled "Resort Tax," and Article V, entitled "Local Business Tax," of Chapter 102 of the Miami Beach City Code, entitled "Taxation," are hereby amended as follows:

**CHAPTER 102**

**TAXATION**

\* \* \*

**ARTICLE IV. Resort Tax**

\* \* \*

**Division 4. Tax**

\* \* \*

**Sec. 102-322. Penalties for violation of division.**

\* \* \*

(c) Additionally, violators may be subject to the following:

- (1) Proceedings to revoke/suspend the city occupational license and/or the certificate of use for the business/premises involved with the violation as provided in sections 102-383 through 102-385;

\* \* \*

**Article V. Local Business Tax**

\* \* \*

**Sec. 102-372. Grounds for denial.**

- (a) Any person whose application for a business tax receipt has been denied may seek a hearing under sections 102-384 and 102-385.

\* \* \*

**Sec. 102-377. Penalties, enforcement; collection of delinquent fees and taxes, and criminal penalties.**

\* \* \*

- (a) (2) Suspension/revocation proceedings as set forth in sections 102-383 through 102-385.

\* \* \*

**Sec. 102-384. Hearing when taxee or permittee fails to comply with notice or when requested by aggrieved applicant/taxee.**

If a taxee or permittee fails to comply with any notice issued as provided in section 102-383, the city manager or his designee may issue an order in writing to the taxee, by certified mail or hand delivery, notifying him to appear at an administrative hearing before the city manager or his designee to be held at a time to be fixed in such order, which date shall be not less than five days after service thereof. Except as provided in subsection (b) of section 102-385, an administrative hearing may also be requested by an applicant/taxee aggrieved by a decision of a code compliance officer regarding denial of a business tax receipt, determination of fees/penalties due and/or warning of potential suspension/revocation for violation of a provision of this article. The request must be in writing and filed in the city manager's office within ten days of receipt of the decision of the inspector. The request must specify the decision complained of and the nature of the applicant's/taxee's grievance and must be accompanied by a fee as ~~specified in appendix A~~ approved by a resolution of the city commission to defray expenses of the hearing. The fee will be refunded if the applicant/taxee prevails in the appeal. The city's costs and fees shall be assessed and liened as provided in sec. 30-72(a).

**SECTION 9.** That Division 2, entitled "Permit," of Article V, entitled "Police Vehicle Towing," and Article X, entitled "Non-motorized vehicles for hire," of Chapter 106 of the Miami Beach City Code, entitled "Traffic and Vehicles," is hereby amended as follows:

**CHAPTER 106**  
**TRAFFIC AND VEHICLES**

\* \* \*

**ARTICLE V. Police Vehicle Towing**

\* \* \*

**Division 2. Permit**

\* \* \*

**Sec. 106-220. Suspension/revocation; appeals.**

- (a) Each awardee of a permit pursuant to this article shall comply at all times with the administrative rules and regulations for police towing permits as amended from time to time and with all applicable city, county, state and federal ordinances, regulations and statutes. The city manager or his designee may suspend or revoke a permit for failure to comply after holding a hearing in accordance with the procedures for suspension/revocation of occupational licenses as set forth in sections 102-383 through 102-385. The permit fee shall not be reduced during periods of suspension, and such work as may have been due the suspended permit holder may be assigned instead to the remaining permit holders.
- (b) Appeals from a suspension or revocation pursuant to this section shall be to a court of appropriate jurisdiction in accordance with the state rules of appellate procedure.

\* \* \*

**Article X. Nonmotorized Vehicles for Hire**

\* \* \*

**Sec. 106-467. Fines and penalties for violation; appeals; alternate means of enforcement.**

\* \* \*

- (b) A violator who has been served with a notice of violation shall elect either to:
  - (1) Pay the civil fine in the manner indicated on the notice; or
  - (2) File a written request for an administrative hearing before a special master to appeal the decision of the code inspector that resulted in the issuance of the notice of violation. The written request shall be submitted to the clerical staff of the special master no later than ten days of service of the notice of violation, and shall be accompanied by an ~~\$75.00~~ appeal fee as approved by a resolution of the city commission. The fee may be returned to the violator if the special master rules in favor of the violator. All disputes regarding proper notice of the violation and timeliness of the appeal shall be heard by the special master prior to any hearing on the merits of the violation itself.
- (c) The procedures for appeal of the notice of violation shall be as set forth in sections 102-384 and 102-385. A courtesy mail notice shall be promptly provided to the complainant of any hearing regarding the notice of violation, and the complainant

may testify at such hearings; provided, however, that non-transmission of the courtesy notice to the complainant shall not in any way invalidate, affect, or impair any of the further proceedings, actions, or determinations in the case. Failure to give such notice shall not be a cause for continuance or cancellation of any scheduled hearing of the matter. Only two continuances, for no longer than 20 days each, shall be granted by the special master for any administrative hearing unless the alleged offender, at a hearing on a motion for continuance, establishes by testimony, and/or other evidence, that good cause exists for a further continuance. If the special master finds that a violation has occurred, the applicable penalty set forth in subsection 106-67(a) shall be imposed.

**SECTION 10. Codification.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**SECTION 11. Severability.**

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

**SECTION 12. Repealer.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 13. Effective Date.**

PASSED and ADOPTED this \_\_\_\_\_ day of September, 2010.

This Ordinance shall take effect the 1st day of October, 2010.

ATTEST:

\_\_\_\_\_  
Mayor Matti Herrera Bower

\_\_\_\_\_  
Robert Parcher, City Clerk

Underline denotes additions  
~~Strike-through~~ denotes deletions

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
  
CITY ATTORNEY DT DATE 9/16/10



# MIAMI BEACH

## CITY OF MIAMI BEACH NOTICE OF A SPECIAL CITY COMMISSION MEETING

**NOTICE IS HEREBY** given that a Special Commission Meeting will be held by the City Commission of the City of Miami Beach, Florida, on **Monday, September 20, 2010 commencing at 5:00 P.M.**, for the following Second Reading Public Hearings in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida. In addition, the City Commission will be discussing other City business at this meeting.

### AMENDMENTS TO BUILDING DEVELOPMENT PROCESS FEES ORDINANCE:

**1. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 14 OF THE MIAMI BEACH CITY CODE, BY DELETING PART 1, SECTIONS 14-61 THRU 14-338 THEREOF, AMENDING SECTIONS 14-61 THROUGH 14-70; AND AMENDING APPENDIX A, SECTIONS 14-61(b) THROUGH 14-70(7); BY MODIFYING INSPECTION FEES, FOR BUILDING, PLUMBING, ELECTRICAL, AND MECHANICAL WORK, AND FOR OTHER BUILDING DEPARTMENT ACTIVITIES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**  
Inquiries may be directed to the Building Department at (305) 673-7610.

**2. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 50 OF THE CITY OF MIAMI BEACH CODE, BY AMENDING SECTION 50-3, ENTITLED "PLANS EXAMINATION, INSPECTION, PERMITS," AND AMENDING APPENDIX A, SECTIONS 50-3(b) THROUGH 50-3(bb); BY ADDING NEW FEES AND MODIFYING THE FEE SCHEDULE FOR FIRE DEPARTMENT; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**  
Inquiries may be directed to the Fire Department at (305) 673-7123.

**3. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 15 OF THE MIAMI BEACH CITY CODE, ENTITLED "ZONING REVIEW FEE ASSOCIATED WITH THE BUILDING PROCESS," AND AMENDING APPENDIX A, SECTIONS 15-32 THROUGH 15-35 BY ADDING NEW FEES AND MODIFYING THE FEE SCHEDULE FOR ZONING REVIEW ASSOCIATED WITH THE BUILDING PROCESS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**  
Inquiries may be directed to the Planning Department at (305) 673-7550.

**4. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 98 OF THE MIAMI BEACH CITY CODE, ARTICLE III, DIVISION 2, SECTION 98-92, ENTITLED "APPLICATION; AMOUNT OF DEPOSIT; USE OF DEPOSIT TO REPLACE SURFACE; PERMIT FEES," AND AMENDING APPENDIX A SECTIONS 98-92(c) THROUGH 98-92(e) BY ADDING NEW FEES AND MODIFYING THE FEE SCHEDULE FOR PUBLIC WORKS REVIEW ASSOCIATED WITH THE BUILDING PROCESS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**  
Inquiries may be directed to Public Works Department at (305) 673-7080.

### SPECIAL MASTER:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE FOLLOWING PROVISIONS OF THE MIAMI BEACH CITY CODE WITH REGARD TO ADMINISTRATIVE SPECIAL MASTER HEARING APPEAL FEES WHICH WILL BE SET UNIFORMLY VIA RESOLUTION OF THE CITY COMMISSION, AND TO PROVIDE CONSISTENT REFERENCES TO ADMINISTRATIVE SPECIAL MASTER HEARING PROCEDURES AND APPEAL FEES THROUGHOUT THE CITY CODE, BY AMENDING CHAPTER 18, ENTITLED "BUSINESSES," BY AMENDING ARTICLE XV, ENTITLED "STREET PERFORMERS AND ART VENDORS"; BY AMENDING SECTION 18-911(b) THEREOF; BY AMENDING CHAPTER 30, ENTITLED "CODE ENFORCEMENT," BY AMENDING ARTICLE III, ENTITLED "ENFORCEMENT PROCEDURES," BY AMENDING SECTIONS 30-72(a) AND 30-79(a) THEREOF; BY AMENDING CHAPTER 42, ENTITLED "EMERGENCY SERVICES," BY AMENDING ARTICLE II, ENTITLED "ALARM SYSTEMS," BY AMENDING SECTION 42-91(c) THEREOF; BY AMENDING CHAPTER 46, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE VI, ENTITLED "NOISE," BY AMENDING SECTIONS 46-159(b)-(c) AND 46-161(d) THEREOF; BY AMENDING CHAPTER 82, ENTITLED "PUBLIC PROPERTY," BY AMENDING ARTICLE IV, ENTITLED "USES IN PUBLIC RIGHTS-OF-WAY," BY AMENDING SECTION 82-151(e) THEREOF; BY AMENDING CHAPTER 86, ENTITLED "SALES," BY AMENDING ARTICLE II, ENTITLED "GARAGE SALES," AND ARTICLE III, ENTITLED "NON-PROFIT VENDING AND DISTRIBUTION," BY AMENDING SECTIONS 86-108(b) AND 86-150(b), RESPECTIVELY; BY AMENDING CHAPTER 90, ENTITLED "SOLID WASTE," BY AMENDING ARTICLE IV, ENTITLED "PRIVATE WASTE COLLECTORS/CONTRACTORS," BY AMENDING SECTION 90-231(b) THEREOF; BY AMENDING CHAPTER 102, ENTITLED "TAXATION," BY AMENDING ARTICLE IV, ENTITLED "RESORT TAX," AND ARTICLE V, ENTITLED "LOCAL BUSINESS TAX," BY AMENDING SECTIONS 102-322(c)(1), 102-372(a), 102-377(a)(2), AND 102-384, RESPECTIVELY; BY AMENDING CHAPTER 106, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE V, ENTITLED "POLICE VEHICLE TOWING," AND ARTICLE X, ENTITLED "NONMOTORIZED VEHICLES FOR HIRE," BY AMENDING SECTIONS 106-220(a) AND 106-467(b)-(c), RESPECTIVELY; BY AMENDING CHAPTER 130, ENTITLED "OFF-STREET PARKING," BY AMENDING ARTICLE X, ENTITLED "SUPPLEMENTARY CONVENTION CENTER PARKING," BY AMENDING SECTION 130-286; PROVIDING FOR CODIFICATION; SEVERABILITY; REPEALER; AND AN EFFECTIVE DATE.

**INTERESTED PARTIES** are invited to appear at this meeting or be represented by an agent or to express their views in writing addressed to the City Commission c/o the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This meeting may be opened and continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk  
City of Miami Beach

Pursuant to Section 286.0105, FL Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding, or to request information on access for persons with disabilities, or to request this publication in accessible format, or to request sign language interpreters, should contact the City Clerk's office at (305) 673-7411, no later than four days prior to the proceeding. If hearing impaired, contact the City Clerk's office via the Florida Relay Service numbers, (800) 955-8771 (TTY) or (800) 955-8770 (VOICE).

AD # 624

**Condensed Title:**

An Ordinance amending the Code of the City of Miami Beach, by amending Chapter 106, Entitled "Traffic and Vehicles," Article II, Entitled "Metered Parking," Division 1, Entitled "Generally," Section 106-55, Entitled "Parking Rates, Fees, and Penalties;" by amending Parking Meter Rates and Time Limits in the South Beach Parking Zone and amending the fees for the Hotel Hang Tag Program; providing for codification, repealer, severability, and an effective date.

**Key Intended Outcome Supported:**

Improve Parking Availability; Maintain Financial Health and Overall Bond Rating.

**Supporting Data (Surveys, Environmental Scan, etc.):**

77.2% of respondents rate the availability of parking across the City as too little. Availability of parking was one of the changes residents identified to Make Miami Beach better to live, work or play.

**Issue:**

Whether to adjust the hourly parking meter rate south of 23<sup>rd</sup> street, increase the hours of enforcement and increase the Hotel Hang tag rate.

**Item Summary/Recommendation:**

**SECOND READING**

Parking meter rates are established and ordained by the Mayor and Commission. As an enterprise fund, the Parking System needs to keep pace with these escalating costs in order to (1) operate the system efficiently and maintain service levels and (2) fund capital projects including expansion of the system. Additionally, any excess revenues that remain in the Parking Fund at the end of the fiscal year can be utilized for any legal purpose, including subsidizing General Fund expenses.

As part of the FY10/11 budget process, the Administration reviewed the current rates and has made the following recommendations (1) increase the hourly parking meter rate in the South Beach Parking Zone (metered parking south of 23rd Street) from \$1.25/hour to \$1.50/hour effective October 1, 2010 and a subsequent increase from \$1.50 to \$1.75 effective October 1, 2011, and still continue to offer a discounted rate of \$1.00/hour to City of Miami Beach residents thru the in-car meter; (2) extend the hours of enforcement south of 23rd Street currently 9am to midnight to 9am to 3am; and (3) increase the hotel hang tag rate from \$6.00 to \$10.00 per tag.

**APPROVE THE ORDINANCE AT SECOND READING AND FINAL PUBLIC HEARING.**

**Advisory Board Recommendation:**

Finance and Citywide Committee – August 25, 2010: Committee approved the recommended rate increases.

**Financial Information:**

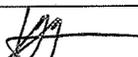
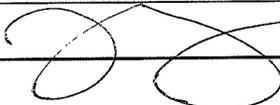
Source of Funds:	Amount	Account	Approved
1			
2			
<b>Total</b>			

OBPI  
Financial Impact Summary:

**City Clerk's Office Legislative Tracking:**

Saul Frances, Parking Director

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2010\September 20\Regular\ParkingRateAmend2010Budget2nd Read.sum.doc





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission  
FROM: Jorge M. Gonzalez, City Manager   
DATE: September 20, 2010 **SECOND READING AND FINAL PUBLIC HEARING**  
SUBJECT: **Parking Rate Ordinance Amendments**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 106, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE II, ENTITLED "METERED PARKING," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 106-55, ENTITLED "PARKING RATES, FEES, AND PENALTIES;" BY AMENDING PARKING METER RATES AND TIME LIMITS IN THE SOUTH BEACH PARKING ZONE AND AMENDING THE FEES FOR THE HOTEL HANG TAG PROGRAM; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

### ADMINISTRATION RECOMMENDATION

The Administration recommends that the Mayor and Commission approve the amendment of the ordinance on second reading and final public hearing.

### ANALYSIS

Parking meter rates are established by Ordinance by the Mayor and Commission. While the Commission has endorsed rates that remain affordable; parking department operating and capital expenses continue to rise. As an enterprise fund, the Parking System needs to keep pace with these escalating costs in order to (1) operate the system efficiently and maintain service levels and (2) fund capital projects including expansion of the system. Additionally, any excess revenues that remain in the Parking Fund at the end of the fiscal year can be utilized for any legal purpose, including subsidizing General Fund expenses.

As part of the FY10/11 budget process, the Administration reviewed the current rates and offered several suggestions to address the revenue and expenditure balance. Those that were of highest interest to the City Commission were: (1) increase the hourly parking meter rate in the South Beach Parking Zone (metered parking south of 23rd Street) from \$1.25/hour to \$1.50/hour effective October 1, 2010, and a subsequent increase from \$1.50 to \$1.75 effective October 1, 2011, and still continue to offer a discounted rate of \$1.00/hour to City of Miami Beach residents thru the in-car meter; (2) extend the hours of enforcement south of 23<sup>rd</sup> Street currently 9am to midnight to 9am to 3am; and (3) increase the hotel hang tag rate from \$6.00 to \$10.00 per tag.

### **FISCAL IMPACT ANALYSIS**

Each additional \$0.25 increase in the hourly parking meter rate in the South Beach Parking Zone (metered parking south of 23rd Street) would result in an increase in revenue in the estimated amount of \$2,236,500. An increase in the hours of enforcement to 3am would result in an increase in revenue in the estimated amount of \$1,132,900 off-set by increased expenditures of \$83,538 for 3 additional part time employees, resulting in a net increase of \$1,049,062. An increase in the hotel hang tag fee from \$6.00 to \$10.00 would result in an increase in revenue in the estimated amount of \$124,000.

City of Miami Beach Residents will continue to receive a discount in the hourly parking rate south of 23<sup>rd</sup> Street through the iPark program which offers the \$1.00 hourly rate equating to a 33% discount from the \$1.50/hour rate in 2010 and a 43% discount from the \$1.75/hour rate in 2011.

At the August 25, 2010 meeting of the Finance and Citywide Projects Committee, the proposed rate increases were discussed and approved.

### **CONCLUSION**

In order to implement the necessary rate structure to support the parking system, the Administration recommends that the Mayor and City Commission amend Chapter 106, entitled "Traffic and Vehicles," by amending Article II, entitled "Metered Parking," by amending Division 1, entitled "Generally," by amending Section 106-55, entitled "Parking Rates, Fees, and Penalties;" by amending (a) Parking Meter Rates and time limits; (1) South Beach Parking Zone; and (i) Hotel Hang Tag Program; providing for codification, repealer, severability, and an effective date.

  
JMG/JGG/SF

T:\AGENDA\2010\September 20\Regular\ParkingRateAmend2010Budget2nd Read.mem.doc

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 106, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE II, ENTITLED "METERED PARKING," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 106-55, ENTITLED "PARKING RATES, FEES, AND PENALTIES;" BY AMENDING PARKING METER RATES AND TIME LIMITS IN THE SOUTH BEACH PARKING ZONE AND AMENDING THE FEES FOR THE HOTEL HANG TAG PROGRAM; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, as part of the FY09/10 budget process, the City of Miami Beach Parking Department has recommended: (1) an increase in the hourly parking meter rate in the South Beach Parking Zone (metered parking south of 23<sup>rd</sup> Street) from \$1.25/hour to \$1.50/hour effective October 1, 2010, and a subsequent increase to \$1.75 effective October 1, 2011; (2) an increase in the hours of enforcement in the South Beach Parking Zone from 9:00 a.m. to 12:00 a.m. to 9:00 a.m. to 3:00 a.m.; and (3) an increase in the hotel hang tag fee from \$6.00 to \$10.00 per tag; and

**WHEREAS**, parking meter rates are established by Ordinance by the Mayor and Commission. While the Commission has endorsed rates that remain affordable, Parking Department operating and capital expenses continue to rise. As an enterprise fund, the Parking System needs to keep pace with escalating costs in order to: (1) operate the system efficiently and maintain service levels, and (2) fund capital projects including expansion of the System; and

**WHEREAS**, any excess revenues that remain in the Parking Fund at the end of the fiscal year can be utilized for any legal purpose, including subsidizing General Fund expenses; and

**WHEREAS**, City of Miami Beach residents will continue to receive a discount in the hourly parking rate south of 23<sup>rd</sup> Street through the iPark program, which offers the \$1.00 hourly rate, equating to a 33% discount from the \$1.50/hour rate in 2010 and a 43% discount from the \$1.75/hour rate in 2011.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1.** That Chapter 106, "Traffic and Vehicles," Article II, "Metered Parking," Division 1, "Generally," Section 106-55, "Parking Rate Fees, and Penalties," of the Code of the City of Miami Beach, Florida, is hereby amended as follows:

**SECTION 3. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 4. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect ten (10) days following adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

Underline denotes new language  
~~Strike through~~ denotes deletions 09/07/2010  
T:\AGENDA\2010\September 15\Regular\ParkingRateAmend2010Budget1st Read.ord.doc

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
  
CITY ATTORNEY  
9/8/10  
DATE

**CHAPTER 106**

**TRAFFIC AND VEHICLES**

\* \* \*

**ARTICLE II. METERED PARKING**

**DIVISION I. GENERALLY**

\* \* \*

**Sec. 106-55. Parking rates, fees, and penalties.**

- (a) Parking meter rates and time limits.
  - (1) South Beach Parking Zone: All metered parking south of 23rd Street (Dade Boulevard), from Ocean Drive to the westernmost parking lane of Alton Road, between South Pointe Park and 17th Street; and from 17th Street to 21st Street (Sunset Harbour Drive) from Alton Road to the westernmost parking areas along Purdy Avenue and to Biscayne Bay shall be at the rate of ~~\$1.25 per hour~~ \$1.50 per hour effective October 1, 2010, and \$1.75 per hour effective October 1, 2011. All metered parking in the South Beach Parking Zone shall be enforced from 9:00 a.m. until ~~12:00 midnight~~ 3:00 a.m., seven days per week.

\* \* \*

- (j) Hotel hang tag program. A daily 24-hour small hotel hang tag program is made available by the parking department through eligible hotels at a fee of ~~\$6.00~~ \$10.00 per hang tag, per day. A small hotel is defined as a hotel consisting of less than 150 guest rooms, and does not provide a hotel valet parking service for its guests. The hotel hang tag is day, month and year specific. The hang tag is sold by the hotel to the guest for a fee of ~~\$6.00~~ \$10.00 per day. The hotel is responsible for proper issuance of the hang tag to include: hole punching the appropriate day, month and year and charging no more than ~~\$6.00~~ \$10.00 to the hotel guest for the hang tag. At no time may the hotel add any surcharge or additional charge to the hotel hang tag fee. The hotel hang tag is valid from 12:00 noon on the day of issuance (the hole punched date) until 12:00 noon the following day. The parking director shall establish the parking areas of the hotel hang tag program.

**SECTION 2. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.



# MIAMI BEACH

## CITY OF MIAMI BEACH

### NOTICE OF A SPECIAL CITY COMMISSION MEETING

**NOTICE IS HEREBY** given that a Special Commission Meeting will be held by the City Commission of the City of Miami Beach, Florida, on **Monday, September 20, 2010 commencing at 5:00 P.M.**, for the following Second Reading Public Hearings in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida. In addition, the City Commission will be discussing other City business at this meeting.

ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING, RESPECTIVELY, APPENDIX A TO SECTION 82-383(a), AND APPENDIX A TO SECTION 50-3(z) OF THE CITY CODE, TO MODIFY THE SIDEWALK CAFÉ OCCUPANCY FEE AND THE SIDEWALK CAFÉ PROPANE TANK HEATER FEE, PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. Inquiries may be directed to Public Works Department at (305) 673-7080.

ORDINANCE AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES' SALARY ORDINANCE, PROVIDING FOR THE GROUP I CLASSIFICATIONS, BEING THOSE CLASSIFICATIONS COVERED BY THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES/LOCAL NO. 1554 (AFSCME), BY TRANSFERRING THE CLASSIFICATIONS OF BUILDING SERVICES TECHNICIAN, CONCESSION ATTENDANT, CUSTOMER SERVICE REPRESENTATIVE, ICE RINK TECHNICIAN, RECREATION LEADER I, RECREATION LEADER II, SCHOOL GUARD, AND STOREKEEPER III FROM GROUP VI, BEING CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT ("OTHERS") TO GROUP I, AND BY ABOLISHING THE CLASSIFICATION OF STORES CLERK FROM GROUP I; PROVIDING FOR THE CLASSIFICATIONS IN GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA/ORIEU LOCAL 100 (GSA); BY ABOLISHING THE CLASSIFICATIONS OF PARKING FACILITIES SUPERVISOR, PROPERTY MANAGEMENT OPERATIONS SUPERVISOR AND TENNIS CENTER SUPERVISOR FROM GROUP V; PROVIDING FOR CLASSIFICATIONS IN GROUP VI, BEING CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT ("OTHERS"), BY ESTABLISHING THE CLASSIFICATIONS OF FIRE INSPECTOR I AND SEASONAL RECREATIONAL AIDE, AND BY TRANSFERRING THE CLASSIFICATIONS OF BUILDING SERVICES TECHNICIAN, CONCESSION ATTENDANT, CUSTOMER SERVICE REPRESENTATIVE, ICE RINK TECHNICIAN, RECREATION LEADER I, RECREATION LEADER II, SCHOOL GUARD, AND STOREKEEPER III FROM GROUP VI TO GROUP I; PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Inquiries may be directed to Human Resources at (305) 673-7520.

ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 106, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE II, ENTITLED "METERED PARKING," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 106-55, ENTITLED "PARKING RATES, FEES, AND PENALTIES," BY AMENDING PARKING METER RATES AND TIME LIMITS IN THE SOUTH BEACH PARKING ZONE AND AMENDING THE FEES FOR THE HOTEL HANG-TAG PROGRAM; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE. Inquiries may be directed to the Parking Department at (305) 673-7275.

**INTERESTED PARTIES** are invited to appear at this meeting or be represented by an agent or to express their views in writing addressed to the City Commission c/o the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This meeting may be opened and continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk  
City of Miami Beach

Pursuant to Section 286.0105, FL Statutes, the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding, or to request information on access for persons with disabilities, or to request this publication in accessible format, or to request sign language interpreters, should contact the City Clerk's office at (305) 673-7411, no later than four days prior to the proceeding. If hearing impaired, contact the City Clerk's office via the Florida Relay Service numbers: (800) 955-8771 (TTY) or (800) 955-8770 (VOICE). **AD #625**



# MIAMI BEACH

## CITY OF MIAMI BEACH

### NOTICE OF A SPECIAL CITY COMMISSION MEETING

**NOTICE IS HEREBY** given that a Special Commission Meeting will be held by the City Commission of the City of Miami Beach, Florida, on **Monday, September 20, 2010 commencing at 5:00 P.M.**, for the following Second Reading Public Hearings in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida. In addition, the City Commission will be discussing other City business at this meeting.

ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING, RESPECTIVELY, APPENDIX A TO SECTION 82-383(a), AND APPENDIX A TO SECTION 50-3(z), OF THE CITY CODE, TO MODIFY THE SIDEWALK CAFE OCCUPANCY FEE AND THE SIDEWALK CAFE PROPANE TANK HEATER FEE; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.  
Inquiries may be directed to Public Works Department at (305) 673-7080.

ORDINANCE AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES' SALARY ORDINANCE; PROVIDING FOR THE GROUP I CLASSIFICATIONS, BEING THOSE CLASSIFICATIONS COVERED BY THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES/LOCAL NO. 1554 (AFSCME), BY TRANSFERRING THE CLASSIFICATIONS OF BUILDING SERVICES TECHNICIAN, CONCESSION ATTENDANT, CUSTOMER SERVICE REPRESENTATIVE, ICE RINK TECHNICIAN, RECREATION LEADER I, RECREATION LEADER II, SCHOOL GUARD, AND STOREKEEPER III FROM GROUP VI, BEING CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT ("OTHERS") TO GROUP I, AND BY ABOLISHING THE CLASSIFICATION OF STORES CLERK FROM GROUP I; PROVIDING FOR THE CLASSIFICATIONS IN GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA/OPIEU LOCAL 100 (GSA); BY ABOLISHING THE CLASSIFICATIONS OF PARKING FACILITIES SUPERVISOR, PROPERTY MANAGEMENT OPERATIONS SUPERVISOR AND TENNIS CENTER SUPERVISOR FROM GROUP V; PROVIDING FOR CLASSIFICATIONS IN GROUP VI, BEING CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT ("OTHERS"), BY ESTABLISHING THE CLASSIFICATIONS OF FIRE INSPECTOR I AND SEASONAL RECREATIONAL AIDE, AND BY TRANSFERRING THE CLASSIFICATIONS OF BUILDING SERVICES TECHNICIAN, CONCESSION ATTENDANT, CUSTOMER SERVICE REPRESENTATIVE, ICE RINK TECHNICIAN, RECREATION LEADER I, RECREATION LEADER II, SCHOOL GUARD, AND STOREKEEPER III FROM GROUP VI TO GROUP I; PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.  
Inquiries may be directed to Human Resources at (305) 673-7520.

ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 106, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE II, ENTITLED "METERED PARKING," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 106-55, ENTITLED "PARKING RATES, FEES, AND PENALTIES," BY AMENDING PARKING METER RATES AND TIME LIMITS IN THE SOUTH BEACH PARKING ZONE AND AMENDING THE FEES FOR THE HOTEL HANG TAG PROGRAM; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.  
Inquiries may be directed to the Parking Department at (305) 673-7275.

**INTERESTED PARTIES** are invited to appear at this meeting or be represented by an agent or to express their views in writing addressed to the City Commission c/o the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This meeting may be opened and continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk  
City of Miami Beach

Pursuant to Section 286.0105, FL Statutes, the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding, or to request information on access for persons with disabilities, or to request this publication in accessible format, or to request sign language interpreters, should contact the City Clerk's office at (305) 673-7411, no later than four days prior to the proceeding. If hearing impaired, contact the City Clerk's office via the Florida Relay Service numbers, (800) 955-8771 (TTY) or (800) 955-8770 (VOICE). **AD #625**

**Condensed Title:**

An Ordinance of the Mayor and City Commission of the City of Miami Beach, Florida, amending the Sidewalk Café fees.

**Key Intended Outcome Supported:**

Increase resident satisfaction with the level of services and facilities.

**Supporting Data (Surveys, Environmental Scan, etc.):** According to the 2009 Customer Satisfaction Survey, approximately 40% of retail businesses surveyed ranked Miami Beach as one of the best places to do business and 61% of the same group would recommend Miami Beach as a place to do business

**Issue:**

Shall the City Commission approve the amendment to the Ordinance on second reading?

**Item Summary/Recommendation:**

The City Commission has determined that sidewalk cafes provide a unique environment for relaxation and food and beverage consumption. They encourage pedestrian traffic in the areas in which they are located. However, these sidewalk cafes could impede the flow of traffic. As a result, there is a need for regulations and standards for the existence and operation of sidewalk cafes to facilitate and ensure a safe environment. The City charges fees to cover the cost of staff who review sidewalk café permit applications and who conduct inspections.

The City has a staff member dedicated to reviewing applications for sidewalk permits and inspecting sidewalk cafes. Additional members of the staff assist in the sidewalk café permit application reviews. These costs are covered by assessing a fee based upon the square footage of the sidewalk café. The City last changed the fee to \$15.00/square foot on October 1, 2004.

The City's Finance and Citywide Projects Committee has agreed to a \$5.00/square foot increase over the next two years. Therefore, it is proposed to increase the fee to \$17.50/square foot for Fiscal Year 2010, beginning October 1, 2010, and to \$20.00/square foot for Fiscal Year 2011, beginning October 1, 2011.

In addition, the City needs to assess a fee to offset the cost of inspecting propane tank heaters. As recommended by the Finance and Citywide Projects Committee, the proposed fee is \$25.00/sidewalk café that uses propane tank heaters.

The ordinance amendment was approved on first reading at the City Commission Budget Hearing of September 15, 2010.

**THE ADMINISTRATION RECOMMENDS APPROVING THE AMENDMENT TO THE ORDINANCE ON SECOND READING.**

**Advisory Board Recommendation:**

Finance and Citywide Projects Committee July 7, 2010

**Financial Information:**

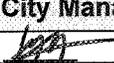
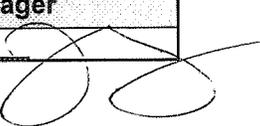
Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">  </div> OBPI	1			
	2			
	3			
	4			
	<b>Total</b>			

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Fernando Vazquez, Public Works, x6399

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
FHB 	JGG 	JMG 

T:\AGENDA\2010\September 20\Regular\Sidewalk Cafe Ordinance - summary.doc





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

**SECOND READING  
PUBLIC HEARING**

**SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING, RESPECTIVELY, APPENDIX A TO SECTION 82-383(a), AND APPENDIX A TO SECTION 50-3(z) OF THE CITY CODE, TO MODIFY THE SIDEWALK CAFÉ OCCUPANCY FEE AND THE SIDEWALK CAFÉ PROPANE TANK HEATER FEE; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

### ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission approve the ordinance on second reading.

### BACKGROUND

The City Commission recognizes that sidewalk cafes provide a unique environment for relaxation and food and beverage consumption. They encourage pedestrian traffic in the areas in which they are located and are part and parcel to the successful economic development of the City. However, these sidewalk cafes are located in areas of high pedestrian volume and their co-existence with various stake holding interests within the right-of-way must be properly regulated.

### ANALYSIS

This year, as part of a budget process that needed to identify ways to address a \$32 million budget gap and still maintain services, the City has evaluated all components of the budget including employee salaries and benefits, potential efficiencies, and revenue enhancements. At the July 7, 2010 Finance and Citywide Projects Committee (FCWPC), the sidewalk café permit fee was recommended to be increased.

The City Commission last increased sidewalk cafe fees through Ordinance 2003-3423, which raised the fees from \$10.00 per square foot to \$12.50 per square foot effective October 1, 2003 and increased it to \$15.00 per square foot effective October 1, 2004.

At the July 7, 2010 meeting, the FCWPC discussed and recommended increasing sidewalk café permit fees from \$15.00 per square foot to \$20.00 per square foot. In order to soften the impact of this fee increase, the Committee believed the increase should be implemented over a two-year period. Thus, effective October 1, 2010, the fee should increase to \$17.50 per square foot. The second \$2.50 increase, to a full fee of \$20.00 per square foot, should take effect October 1, 2011.

The FCWPC also recommended that sidewalk cafes that use propane tanks should also incur an annual compliance inspection fee. For the year beginning October 1, 2010, the fee should be \$25 per establishment.

**Commission Memorandum – Sidewalk Café Fees**

**September 20, 2010**

**Page 2 of 2**

For Fiscal Year 2010, it is estimated that the City will collect approximately \$1.2 million in sidewalk café permit fees. This is projected to increase to approximately \$1.4 million in Fiscal Year 2011 and \$1.6 million in Fiscal Year 2012.

The ordinance amendment was approved on first reading at the City Commission Budget Hearing of September 15, 2010.

**CONCLUSION**

The Administration recommends approval of the ordinance amendment on second reading.

**JMG/JGG/FHB/FV**

T:\AGENDA\2010\September 20\Regular\Sidewalk Cafe Ordinance - 2nd Reading memo.doc

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING, RESPECTIVELY, APPENDIX A TO SECTION 82-383(a), AND APPENDIX A TO SECTION 50-3(z) OF THE CITY CODE, TO MODIFY THE SIDEWALK CAFÉ OCCUPANCY FEE AND THE SIDEWALK CAFÉ PROPANE TANK HEATER FEE; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, sidewalk cafes provide a unique environment for relaxation and food and beverage consumption; and

WHEREAS, sidewalk cafes encourage pedestrian traffic to these areas; and

WHEREAS, sidewalk cafes can impede traffic flow in these areas; and

WHEREAS, there is a need for regulations and standards for the existence and operation of sidewalk cafes to facilitate and ensure a safe environment; and

WHEREAS, the City charges fees to offset the cost of staff who review sidewalk café permit applications and who conduct inspections.

WHEREAS, staff from Fire, Public Works, Planning, and the Building Departments performed a Cost Recovery Analysis for both sidewalk café fees and propane tanks; and

WHEREAS, this Cost Recovery Analysis indicated that the City should charge approximately \$20 per square foot for sidewalk cafés, and create an additional fee for establishments with propane tank heaters to recover costs related to these items; and

WHEREAS, the Finance and Citywide Projects Committee, at its July 7, 2010 Meeting, recommended increasing sidewalk café permit fees from \$15 per square foot to \$20.00 per square foot, over a two-year period, and recommended that sidewalk cafes that use propane tanks should also incur an annual compliance inspection fee.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that Miami Beach City Code Chapter 82, "Public Property," and Chapter 50, "Fire Prevention and Protection" are hereby amended to read as follows:

SECTION 1.

Appendix A Fee Schedule

82-383(a) Annual fee, per square foot of usable sidewalk area, including the area between tables and chairs .....	\$15.00
<u>effective October 1, 2010 .....</u>	<u>\$17.50.</u>
<u>effective October 1, 2011 .....</u>	<u>\$20.00</u>

**SECTION 2.**

Appendix A Fee Schedule

50-3(z)	Sidewalk Cafes – Propane Tank Heaters per establishment		
	<u>effective October 1, 2010</u>	<u>.....</u>	<u>\$75.00 \$25.00,</u>
	<u>effective October 1, 2011</u>	<u>.....</u>	<u>\$75.00 \$25.00</u>

**SECTION 3. REPEALER**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 4. SEVERABILITY**

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

**SECTION 5. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article," or other appropriate word.

**SECTION 6. EFFECTIVE DATE**

This Ordinance shall take effect the \_\_\_\_ day of \_\_\_\_\_, 2010.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2010.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney      9/11/10  
Date



# MIAMI BEACH

## CITY OF MIAMI BEACH

### NOTICE OF A SPECIAL CITY COMMISSION MEETING

**NOTICE IS HEREBY** given that a Special Commission Meeting will be held by the City Commission of the City of Miami Beach, Florida, on **Monday, September 20, 2010 commencing at 5:00 P.M.**, for the following Second Reading Public Hearings in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida. In addition, the City Commission will be discussing other City business at this meeting.

ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING, RESPECTIVELY, APPENDIX A TO SECTION 82-383(a), AND APPENDIX A TO SECTION 50-3(z) OF THE CITY CODE, TO MODIFY THE SIDEWALK CAFE OCCUPANCY FEE AND THE SIDEWALK CAFE PROPANE TANK HEATER FEE; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. Inquiries may be directed to Public Works Department at (305) 673-7080.

ORDINANCE AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES' SALARY ORDINANCE; PROVIDING FOR THE GROUP I CLASSIFICATIONS, BEING THOSE CLASSIFICATIONS COVERED BY THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES/LOCAL NO. 1554 (AFSCME), BY TRANSFERRING THE CLASSIFICATIONS OF BUILDING SERVICES TECHNICIAN, CONCESSION ATTENDANT, CUSTOMER SERVICE REPRESENTATIVE, ICE RINK TECHNICIAN, RECREATION LEADER I, RECREATION LEADER II, SCHOOL GUARD, AND STOREKEEPER III FROM GROUP VI, BEING CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT ("OTHERS") TO GROUP I, AND BY ABOLISHING THE CLASSIFICATION OF STORES CLERK FROM GROUP I; PROVIDING FOR THE CLASSIFICATIONS IN GROUP V, BEING THOSE CLASSIFICATIONS COVERED BY THE GOVERNMENT SUPERVISORS ASSOCIATION OF FLORIDA/OPIEU LOCAL 100 (GSA); BY ABOLISHING THE CLASSIFICATIONS OF PARKING FACILITIES SUPERVISOR, PROPERTY MANAGEMENT OPERATIONS SUPERVISOR AND TENNIS CENTER SUPERVISOR FROM GROUP V; PROVIDING FOR CLASSIFICATIONS IN GROUP VI, BEING CLASSIFICATIONS IN THE CLASSIFIED SERVICE NOT COVERED BY A BARGAINING UNIT ("OTHERS"), BY ESTABLISHING THE CLASSIFICATIONS OF FIRE INSPECTOR I AND SEASONAL RECREATIONAL AIDE, AND BY TRANSFERRING THE CLASSIFICATIONS OF BUILDING SERVICES TECHNICIAN, CONCESSION ATTENDANT, CUSTOMER SERVICE REPRESENTATIVE, ICE RINK TECHNICIAN, RECREATION LEADER I, RECREATION LEADER II, SCHOOL GUARD, AND STOREKEEPER III FROM GROUP VI TO GROUP I; PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Inquiries may be directed to Human Resources at (305) 673-7520.

ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 106, ENTITLED "TRAFFIC AND VEHICLES," BY AMENDING ARTICLE II, ENTITLED "METERED PARKING," BY AMENDING DIVISION 1, ENTITLED "GENERALLY," BY AMENDING SECTION 106-55, ENTITLED "PARKING RATES, FEES, AND PENALTIES," BY AMENDING PARKING METER RATES AND TIME LIMITS IN THE SOUTH BEACH PARKING ZONE AND AMENDING THE FEES FOR THE HOTEL HANG TAG PROGRAM; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE. Inquiries may be directed to the Parking Department at (305) 673-7275.

**INTERESTED PARTIES** are invited to appear at this meeting or be represented by an agent or to express their views in writing addressed to the City Commission c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be opened and continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk  
City of Miami Beach

Pursuant to Section 286.0105, FL Statutes, the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding, or to request information on access for persons with disabilities, or to request this publication in accessible format, or to request sign language interpreters, should contact the City Clerk's office at (305) 673-7411, no later than four days prior to the proceeding. If hearing impaired, contact the City Clerk's office via the Florida Relay Service numbers: (800) 955-8771 (TTY) or (800) 955-8770 (VOICE). **AD #625**

**Condensed Title:**

An Ordinance amending Miami Beach City Code, Chapter 90 entitled "Solid Waste," by amending Appendix A, Section 90-137 entitled "Fee Schedule," by decreasing the fee schedule for City collection and disposal of residential garbage and trash and the operation of the Green Waste Facility.

**Key Intended Outcome Supported:**

Improve cleanliness of Miami Beach right-of-ways especially in business areas.

**Supporting Data (Surveys, Environmental Scan, etc.):** According to the 2009 Customer Satisfaction Survey, 82.7% of respondents rated garbage and trash collection as excellent or good.

**Issue:**

Shall the Commission approve the amendment to the Ordinance on first reading?

**Item Summary/Recommendation:**

On June 9, 2010, the Mayor and the City Commission approved the execution of an agreement with Choice Environmental Services, Inc., (Choice) for the collection and disposal of residential solid waste, yard trash, bulky waste, and operation of the City's Green Waste Facility. The Agreement was approved for an initial term of five years, commencing on September 1, 2010, and ending on August 31, 2015, with three one year renewal options, at the City's sole discretion.

After final negotiations, Choice agreed to provide the above services at a cost of \$23.99 per month, per unit, which is \$1.58 per month, per unit less than the current contract price of \$25.57.

The Administration recommends amending Appendix A, Section 90-137 entitled "Fee Schedule," by decreasing the monthly fee per unit by \$1.58. The fee decrease would represent savings to single family residences and multi-family residences (up to eight units) of \$18.96 per year, per residential unit.

**THE ADMINISTRATION RECOMMENDS APPROVING THE ORDINANCE AMENDMENT ON FIRST READING AND SCHEDULING A SECOND READING PUBLIC HEARING.**

**Advisory Board Recommendation:**

N/A

**Financial Information:**

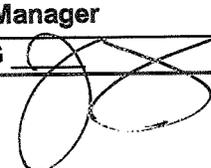
Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div> OBPI	1		
	2		
	3		
	<b>Total</b>		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Al Zamora, Sanitation Division Director, ext. 3541

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
FHB	JGG 	JMG 

T:\AGENDA\2010\September 20\Regular\Trash Coll Fee Decrease Summ.doc

AGENDA ITEM R5E  
DATE 9-20-10



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

**FIRST READING**

**SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE, CHAPTER 90, ENTITLED "SOLID WASTE," BY AMENDING APPENDIX A TO SECTION 90-137(a), ENTITLED "FEE SCHEDULE" FOR CITY COLLECTION AND DISPOSAL OF GARBAGE AND TRASH, BY DECREASING THE CURRENT RATES THEREIN BY \$1.58; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

### ADMINISTRATION RECOMMENDATION

Approve the Ordinance on First Reading and schedule a Second Reading Public Hearing.

### BACKGROUND

On June 9, 2010 the Mayor and City Commission authorized the Administration to execute a Service Agreement with the firm Choice Environmental Services, Inc., for the collection and disposal of residential solid waste, yard waste, bulk waste and operation of the City's Green Waste Facility. After final negotiations, Choice Environmental Services, Inc. agreed to provide these services at a cost of \$23.99 per month, per unit: which represents a decrease \$1.58 per month, per unit from the current contract price of \$25.57.

### ANALYSIS

Decreasing fees to reflect the service costs decrease obtained through the contract with Choice Environmental Services, Inc., results in an annual savings to a single family residence or a multi-family residence (up to eight units) of \$18.96, per residential unit.

The following chart illustrates the difference in current and proposed fees charged to residents for solid waste services and the associated savings of the proposed decrease in residential solid waste fees.

Commission Memorandum - Solid Waste Fee Decrease  
 September 20, 2010  
 Page 2 of 2

	Monthly Fees per Residential Unit	Annual Fees per Residential Units	# of Units	Monthly Total Fees	Annual Total Fees
<b><u>City Current Fees</u></b>					
Single Family	\$41.44	\$497.28	5,299	\$219,590.56	\$2,635,086.72
Multi Family	\$37.01	\$444.12	1,117	\$41,340.17	\$496,082.04
<b>Total Current</b>			6,416	\$260,930.73	\$3,131,168.76
<b><u>City Proposed Fees</u></b>					
Single Family	\$39.86	\$478.32	5,299	\$211,218.14	\$2,534,617.68
Multi Family	\$35.43	\$425.16	1,117	\$39,575.31	\$474,903.72
<b>Total Proposed</b>			6,416	\$250,793.45	\$3,009,521.40
<b><u>Difference</u></b>					
Single Family	\$1.58	\$18.96	5,299	\$8,372.42	\$100,469.04
Multi Family	\$1.58	\$18.96	1,117	\$1,764.86	\$21,178.32
<b>Total Difference</b>				\$10,137.28	\$121,647.36

**CONCLUSION**

The Administration recommends approving the ordinance amendment on First Reading and scheduling a Second Reading Public Hearing.

JMG/JGG/FHB

T:\AGENDA\2010\September 20\Regular\Trash Coll Fee Decrease\_Memo2010.doc

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE, CHAPTER 90, ENTITLED "SOLID WASTE," BY AMENDING APPENDIX A TO SECTION 90-137(a), ENTITLED "FEE SCHEDULE" FOR CITY COLLECTION AND DISPOSAL OF GARBAGE AND TRASH, BY DECREASING THE CURRENT RATES BY \$1.58; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, on June 9, 2010, the Mayor and the City Commission approved the execution of an agreement with Choice Environmental Services, Inc. (Choice) for the collection and disposal of residential solid waste, yard trash, bulky waste, and operation of the City's Green Waste Facility. The Agreement was approved for an initial term of five years, commencing on September 1, 2010, and ending on August 31, 2015, with three one year renewal options, at the City's sole discretion; and

WHEREAS, after final negotiations, Choice agreed to provide the above services at a cost of \$23.99 per month, per unit, which is \$1.58 per month, per unit less than the current contract price of \$25.57; and

WHEREAS, the City will accordingly decrease the monthly rate for single-family residences by \$1.58 per residential unit, per month over previous year's monthly rate; and

WHEREAS, the City will accordingly decrease the monthly rate for multi-family residences (up to eight units) by \$1.58 per residential unit over the previous year's monthly rate; and

WHEREAS, the appropriate adjustments to the fee schedule in the City Code should be made; and

WHEREAS, the City Commission finds that by decreasing the schedule of fees for collections and disposal of residential solid waste, yard trash and bulk wastes, concomitant with the monthly rates paid by the City is in the best interest of the City.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

**SECTION 1. AMENDMENT OF APPENDIX A TO SECTION 90-137(a) OF THE CITY CODE**

That Appendix A to Section 90-137(a), entitled "Fee Schedule" for Chapter 90, Article III, Division 3 of the Code of the City of Miami Beach is hereby amended to read as follows:

**Appendix A  
Fee Schedule**

\*\*\*

**Chapter 90. Solid Waste  
Article III. Collection and Disposal  
Division 3. Rates, Charges, Billing Procedures.**

90-137(a)	Single Family residences, townhouses, per month .....	31.50	<u>29.92</u>
	Duplex, per month per unit .....	31.50	<u>29.92</u>
	Apartments, condominiums with less than 9 dwelling		
	Units, per month per dwelling unit .....	27.52	<u>25.94</u>



THIS PAGE INTENTIONALLY LEFT BLANK

**Condensed Title:**

An Ordinance Amending Part I, Subpart B, Article IX, Related Special Acts, Of The Miami Beach City Code Entitled "Pension System For Disability And Retirement Of Members Of Police And Fire Departments"; Implementing Provisions Of The 2009-2012 Collective Bargaining Agreements Between The City And Fire Fighters Of Miami Beach, IAFF Local 1510, And Miami Beach Fraternal Order Of Police, William Nichols Lodge No. 8; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date.

**Key Intended Outcome Supported:**

Control costs of payroll including salary and fringes/ minimize taxes/ ensure expenditure trends are sustainable over the long term.  
**Supporting Data (Surveys, Environmental Scan, etc N/A)**

**Issue:**

Should the City Commission adopt the ordinance to amend Part I, Subpart B, Article IX, Related Special Acts, of the Miami Beach City Code?

**Item Summary/Recommendation:**

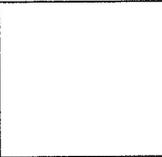
Second Reading

The City negotiated with the IAFF and FOP to amend and change the Fire and Police Pension Plan in order to effectuate recurring savings in the overall reduction to the City's Annual Required Contribution (ARC), as well as a reduction in the Unfunded Accrued Actuarial Liability (UUAL). The IAFF and FOP agreed for current employees to increase the DROP period from 3 to 5 years with a "Guaranteed" zero COLA for 2 years; making Off-Duty assignments pensionable; and using sick and vacation leave in exchange of reaching the fixed cap. For new employees, the retiree COLA will be 1.5%; Rule of 70 with a minimum age of 48; three (3) year FAME; "Guaranteed" 0% retiree COLA for 2 years; and a multiplier of 3% for the first 20 years and 4% thereafter. This Ordinance was approved on first reading on July 14, 2010. The Administration recommends opening and continuing this item.

**Advisory Board Recommendation:**

N/A

**Financial Information:**

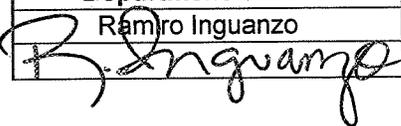
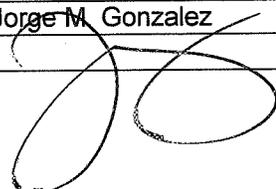
Source of Funds:		Amount	Account
 OBPI	1	Year 1 (\$81,677)	Off-Duty Pensionable
	2	Year 2 (\$2,479,134)	Off-Duty Pensionable; Additional FOP pensionable wage; Impact of Zero COLA; Guaranteed Zero DROP COLA; 10 Year Buy Back
	3	Year 3 (\$2,447,890) Plus the impact of Changes for future employees	Off-Duty Pensionable; Additional FOP pensionable wages; Impact of Zero COLA; Guaranteed Zero DROP COLA; 10 Year Buy Back; Pension Changes for Future Employee
	Total	(\$5,008,701)	

**Financial Impact Summary:** Savings for three (3) years based on FOP and IAFF Agreements combined total \$5,008,701. In addition, these concessions will yield additional, long-term, recurring savings in future fiscal years.

**City Clerk's Office Legislative Tracking:**

Ramiro Inguanzo, Human Resources Director

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
Ramiro Inguanzo 	Hilda Fernandez	Jorge M. Gonzalez 

T:\AGENDA\2010\September 15\Regular\IAFF FOP Pension Ordinance 2nd Rdg Summary.doc



# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

Second Reading

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING PART I, SUBPART B, ARTICLE IX, RELATED SPECIAL ACTS, OF THE MIAMI BEACH CITY CODE ENTITLED "PENSION SYSTEM FOR DISABILITY AND RETIREMENT OF MEMBERS OF POLICE AND FIRE DEPARTMENTS"; IMPLEMENTING PROVISIONS OF THE 2009-2012 COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE CITY AND FIRE FIGHTERS OF MIAMI BEACH, IAFF LOCAL 1510, AND MIAMI BEACH FRATERNAL ORDER OF POLICE, WILLIAM NICHOLS LODGE NO. 8; AMENDING SECTION 65 ENTITLED "COMPUTATION OF CREDITABLE SERVICE; SERVICE RECORD", PROVIDING FOR THE PURCHASE OF ADDITIONAL CREDITABLE SERVICE UPON COMPLETION OF TEN YEARS OF SERVICE WITH THE CITY; AMENDING SECTION 66 ENTITLED "SERVICE AND DISABILITY BENEFITS GENERALLY", PROVIDING FOR THE INCLUSION OF COMPENSATION FOR CERTAIN OFF DUTY SERVICES IN A MEMBER'S SALARY FOR PENSION PURPOSES, AND PROVIDING FOR THE SALE OF UNUSED SICK AND/OR VACATION TIME FOR INCLUSION IN A MEMBER'S FINAL AVERAGE MONTHLY EARNINGS, SUBJECT TO CERTAIN LIMITATIONS; REVISING THE LIMITATION ON OVERTIME PAY INCLUDED IN SALARY FOR PENSION PURPOSES; AMENDING SECTION 67, ENTITLED "COST-OF-LIVING ADJUSTMENT", PROVIDING FOR AN ANNUAL ADJUSTMENT ON THE ANNIVERSARY DATE OF A MEMBER'S RETIREMENT OR SEPARATION FROM EMPLOYMENT; "AMENDING SECTION 79 ENTITLED "DEFERRED RETIREMENT OPTION PLAN", PROVIDING FOR A MAXIMUM DROP PERIOD OF SIXTY MONTHS AND A MODIFIED COST OF LIVING ADJUSTMENT DURING THE DROP PERIOD; CREATING A NEW SECTION 87 ENTITLED "BENEFITS FOR EMPLOYEES HIRED ON OR AFTER JULY 14, 2010"; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

### ADMINISTRATION RECOMMENDATION

Open and continue.

## **BACKGROUND**

During the July 2009 Finance and Citywide Projects Committee (Committee) budget preparation meetings for the FY2009/2010 Budget, the Committee requested that all City of Miami Beach employees make certain financial concessions to help address the challenges being faced during the FY2009/2010 budget cycle and beyond. The Committee requested the Administration budget for specific employee givebacks for FY2009/2010, which would in turn effectuate a cost savings of approximately \$4.3 million (approximately \$3.5 million savings attributed to the General Fund and \$800,000 from various enterprise funds). Furthermore, in 2010 the City Commission directed the Administration to secure and budget for an additional \$11 million in savings attributed to employee givebacks for FY2010/2011. Therefore, the total amount of employee givebacks for both the FY2009/2010 and FY2010/2011 is \$15.3 million.

The City currently has a total of seven (7) salary groups who represent employees: (1) the American Federation of State, County and Municipal Employees, Local 1554 (AFSCME); (2) the Communications Workers of America, Local 3178 (CWA); (3) the Government Supervisors Association of Florida/OPEIU, Local 100 (GSA); (4) the Fraternal Order of Police, William Nichols Lodge No. 8 (FOP); (5) the International Association of Fire Fighters, Local 1510 (IAFF) (6) Unclassified and (7) OTHERS (Classified employees not represented by a bargaining unit). Based upon the direction received from the City Commission, the \$15.3 million savings in employee concessions for FY2009/2010 and FY2010/2011 combined was to be divided up proportionately amongst each of the seven (7) salary groups based on total budgeted payroll and a proportionate share of the preliminary FY2010/2011 City's Annual Required Contributions to both of the City's pension plans. In addition, the City Commission also directed the Administration to negotiate with the respective unions for pension reform to both of the City's pension plans (the Miami Beach Fire Fighters and Police Officers (Fire and Police) Pension Plan and the Miami Beach Employees' Retirement Plan (MBERP)), in order to obtain recurring savings for future years in each of the pension plans.

The IAFF three (3) year Collective Bargaining Agreement (Agreement) (covering the period of October 1, 2006 through September 30, 2009) expired on September 30, 2009. In anticipation of the Agreement expiring, negotiators for the City and IAFF began negotiating for a successor three (3) year Agreement in August 2009. After eleven (11) formal negotiation sessions and several discussions away from the negotiation table, the City and IAFF successfully concluded negotiations and reached a tentative three (3) year labor agreement covering the time period of October 1, 2009 through September 30, 2012. The IAFF membership ratified the Agreement with 70.8% of the members voting in favor of the Agreement, (the certified results were submitted to the City on July 13, 2010). Subsequently, the City Commission adopted a resolution to ratify the Agreement at the July 14, 2010 City Commission meeting.

The FOP three (3) year Collective Bargaining Agreement (Agreement) (covering the period of October 1, 2006 through September 30, 2009) also expired on September 30, 2009. In anticipation of the Agreement expiring, negotiators for the City and FOP began negotiating for a successor three (3) year Agreement in August 2009. After fifteen (15) formal negotiation sessions and several discussions away from the negotiation table, the City and FOP successfully concluded negotiations and reached a tentative three (3) year labor agreement covering the time period of October 1, 2009 through September 30, 2012. The City Commission adopted a resolution to ratify the Agreement at the July 14, 2010 City Commission meeting pending the outcome of the results of the ratification vote of the FOP membership. Subsequently, on August 6, 2010, the FOP membership ratified the Agreement with 77.6% of the members voting in favor.

## **ANALYSIS**

The new Agreements with the IAFF and FOP provide for several wage and pension adjustments and changes for current and future employees. The changes that pertain to the pension include the following:

*Deferred Retirement Option Plan (DROP)* - The current DROP period is three (3) years. However, with the new Agreement, employees who enter the DROP on or after September 1, 2012, will be eligible to participate in the DROP for a period not to exceed five (5) years.

For those employees who enter the DROP on or after September 1, 2012, they will receive a zero percent (0%) cost of living adjustment for the third and fourth annual adjustment dates while in the DROP. If the employee leaves the DROP at any point after six (6) months they will still be subject to a zero percent (0%) COLA for the third and fourth annual adjustment dates. By not having a DROP COLA in the third and fourth years, the City's actuary estimated that there will be a substantial recurring savings in the City's Annual Required Contribution (ARC) towards the Fire Fighters and Police Pension Plan of approximately \$700,000 per year.

In addition, the DROP COLA will be granted on the anniversary of the employee entering the DROP, as opposed to the current method of pro-rating it to occur on October 1<sup>st</sup> of each year. The retiree COLA will be earned/granted on that same anniversary date.

*Additional Creditable Service* - Currently, Fire and Police employees can purchase additional creditable service of up to two (2) years of full-time public safety service as a firefighter or a law enforcement officer prior to City employment, and up to an additional six percent (6%) multiplier on the additional creditable service years being purchased, upon completion of 20 years of creditable service with the City. Most employees in IAFF and FOP take advantage of these two provisions. With the new Agreement, any current or future Fire or Police employee that retires on or after September 30, 2010 can make these purchases upon completion of ten (10) years of creditable service (when they vest). The purchase of additional creditable service and the purchase of the additional multiplier must be completed within thirty-six (36) months following September 30, 2010, or within thirty-six (36) months following a member's completion of ten (10) years of creditable service under the pension plan, whichever occurs later for the member. If a member does not complete the purchase of additional creditable service within the thirty-six (36) month period, he/she shall not be eligible for such purchase in the future. Since most employees take advantage of these provisions, there is a benefit to the pension plan to change the eligibility for these buy-backs. As the pension plan will receive the funds earlier and thus be able to invest the funds sooner, it is anticipated that the investment earnings on the funds will be larger since the collection of the funds will be earlier. The Fire and Police pension actuary estimates the savings to the ARC with this change to be approximately \$33,000 next year, with a recurring savings year after year.

*Overtime Cap* - The Fire and Police Pension Plan currently has provisions in place regarding how overtime is to be used in the calculation of a member's retirement benefits. The current calculation is that overtime earned by a member of the IAFF and FOP bargaining units is added to the retirement benefit with a cap of "70% of the next highest rank". As part of the terms and conditions of the ratified 2009-2012 IAFF Collective Bargaining Agreement, the City and the IAFF have agreed to replace the "70% of the next highest rank" calculation with an easier formula of overtime not exceeding eleven percent (11%) of the salary of a member of the IAFF bargaining unit's salary at the time of retirement. The existing language will remain in effect for members of the FOP.

In addition to the change in the overtime calculation, IAFF and FOP employees will be able to reach their defined overtime caps (eleven (11%) cap mentioned above for IAFF and seventy percent (70%) of the next highest rank for FOP) by using the following two (2) alternatives:

- Employees will be able to apply unused sick and/or vacation time for inclusion in the member's salary for pension purposes as follows: for each one hundred dollars (\$100) of unused sick and/or vacation time (at the member's hourly rate), one hundred dollars (\$100) shall be applied toward the member's current final average monthly salary and ten percent of the value (ten dollars (\$10)) shall be contributed to the pension fund. However, in no event will the value of unused sick and/or vacation time applied to a member's salary for pension purposes, when added to any overtime pay and/or off-duty pay, exceed the defined caps (eleven percent (11%) of the highest annualized pay rate for IAFF members and seventy percent (70%) of the next highest rank for FOP members). This should encourage members to not use sick and/or vacation time, which could drive overtime costs down for the City. As such, savings in overtime expenses are expected.
- Off-duty services will also be pensionable as another means to reach the defined caps (eleven percent (11%) for IAFF members and seventy percent (70%) of the next highest rank for FOP members). Currently, the City receives no employee contribution for off-duty, as it is not pensionable. Once it becomes pensionable, the IAFF and FOP employees will be required to make a ten percent (10%) pension contribution on all off-duty worked. This will provide additional revenue into the pension system for investment. However, in no event will the value of off-duty pay applied to a member's salary for pension purposes, when added to any overtime pay and/or unused sick and/or vacation, exceed the caps of eleven percent (11%) for IAFF or seventy percent (70%) of the next highest rank for FOP. Based on current off-duty amounts paid it is estimated that the City will collect approximately \$330,000 per year from the FOP and IAFF toward the pension. While this is not anticipated to reduce the City's annual required contribution in the short term, it will assist in reducing the City's unfunded liability in future years.

Future Employees - For future employees, there are additional pension changes, including:

- Retiree COLA (including while in the DROP) will change from 2.5% to 1.5%;
- Rule of 70 retirement eligibility will change from having no minimum age to having a minimum age of 48;
- Final Average Monthly Earnings (FAME) changing from two (2) to three (3) years; and
- Benefit Multiplier will change from three percent (3%) for each year of creditable service for the first 15 years of service and four percent (4%) thereafter to three percent (3%) for each year of creditable service for the first 20 years of service and four percent (4%) thereafter.

Buck Consultants, the actuary for the Fire and Police Pension Plan, has stated that the implementation of the pension changes for any employee hired after the amendment to the City's pension ordinance will not generate any immediate savings. However, future savings will be realized in future fiscal years resulting in savings towards the City's ARC.

Wages- Effective October 1, 2009 through September 30, 2010; October 1, 2010 through September 30, 2011; and October 1, 2011 through March 31, 2012, there will be no across-the-board wage increases (COLA) for this period for any FOP or IAFF bargaining unit members. It was initially estimated that the impact to the City's Annual Required Contribution (ARC) for the Fire and Police Pension Plan due on October 1, 2010 would be a reduction of approximately \$1.4 million if no

Cost of Living increases were provided to any active plan participants for FY 2009/2010 and FY 2010/2011 (both Fire and Police). The savings from no COLA in year one (1) have already been reflected in the calculation provided to the City for the City's ARC due on October 1, 2010. Due to subsequent assumption revisions, it is estimated that the savings from COLA in year two (2) will be approximately \$400,000.

**CONCLUSION**

The IAFF and FOP Unions have agreed to the pension changes described above. The City estimates that the three (3) year Collective Bargaining Agreements for both FOP and IAFF to generate a total combined savings of approximately \$8,270,512 for FY2009/2010, FY2010/2011 and FY2011/2012. Of this \$8.2M, over this three (3) year period, approximately \$5,008,701 of the savings are realized from the negotiated changes for both current and future members of the Fire Fighters and Police Officers Pension Plan over the three (3) year term. In addition, these proposed changes to the City's Fire and Police pension will result in additional long-term, recurring savings in future fiscal years as well. At the time of this writing, Buck Consultants is in the process of preparing an Actuarial Impact Statement, which will be provided to the City once it is finalized. The Administration recommends that the City Commission adopt the ordinance on second reading.

JMG/HMF/RI/kt/ys

T:\AGENDA\2010\September 15\Regular\IAFF FOP Pension Ordinance 2nd Rdg Memo.doc





**Condensed Title:**

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING: 1) THE FINAL AD VALOREM MILLAGE OF 6.2155 MILLS FOR GENERAL OPERATING PURPOSES, WHICH IS ZERO POINT TWO PERCENT (0.2%) MORE THAN THE "ROLLED-BACK" RATE OF 6.2030 MILLS; AND 2) THE DEBT SERVICE MILLAGE RATE OF 0.2870 MILLS.

**Key Intended Outcome Supported:**

Minimize taxes; Improve the City's overall financial health and maintain overall bond rating; Increase community satisfaction with city services

**Supporting Data (Surveys, Environmental Scan, etc.):**

- In the 2009 survey, 65% of residents and 55% of businesses rated the value of city services for tax dollars paid as excellent or good, and higher (73.5% excellent or good) among those residents understanding that only a portion of their property tax bill goes to fund city services. Resident ratings improved 19% compared to 2007 and 15% when compared to 2005. Business ratings remain steady compared to 2007, but improved by 14% compared to 2005.
- Over the last several years, the City of Miami Beach has adopted budgets that provided tax and fee relief while at the same time providing improving services that address community priorities. However, these objectives have become increasingly challenging -- in the last three years alone, the General Fund has absorbed almost \$43 million in reductions (and almost \$50 million and 240 positions across all funds).
- The July 1, 2010 Certification of Taxable Value from the Miami-Dade County Property Appraiser reflects a 10.5 percent decline in Citywide property tax values from the July 1, 2009 tax roll certification to the July 1, 2010 tax roll certification. Values of existing properties declined even further (12.7 percent), but this decline was offset by a 2.2 percent in new construction (\$556 million). Given that the City Center RDA decline was only 1.2 percent, the decline outside the City Center RDA, which impacts the City's General Fund revenues, was greater, at 11.8 percent.

**Issue:**

Shall the Mayor and City Commission adopt the resolution?

**Item Summary/Recommendation:**

The total operating millage is 6.2155 mills, including a general operating millage rate of 6.1072 and a General Fund Capital Renewal and Replacement millage of 0.1083. The voted debt service millage rate is increased from 0.2568 to 0.2870, however, the combined millage rate overall remains approximately 2.2 mills lower than it was in FY 1999/00. In addition, the millage rate is approximately 1.2 mills lower than it was in FY 2006/07, when property values were similar to the July 1, 2010 certified values. In FY 2007/08 alone, the property tax rate declined by approximately 1.8 mills, with savings to the average homesteaded property of over \$400.

It is important to note that this is the first time we have recommended a modest increase to the millage since property values began an unprecedented and steep decline over the last several years. Since their peak in FY 2007/08, property values have declined more than \$4.7 billion, approximately 18 percent, despite almost \$3 billion in new construction added to the roll. Without the new construction, the decline in values would be even greater, at 28 percent. Outside the City Center RDA, which impacts General Fund Property Tax revenues, the decline in values is even more significant at 20 percent, even after new construction. As a result, property tax revenues to the General Fund would be \$38 million (27 percent) below FY 2006/07 peak property tax revenue levels. Even with the modest proposed increase in millage, total General Fund property tax revenues will still be approximately \$28 million below FY 2006/07 levels.

**Advisory Board Recommendation:**

The Finance and Citywide Projects Committee endorsed the proposed millage increase on 8/25/10.

**Financial Information:**

Source of Funds:		Amount	Account
	1		
	2		
OBPI	Total		

**Financial Impact Summary:** The adopted millage rate for FY 2010/11 partially offsets \$13.7 million in property tax revenue declines in the General Fund since the adoption of the FY 2009/10 budget. The adjustment to the millage rate provides approximately \$10.1 million towards a General Fund operating budget gap of \$29 million. Employee givebacks targeted at \$15.3 million over 2 years are critical to addressing the gap. Other approaches include efficiencies, minimal service impacts, and proposed new revenue sources.

**City Clerk's Office Legislative Tracking:**

**Sign-Offs:**

Department Director <i>[Signature]</i>	Assistant City Manager <i>[Signature]</i>	City Manager <i>[Signature]</i>
---	--	------------------------------------





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING: 1) THE FINAL AD VALOREM MILLAGE OF 6.2155 MILLS FOR GENERAL OPERATING PURPOSES, WHICH IS ZERO POINT TWO PERCENT (0.2%) MORE THAN THE "ROLLED-BACK" RATE OF 6.2030 MILLS; AND 2) THE DEBT SERVICE MILLAGE RATE OF 0.2870 MILLS FOR FISCAL YEAR (FY) 2010/11.**

### ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the attached Resolution which sets the following:

- 1) Final adopted millage rates for Fiscal Year (FY) 2010/11

General Operating	6.1072 mills	
Capital Renewal & Replacement	<u>0.1083 mills</u>	
Sub-Total Operating Millage	6.2155 mills	(5.6555 last year, 9.9% increase)
Debt Service	<u>0.2870 mills</u>	<u>(0.2568 last year, 11.8% increase)</u>
Total	6.5025 mills	(5.9123 last year, 10.0% increase)

- 2) The final adopted combined millage rate of 6.5025 mills is 0.5902 mills more than the 5.9123 combined millage rate for FY 2009/10. The final adopted operating millage rate for FY 2010/11 is 6.2155 mills. The final adopted operating millage for FY 2010/11 is 0.0125 mills more than the roll-back rate of 6.2030, and thus, the City is required to publish a Notice of Tax Increase. This notice was duly published in the Miami Herald on Saturday, September 18, 2010 in accordance with Florida Statutes 200.005.

The first public hearing on the tentative millage rates and budgets for FY 2010/11 was held on Wednesday, September 15, 2010. The millage rates presented herein are those which were tentatively adopted at the end of that first public hearing.

The rollback rate is the millage rate required to produce the same level of property tax revenues in FY 2010/11 as collected in FY 2009/10. The rollback rate is calculated by dividing the prior year property tax revenues by the current year property values, after new construction, major improvements, annexations, deletions and tax increment districts are removed from current year property values. Under the recently enacted State legislation, the City may elect to approve millage

rates above the roll-back rate up to the constitutional cap of 10 mills subject to an extraordinary vote by the Commission or referendum:

- Option I: Millage up to 7.9137 (equivalent to 98.11% of prior year maximum ad valorem proceeds allowed by a majority vote, net of the impact of the Tax Increment Districts) requires majority of the approval of the Commission. The adjustment of 98.11% reflects the statewide per capital personal income decline for the prior year
- Option II: Millage up to 8.7051 (equivalent to a 10% increase in the ad valorem revenues above Option I) requires a two-thirds approval (5 of 7 votes) of the Commission
- Option III: Millage above 8.7051 requires unanimous approval of the Commission or referendum up to the 10 mill cap

### **PROCEDURE**

Florida Statutes 200.065 requires that at the conclusion of the second public hearing on the proposed tax rate and budget, the City Commission proceed in the following specific manner:

1. Adopt an ad valorem millage rate for FY 2010/11 operating purposes and debt service. The statute requires the name of the taxing authority, the "Rolled-back" rate, the percentage increase over the "Rolled-back" rate, and the millage rates be publicly announced before adoption of the millage levy resolution..

**State statute requires that only the title be read aloud.**

2. Adopt a general operating budget for FY 2010/11. Also included, are budgets for the Enterprise and Internal Service Funds. This is accomplished by adopting a companion Resolution. (See accompanying General Fund Budget Agenda Item).

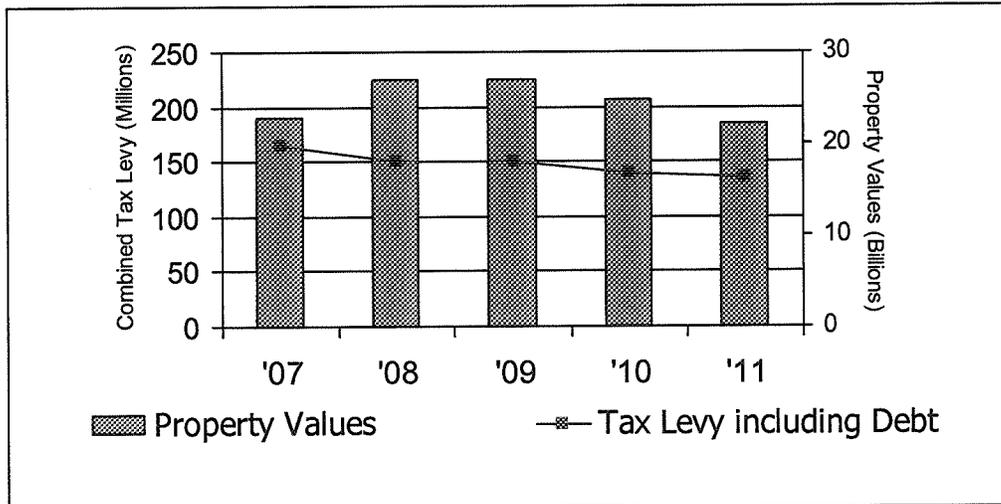
### **SUMMARY**

The Administration is recommending a total combined millage rate for the City of Miami Beach of 6.5025. The total proposed operating millage is 6.2155 mills, including a general operating millage rate of 6.1072 and a General Fund Capital Renewal and Replacement millage of 0.1083. The proposed voted debt service millage rate is increased from 0.2568 to 0.2870, an increase of 0.0302 mills. Further, the combined millage rate overall remains approximately 2.2 mills lower than it was in FY 1999/00. In addition, the millage rate is almost 1.2 mills (16 percent) lower than it was in FY 2006/07, when property values were similar to the July 1, 2010 certified values.

The proposed millage rate reflects an increase to partially offset property tax revenue declines in the General Fund that have occurred since the adoption of the FY 2009/10 budget, both through continued declines in the market, as well as the continued impacts of appeals and adjustments to the tax roll by the Property Appraiser. Increasing the millage to offset property tax declines ensures that service levels will not decline as a result of the decline in property values.

It is important to note that this is the first time we have recommended a modest increase to the millage since property values began an unprecedented and steep decline over the last several years. Since their peak in FY 2007/08, property values have declined more than \$4.7 billion, approximately 18 percent, despite almost \$3 billion in new construction added to the roll. Without the new construction, the decline in values would be even greater, at 28 percent. Outside the City

Center RDA, which impacts General Fund Property Tax revenues, the decline in values is even more significant at 20 percent, even after new construction. As a result, property tax revenues to the General Fund would be \$38 million (27 percent) below FY 2006/07 peak property tax revenue levels. Even with the modest proposed increase in millage, total General Fund property tax revenues will still be approximately \$28 million below FY 2006/07 levels.



**OVERVIEW**

On July 14, 2010, the Mayor and City Commission adopted the proposed general operating millage (excluding debt service) for FY 2010/11 in the amount of 6.4143, an increase of 0.7588 from the prior year millage. However, through the identification of \$3.6 million that can be transferred from the prior year surplus in the Parking Operating Fund, on August 25, 2010 at the Finance and Citywide Project Committee meeting, the Commission voted to further adjust the operating millage to be set at 6.2155 for FY 2010/11, an increase of 0.56 from the prior year millage, resulting on a “recurring” revenue stream to offset property value declines.

While impacts to homesteaded versus non-homesteaded properties are not available from the Property Appraiser at this time, overall single family and condominium values declined by 13.7 percent, and existing single family and condominium properties (net of new construction) declined by almost 17 percent. The median value of homesteaded property in Miami Beach for 2009 was \$133,110, and the average \$288,709. If homesteaded properties similarly declined by 17 percent, the impact of the combined millage increase would be an annual savings of \$68 for the median value property, and \$149 for the average value property. For the same values, homesteaded properties that do not decline in value and may be adjusted by the Property Appraiser if below market value by the 2.7 percent CPI adjustment, these properties may have an increase ranging from \$78 to \$221.

Further, it is estimated that approximately 40 percent could either have no impact or could actually experience a savings, due to offsetting declines in property values. Further, an additional 50 percent of homeowners are estimated to have their taxes increase less than \$300. As a result, approximately 90 percent of homesteaded properties will have less than a \$300 per year (\$25 per month) impact,

It is important to remember that in prior years, the City of Miami Beach significantly reduced tax rates as property values declined. Between FY 1999/00 and FY 2009/10, property tax rates declined approximately 2.8 mills. In FY 2007/08 alone, the property tax rate declined by approximately 1.8 mills, with savings to the average homesteaded property of over \$400. In addition, in FY 2005/06 and FY 2006/07 the City provided "homeowner dividends" of \$200 and \$300, respectively, to all homesteaded property owners in the City of Miami Beach.

Further, Miami Beach continues to provide more direct value for tax dollars paid than many other taxing jurisdictions. For example, in FY 2009/10, the homesteaded property owner of a average value homesteaded property would have paid approximately \$1,700 in property taxes to the City; as compared to approximately \$4,000 to the County, the school board and other local taxing jurisdictions; approximately \$2,400 in sales taxes to the state; and approximately \$7,000 in income taxes to the Federal government.

The adjustment to the millage rate provides approximately \$10.1 million towards addressing the General Fund operating budget gap resulting from declines in property values and increases in pension costs, primarily due to declines in pension investment returns. Early in the budget development process, it was discussed that such a significant gap could not be addressed through one means alone. Rather a combination of approaches would be needed.

Critical to the approaches were employee givebacks, and the Commission identified a target of \$15.3 million in employee givebacks to be achieved between FY 2009/10 and FY 2010/11. Other approaches, in addition to tax rate adjustments, included, once again, efficiencies, and tweaks to service levels to achieve reductions with minimal service impacts, as well as use of surplus from prior years, increased use of resort taxes, and as evaluating potential new revenue sources.

On September 15, 2010, the City Commission approved the tentative millage of 6.2155 for operating and 0.2870 for debt service.

### **ANALYSIS OF PROPERTY VALUES IN MIAMI BEACH**

On July 1, 2010, the City received the "2010 Certification of Taxable Value" from the Property Appraiser's Office stating that the taxable value for the City of Miami Beach is \$22,104,742,947 including \$556,626,578 in new construction. The preliminary 2010 value represents a decrease of \$2.59 billion or 10.5 percent less than the 2009's July 1 Certification of Taxable Value of \$24.695 billion, and a decline of 12.7 percent, excluding new construction.

The comparative assessed values for the Miami Beach Redevelopment Agency City Center redevelopment district decreased from \$3,446,724,524, to \$3,404,963,718, a decrease of \$0.0418, billion or a 1.2 percent decrease in values over 2009 certified values. In addition, assessed values within the geographic area formerly known as the South Pointe redevelopment district decreased from \$3,559,454,762, to \$3,324,165,654, a decrease of \$0.2353 billion, or a 6.6 percent decrease in values over 2009 certified values. As a result, taxable values in the areas outside the City Center RDA/South Pointe area decreased by 13.1 percent, from \$17.6887 billion to 15.3756 billion, a decrease of \$2.3 billion.

COMPARATIVE ASSESSED VALUES (in billions)

	Jan. 1 2009 Value (in billions)			Jan. 1 2010 Value (in billions)	Change from 2009 Value (Budget)		% Change from Final Value
	As of July 1 2009 (For FY 2009/10 Budget)	Revised Value (For FY 2009/10 Projection)	Change in 2009 Values	As of July 1 2010 (For 2010/11 Budget)	\$ (in billions)	%	
RDA – City Ctr	\$ 3.4467	\$ 3.4461	\$ (0.0007)	\$ 3.4050	\$ (0.0418)	-1.2%	-1.2%
South Pointe	3.5595	3.5499	(0.0095)	3.3242	\$ (0.2353)	-6.6%	-6.4%
General Fund	17.6887	16.1064	(1.5824)	15.3756	\$ (2.3131)	-13.1%	-4.5%
Total Citywide	\$24.6949	\$ 23.1024	\$ (1.5925)	\$ 22.1047	\$ (2.5902)	-10.5%	-4.3%

Further, the following table shows that while property values Citywide are similar to FY 2006/07 levels Citywide, they are more than \$1 billion lower outside the City Center RDA than in FY 2006/07. It should also be noted that since their peak in FY 2007/08, property values have declined more than \$4.7 billion, approximately 18 percent, despite almost \$3 billion in new construction added to the roll. Without the new construction, the decline in values would be even greater, at 28 percent. Outside the City Center RDA, which impacts General Fund Property Tax revenues, the decline in values is even more significant at 20 percent, even after new construction. As a result, property tax revenues to the General Fund would be \$38 million (27 percent) below FY 2006/07 peak property tax revenue levels.

	Jan. 1 2006 Value (in billions)	Jan. 1 2007 Value (in billions)	Jan. 1 2009 Value (in billions)	Jan. 1 2010 Value (in billions)	Change from 2007 Value (Budget)	
	As of July 1 2006 (For FY 2006/07 Budget)	As of July 1 2007 (For FY 2007/08 Budget)	As of July 1 2009 (For FY 2009/10 Budget)	As of July 1 2010 (For 2010/11 Budget)	\$ (in billions)	%
RDA – City Ctr	\$ 3.0036	\$ 3.5853	\$ 3.4467	\$ 3.4050	\$(0.1803)	-5.0%
South Pointe	2.9057	3.4232	3.5595	3.3242	(0.0990)	-2.9%
General Fund	16.8307	19.8416	17.6887	15.3756	(4.4659)	-22.5%
Total Citywide	\$ 22.740	\$ 26.850	\$ 24.6949	\$ 22.1047	\$(4.7453)	-17.7%
Citywide Net of City Ctr	\$ 19.7364	\$ 23.2648	\$ 21.2482	\$ 18.6998	\$(4.5650)	-19.6%

**DETERMINING THE OPERATING MILLAGE LEVY**

The first building block in developing a municipal budget is the establishment of the value of one mill of taxation, wherein the mill is defined as \$1.00 of ad valorem tax for each \$1,000 of property

value. For the City of Miami Beach, this value for each mill is determined by the 2010 Certification of Taxable Value and has been set at \$22,104,743. Florida Statutes permit a discount of up to five percent for early payment discounts, delinquencies, etc. Therefore, the 95 percent value of the mill is \$20,999,506. The 95 percent value of 1 mill outside the City Center RDA/South Pointe area is \$14,941,432, and \$17.8 million outside the City Center RDA.

**Impacts of Decline in Property Values**

In FY 2009/10, the operating millage rate for general City operations was adopted at 5.6555. Based on the July 1, 2010 Certification of Taxable Value, 5.6555 mills would generate approximately \$118,762,706 million in tax revenues, a decrease of \$13,916,285 over current year budgeted property tax revenues Citywide (General Fund, City Center RDA and the South Pointe area). The General Fund property tax revenues will decrease by \$13.7 million, unless the millage rate is adjusted to offset the decline in property values.

The rollback rate is the millage rate required to produce the same level of Citywide property tax revenues in FY 2010/11 as collected in FY 2009/10, thereby forgoing any revenues associated with growth in assessed values. The rollback rate is calculated by dividing the prior year property tax revenues by the current year property values, after new construction, major improvements, annexations, deletions, and tax increment districts are removed from current year property values. For FY 2010/11, the resulting Roll-Back Rate is 6.2030, 0.5475 mills more than the millage rate adopted for FY 2009/10. However, because most of the decline in values occurred outside the City Center RDA, an increase millage of 0.7588 is required to recapture the revenue loss to the General Fund. The recommended increase of 0.56 mills will only partially recapture the General Fund impact of the property value declines.

**GENERAL OBLIGATION DEBT SERVICE FUND**

The general obligation debt service payment for FY 2010/11 is approximately \$6.03 million, reflecting an increase of \$2,286. Based on the July 1, 2010 Certified Taxable Value from the Property Appraiser, these bonds would require the levy of a voted debt service millage of 0.2870 mills. This represents an increase of 0.0302 mills. Despite this increase, the debt service millage remains significantly below historic levels.

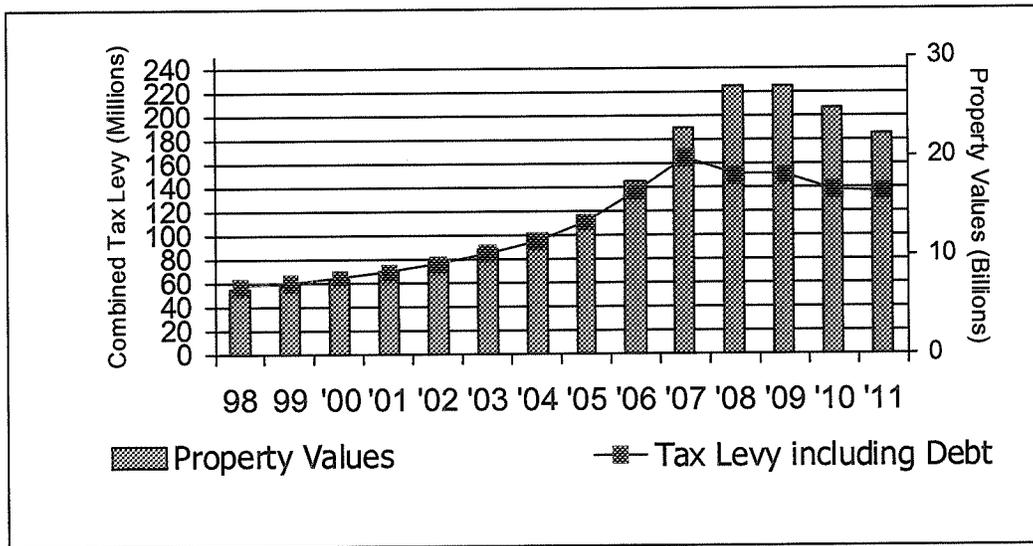
**TOTAL COMBINED CITY OF MIAMI BEACH MILLAGE RATES**

Illustrated below is a comparison of the combined millage rates and ad valorem revenues to the City of Miami Beach for FY 2009/10 (final) and FY 2010/11 (preliminary) including RDA. It is recommended that in the General Fund, 0.1083 mills of the total operating millage continue to be dedicated to renewal and replacement, resulting in approximately \$1.77 million in renewal and replacement funding.

City of Miami Beach Millage Rates	FY 06/07	FY 09/10	FY 10/11	Inc/(Dec)	% Inc/(Dec)	
					From FY 09/10	From FY 06/07
Operating	7.1920	5.5472	6.1072	0.5600		
Capital Renewal & Replacement	0.1820	0.1083	0.1083	0.0000		
<b>Sub-total Operating Millage</b>	<b>7.3740</b>	<b>5.6555</b>	<b>6.2155*</b>	<b>0.5600</b>	9.9%	-16%
Debt Service	0.2990	0.2568	0.2870	0.0302		
<b>Total</b>	<b>7.6730</b>	<b>5.9123</b>	<b>6.5025</b>	<b>0.5902</b>	10.0%	-15%

If these recommended millage rates are tentatively adopted, then the City of Miami Beach's total operating millage will be adjusted by 0.5600 as compared to the current year, and the voted debt service millage will be adjusted by 0.0302 mills, however, still 1.2 mills below the FY 2006/07 millage rate when property values were similar to today.

The following table reflects the resulting property tax levy for FY 2010/11 based on these tax rates and provides historical trends for both taxable values based on the July 1 Certified Taxable Values each year, and the resulting tax levy.



**CITY OF MIAMI BEACH MILLAGE LEVY IMPACT ON MIAMI BEACH PROPERTY OWNERS**

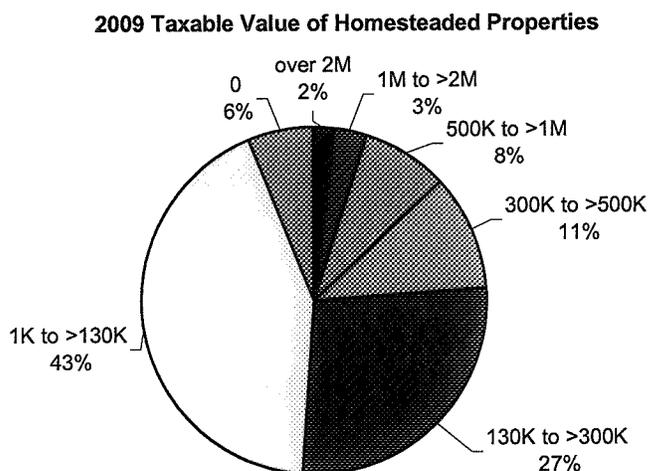
**Homesteaded Properties**

The impact of the millage change to homesteaded properties will vary significantly based on how much below market value the property is assessed and the taxable value of the property. In addition for those properties significantly below market value will like be impacted by the CPI adjustment to assessed values.

Amendment 10 to the State Constitution took effect on January 1, 1995 and limited the increase in assessed value of homesteaded property to the percentage increase in the consumer price index (CPI) or three percent (3%), whichever is less. For 2009, the CPI has been determined to be 2.7 percent and therefore, the increase is capped at 2.7% for increased values as of January 1, 2010.

Overall, based on an analysis of the homesteaded properties in the 2009 tax roll, approximately one-third of homesteaded properties in Miami Beach were assessed at market value for 2009, and therefore will likely decline in taxable value similar to the overall decline. Further, an additional 16 percent of properties were assessed between 0 and 20 percent of market value, and may decline to offset the increased millage rate.

As importantly, based on information from the Miami-Dade County Property Appraiser, the median value of homesteaded property in Miami Beach for 2009 was \$133,110, and the average \$288,709. The following chart shows the distribution of 2009 property values as of February, 2010.



While impacts to homesteaded versus non-homesteaded properties are not available from the Property Appraiser at this time, overall single family and condominium values declined by 13.7 percent, and existing single family and condominium properties (net of new construction) declined by almost 17 percent. If homesteaded properties similarly declined by 17 percent, the impact of the millage increase would be an **annual savings** of \$68 for the median value property, and \$149 for the average value property.

Even with no decline or with the 2.7 percent CPI adjustment, these properties would only experience annual increases between \$78 and \$221, as shown in the following chart.

Homesteaded Properties								
	FY 2009/10 (as of January 1 2009)*		FY 2010/11 (as of January 1 2010)					
			with 17% Decline		with no change		with 2.7% CPI	
	Median	Average	Median	Average	Median	Average	Median	Average
<b>Taxable Value</b>	\$ 133,110	\$ 288,709	\$ 110,481	\$ 239,628	\$ 133,110	\$ 288,709	\$ 136,704	\$ 296,504
<b>City of Miami Beach Taxes</b>								
Operating	\$ 753	\$ 1,633	\$ 687	\$ 1,489	\$ 827	\$ 1,794	\$ 850	\$ 1,843
Voted Debt	34	74	32	69	38	83	39	85
<b>Total Miami Beach</b>	<b>\$ 787</b>	<b>\$ 1,707</b>	<b>\$ 719</b>	<b>\$ 1,558</b>	<b>\$ 865</b>	<b>\$ 1,877</b>	<b>\$ 889</b>	<b>\$ 1,928</b>
<b>\$ Change in Taxes</b>								
Operating			\$ (66)	\$ (144)	\$ 74	\$ 161	\$ 97	\$ 210
Voted Debt			(2)	(5)	4	9	5	11
<b>Total Miami Beach</b>			<b>\$ (68)</b>	<b>\$ (149)</b>	<b>\$ 78</b>	<b>\$ 170</b>	<b>\$ 102</b>	<b>\$ 221</b>

\* Source: Miami-Dade County Property Appraiser File as of 2/17/10

Applying the decline to the market value of all existing homesteaded properties from the 2009 tax roll, and the 2.7 percent CPI adjustment, the impact of the millage rate adjustment to homesteaded properties would be as shown in the following table. Further, it is estimated that approximately 40 percent could either have no impact or could actually experience a savings, due to offsetting declines in property values. Further, approximately 50 percent more homeowners are estimated to have their taxes increase less than \$300. As a result, approximately 90 percent of homesteaded properties will have less than a \$300 per year (\$25 per month) impact. This was confirmed with the latest information provided by the property appraiser.

	PERCENT	CUMULATIVE PERCENT
Greater than \$5,000 in savings	0.0%	0.0%
\$3,001 - \$5,000 savings	0.1%	0.1%
\$2,001 - \$3,000 savings	0.3%	0.5%
\$1,001 - \$2,000 savings	1.3%	1.8%
\$501 - \$1,000 savings	3.0%	4.8%
\$301 - \$500 savings	4.1%	8.9%
\$251 - \$300 savings	2.1%	11.0%
\$201 - \$250 savings	3.7%	14.7%
\$101 - \$200 savings	8.4%	23.1%
\$1 - \$100 savings	9.7%	32.8%
\$0 impact	5.4%	38.2%
\$1 - \$100 increase	33.2%	71.4%
\$101 - \$200 increase	13.9%	85.4%
\$201 - \$250 increase	3.3%	88.7%
\$251 - \$300 increase	2.2%	90.9%
\$301 - \$500 increase	4.5%	95.4%
\$501 - \$1,000 increase	2.9%	98.3%
\$1,001 - \$2,000 increase	1.2%	99.5%
\$2,001 - \$3,000 increase	0.2%	99.8%
\$3,001 - \$5,000 increase	0.2%	100.0%
Greater than \$5,000 increase	0.1%	100.1%

### Non-Homesteaded Properties

It is anticipated that, the increased millage rate for commercial properties, would, on average be offset by the decline in property values, although individual properties could vary significantly.

### Historical Perspective

It is important to remember that in prior years, the City of Miami Beach significantly reduced tax rates as property values declined. Between FY 1999/00 and FY 2009/10, property tax rates declined approximately 2.8 mills. In FY 2007/08 alone, the property tax rate declined by approximately 1.8 mills, with annual savings to the average homesteaded property of over \$400. In addition, in FY 2005/06 and FY 2006/07, the City funded \$200 and \$300 homeowner dividends paid to homesteaded property owners in the City.

Even with the modest millage rate increase proposed for FY 2010/11, the proposed taxes for an average value property, is approximately \$330 less than it would have been with the FY 2006/07 millage rate.

Budget Year	Taxable Property Values (billions)	Millage Rates		Tax Levy (in millions)		Impact to a average value property with CPI adjustment to assessed value	
		Total Citywide	General Fund/RDA Millage	Total including Debt	General Fund Total (including S. Pointe, and Renewal & Replacement)	Annual	Cumulative
FY1997/98	\$ 6.46	9.2100	7.4990	\$ 57.45	\$ 46.78		
FY1998/99	\$ 6.97	8.9830	7.4990	\$ 60.37	\$ 44.66		
FY1999/00	\$ 7.66	8.6980	7.4990	\$ 64.29	\$ 47.36		
FY2000/01	\$ 8.37	8.5550	7.3990	\$ 69.08	\$ 49.75		
FY2001/02	\$ 9.40	8.3760	7.2990	\$ 75.97	\$ 54.37		
FY2002/03	\$ 10.56	8.3220	7.2990	\$ 84.81	\$ 61.05		
FY2003/04	\$ 12.09	8.1730	7.2990	\$ 95.39	\$ 68.17	\$13.15	\$13.15
FY2004/05	\$ 14.04	8.1730	7.4250	\$ 110.74	\$ 79.38	\$31.05	\$44.20
FY2005/06	\$ 17.45	8.0730	7.4810	\$ 135.91	\$ 111.69	\$35.63	\$79.83
FY2006/07	\$ 22.74	7.6730	7.3740	\$ 168.38	\$ 140.31	(\$30.75)	\$49.08
FY2007/08	\$ 26.85	5.8970	5.6555	\$ 150.42	\$ 125.33	(\$436.00)	(\$386.92)
FY2008/09	\$ 26.90	5.8930	5.6555	\$ 150.59	\$ 125.94	(\$86.00)	(\$472.92)
FY2009/10	\$ 24.70	5.9123	5.6555	\$ 138.70	\$ 115.73	(\$80.00)	(\$552.92)
FY2010/11	\$ 22.10	6.5025	6.2155	\$ 136.55	\$ 112.04	\$221.00	(\$331.92)

Even with the modest proposed increase in millage, total General Fund property tax revenues will still be approximately \$28 million below FY 2006/07 levels.

Further, Miami Beach continues to provide more tangible value for tax dollars paid than many other taxing jurisdictions. For example, in FY 2009/10, it is estimated that the homesteaded property owner of an average value homesteaded property would have paid approximately \$1,700 in property taxes to the City as compared to over \$4,000 to the County, the school board and other local taxing jurisdictions, approximately \$2,400 in sales taxes to the state, and approximately \$7,000 in income taxes to the Federal government.

### COMBINING JURISDICTIONAL OPERATING AND DEBT SERVICE MILLAGE LEVIES

City of Miami Beach property owners must also pay property taxes to Miami-Dade County, the Miami-Dade County School Board, the Children's Trust, the South Florida Water Management District, and the Florida Inland Navigation District.

Based on the FY 2010/11 Proposed Budget for Miami-Dade County released on July 7, 2010, the countywide tax rate is proposed to increase from 4.8379 mills to 5.4275 mills; the library tax rate is proposed to decrease from 0.3822 mills to 0.3500 mills; and the debt service millage is proposed to increase from 0.2850 to 0.4450.

The proposed tax rate for the Miami-Dade School District is 8.2490 which is 0.254 mills greater than the prior year millage of 7.995. The Children's Trust millage is maintained at 0.5 mills.

Using tax rates known at this time, the changes in tax rates are estimated in the following table.

<b>OVERLAPPING TAX MILLAGE</b>	<b>FY 06/07</b>	<b>FY 09/10</b>	<b>FY 10/11</b>	<b>Variance from 09/10</b>	<b>% of Total</b>
<b>City of Miami Beach Millage Rates</b>					
Operating	7.1920	5.5472	6.1072	0.5600	
Capital Renewal & Replacement	0.1820	0.1083	0.1083	0.0000	
<b>Subtotal Operating Millage</b>	<b>7.3740</b>	<b>5.6555</b>	<b>6.2155</b>	<b>0.5600</b>	
Voted Debt Service	0.2990	0.2568	0.2870	0.0302	
<b>Total</b>	<b>7.6730</b>	<b>5.9123</b>	<b>6.5025</b>	<b>0.5902</b>	<b>29%</b>
<b>Miami Dade County</b>					
Countywide	5.6150	4.8379	5.4275	0.5896	
Library	0.4860	0.3822	0.3500	-0.0322	
Debt Service	0.2850	0.2850	0.4450	0.1600	
<b>Subtotal</b>	<b>6.3860</b>	<b>5.5051</b>	<b>6.2225</b>	<b>0.7174</b>	<b>28%</b>
<b>School Board</b>					
School Board	8.1050	7.9950	8.2490	0.2540	39%
Children's Trust	0.4220	0.5000	0.5000	0.0000	2%
Other	0.7360	0.6585	0.6585	0.0000	3%
<b>Total</b>	<b>23.3220</b>	<b>20.5709</b>	<b>22.1325</b>	<b>1.5616</b>	<b>100%</b>

With the recommended millage rates for FY 2010/11, the Miami Beach portion of the FY 2010/11 tax bill is anticipated to be 29 percent of the total bill based on tax rates known at this time. Of note, it appears that the millage rates proposed by the other taxing jurisdictions, brings them up to virtually the same millage rates as they had in FY 2006/07. The significant difference in the total overlapping millage rate is a direct result of the City's effort to keep the millage rates as low as possible. In spite of the modest recommended adjustment, the City's efforts will result in an overlapping millage rate that is still 1.2 mills lower than what it was in FY 2006/07.

**Property Tax Changes**

The following table provides examples of changes in property taxes for homesteaded properties as a result of these declines in values, using the proposed tax rates.

	FY 2009/10 (as of January 1 2009)*		FY 2010/11 (as of January 1 2010)					
	Median	Average	with 17% Decline		with no change		with 2.7% CPI	
			Median	Average	Median	Average	Median	Average
<b>2009 Taxable Value</b>	<b>\$ 133,110</b>	<b>\$ 288,709</b>	<b>\$ 110,481</b>	<b>\$ 239,628</b>	<b>\$ 133,110</b>	<b>\$ 288,709</b>	<b>\$ 136,704</b>	<b>\$ 296,504</b>
City of Miami Beach								
Operating	\$ 753	\$ 1,633	\$ 687	\$ 1,489	\$ 827	\$ 1,794	\$ 850	\$ 1,843
Voted Debt	\$ 34	\$ 74	\$ 32	\$ 69	\$ 38	\$ 83	\$ 39	\$ 85
<b>Total Miami Beach</b>	<b>\$ 787</b>	<b>\$ 1,707</b>	<b>\$ 719</b>	<b>\$ 1,558</b>	<b>\$ 865</b>	<b>\$ 1,877</b>	<b>\$ 889</b>	<b>\$ 1,928</b>
Miami Dade County								
Schools	\$ 1,064	\$ 2,308	\$ 911	\$ 1,977	\$ 1,098	\$ 2,382	\$ 1,128	\$ 2,446
Other	\$ 154	\$ 144	\$ 128	\$ 120	\$ 154	\$ 144	\$ 158	\$ 148
<b>Total</b>	<b>\$ 2,738</b>	<b>\$ 5,748</b>	<b>\$ 2,445</b>	<b>\$ 5,146</b>	<b>\$ 2,945</b>	<b>\$ 6,199</b>	<b>\$ 3,026</b>	<b>\$ 6,367</b>
<b>Change in Taxes</b>								
City of Miami Beach								
Operating			\$ (66)	\$ (144)	\$ 74	\$ 161	\$ 97	\$ 210
Voted Debt			\$ (2)	\$ (5)	\$ 4	\$ 9	\$ 5	\$ 11
<b>Total Miami Beach</b>			<b>\$ (68)</b>	<b>\$ (149)</b>	<b>\$ 78</b>	<b>\$ 170</b>	<b>\$ 102</b>	<b>\$ 221</b>
Miami Dade County								
Schools			\$ (46)	\$ (98)	\$ 95	\$ 207	\$ 118	\$ 256
Other			\$ (153)	\$ (331)	\$ 34	\$ 74	\$ 64	\$ 138
<b>Total</b>			<b>\$ (26)</b>	<b>\$ (24)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 4</b>	<b>\$ 4</b>
<b>Total</b>			<b>\$ (293)</b>	<b>\$ (602)</b>	<b>\$ 207</b>	<b>\$ 451</b>	<b>\$ 288</b>	<b>\$ 619</b>

As with the City of Miami Beach millage rates, impacts of the combined jurisdictional millage rates for non-homesteaded properties will likely be offset by declines in property values, although individual properties may vary.

**CONCLUSION**

The Administration recommends adoption of the attached Resolution which sets both final operating and debt service millage rates for FY 2010/11.

JMG:KGB:JC



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING: 1) THE FINAL AD VALOREM MILLAGE OF 6.2155 MILLS FOR GENERAL OPERATING PURPOSES, WHICH IS ZERO POINT TWO PERCENT (0.2%) MORE THAN THE "ROLLED-BACK" RATE OF 6.2030 MILLS; AND 2) THE DEBT SERVICE MILLAGE RATE OF 0.2870 MILLS FOR FISCAL YEAR (FY) 2010/11.**

**WHEREAS**, on July 14, 2010, the City Commission following a duly noticed public hearing, adopted Resolution No. 2010-27449, which set the proposed general operating millage rates at 6.4143 mills (excluding debt service) for an increase of 0.7588 from the prior year millage for general operating purposes, and 0.2870 mills for debt service; and

**WHEREAS**, on August 25, 2010, at the Finance and Citywide Project Committee meeting, the City Commission voted to further adjust the operating millage to 6.2155, an increase of 0.56 from the prior year millage by identifying \$3.6 million that can be transferred from the prior year surplus in the Parking Operating Fund; and

**WHEREAS**, this is the first time we have recommended a modest increase to the general operating millage since property values began an unprecedented and steep decline over the last several years; and

**WHEREAS**, Since their peak in FY 2007/08, property values have declined more than \$4.7 billion, approximately 18 percent, despite almost \$3 billion in new construction added to the roll; and without the new construction, the decline in values would be even greater, at 28 percent; and

**WHEREAS**, Outside the City Center RDA, which impacts General Fund Property Tax revenues, the decline in values is even more significant at 20 percent, even after new construction, and as a result, property tax revenues to the General Fund would be \$38 million (27 percent) below FY 2006/07 peak property tax revenue levels; and

**WHEREAS**, even with the modest proposed increase in millage, total General Fund property tax revenues will still be approximately \$28 million below FY 2006/07 levels;

**WHEREAS**, it is estimated that approximately 40 percent of homesteaded properties would either have no impact or could actually experience a savings, due to offsetting declines in property values and an additional 50 percent of homeowners are estimated to have their taxes increase less than \$300; and

**WHEREAS**, as a result, approximately 90 percent of homesteaded properties will have less than a \$300 per year (\$25 per month) impact; and

**WHEREAS**, on September 15, 2010 the Mayor and City Commission tentatively adopted the operating millage rate 6.2155 mills for general operating purposes, and 0.2870 mills for debt service; and

**WHEREAS**, Section 200.065, Florida Statutes, requires that at the conclusion of the second public hearing on the City's proposed tax rate and budget, the City Commission: 1) adopt the ad valorem millage rate for FY 2010/11 operating purposes; and 2) the required Debt Service millage rate; this is accomplished by publicly announcing the name of the taxing authority, the "Rolled-back" rate, the percentage increase of the "Rolled-back" rate and the millage rates before adoption of the millage levy resolution; and

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that pursuant to Section 200.065, Florida Statutes, there is hereby levied a tax for the Fiscal Year (FY) 2010/11, on all taxable and non-exempt real and personal property located within the corporate limits of the City of Miami Beach, Florida, as follows:

- (a) For the purpose of operating the government of the City, the rate assigned amounts to 6.2155 mills. Also included are appropriate reserves and contingencies, which are not limited to reserves for tax discounts and abatements of uncollected taxes.

The millage rate reflected is zero point two percent (0.2%) more than the "Rolled-back" rate of 6.2030 mills.

- (b) For the purpose of providing payment on the principal and interest portions of the General Obligation Bond Debt outstanding, the rate assigned amounts to 0.2870 mills.

**PASSED and ADOPTED** this 20th day of September, 2010.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

9/12/10  
\_\_\_\_\_  
Date

THIS PAGE INTENTIONALLY LEFT BLANK

**Condensed Title:**

A resolution of the Mayor and City Commission of the City Of Miami Beach, Florida, adopting final budgets for the General, G.O. Debt Service, RDA Ad Valorem Taxes, Enterprise, and Internal Service Funds for Fiscal Year 2010/11.

**Key Intended Outcome Supported:**

Minimize taxes; Control Costs of payroll including salary and fringes; Ensure expenditure trends are sustainable over the long term; Improve the City's overall financial health and maintain overall bond rating; Increase community satisfaction with city services

• **Supporting Data (Surveys, Environmental Scan, etc.):** Based on the 2009 community survey, quality of life in the City is rated highly, the City is seen as an 'excellent' or 'good' place to live, work, play or visit, and over ¾'s of residents would recommend it to others as a place to live. Impressively, 31 of the residential tracking questions from 2007 experienced increases in each of the areas measured by an overall average of approximately 7.0%; and 28 of 32 business tracking questions experienced increases measured by an overall average of approximately 8.8%. Important findings were: Cleanliness of canals/waterways, the job the city is doing to address homelessness, and storm drainage were all identified as areas for improvement, although improved from prior surveys; cleanliness, code enforcement, and arts and culture were identified as services the city should strive not to reduce; and value of service for tax dollars paid, cleanliness of streets, satisfaction with contacting the City government handling of special events, traffic flow, code enforcement, police ratings, condition of roads, availability of public parking, and consistency of inspections were all identified as key drivers of overall satisfaction levels.

**Issue:**

Shall the Mayor and City Commission adopt the attached resolution establishing final budgets for the General, G.O. Debt Service, RDA Ad Valorem Taxes, Enterprise, and Internal Service Funds for Fiscal Year 2010/11?

**Item Summary/Recommendation:**

The FY 2010/11 Proposed Work Plan and Budget maintains current service priorities for the community, despite property tax rates set at 1.2 mills (16 percent) lower than FY 2006/07 when property values were similar to the 2010 certified values. Water, sewer, and stormwater rates and reduced household sanitation fees, result in a combined reduction of \$140 per household per year from our projections a year ago.

**Advisory Board Recommendation:**

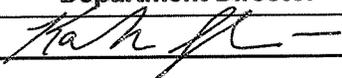
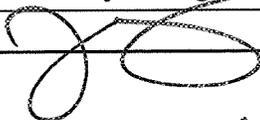
**Financial Information:**

Source of Funds:		Amount	Account
 OBPI	1	\$237,518,114	General Fund Operating
	2	\$ 6,026,858	G.O. Debt Service
	3	\$ 17,177,816	RDA Funds-Ad Valorem Taxes
	4	\$155,790,103	Enterprise Funds
	Total	\$416,512,891	*Net of Internal Service Funds
		\$ 52,434,877	Internal Service Funds

**Financial Impact Summary:** Maintaining the General Fund Operating millage at the FY 2009/10 level resulted in a gap of approximately \$29 million in the General Fund due to the decreased property tax revenues and increased salary and pension costs. Employee givebacks targeted at \$15.3 million over 2 years are critical to addressing the gap in addition to millage recapture, efficiencies, and tweaking service levels to achieve reductions with minimal service impacts, as well as evaluating potential new revenue sources.

**City Clerk's Office Legislative Tracking:**

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

**SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING FINAL BUDGETS FOR THE GENERAL, G.O. DEBT SERVICE, RDA AD VALOREM TAXES, ENTERPRISE, AND INTERNAL SERVICE FUNDS FOR FISCAL YEAR 2010/11.**

### ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the attached Resolution which establishes final budgets for the General, G.O. Debt Service, RDA Ad Valorem Taxes, Enterprise, and Internal Service Funds for Fiscal Year (FY) 2010/11.

### PROCEDURE

As outlined in the companion General Operating Millage Agenda Item, Section 200.065, Florida Statutes specifies the manner in which budgets are adopted. Following a second public hearing, the millage rate for both the general operating and debt service is adopted, then immediately thereafter, final budgets by fund are adopted. The attached Resolution adopting final budgets for the General, G.O. Debt Service, RDA Ad Valorem Taxes, Enterprise, and Internal Service Funds for FY 2010/11 is therefore presented to you at this time for adoption.

### CHANGES FOR CONSIDERATION SINCE THE FIRST BUDGET HEARING

At the first budget hearing on September 15, 2010, Commissioner Weithorn expressed concerns about certain budget items. Based on a subsequent meeting on Friday, September 17, 2010, the following items were identified for further consideration:

- Remove a vacant Planning Technician position from the position count – this position is not funded and therefore has no impact to the budget.
- Defer funding for the 2011 bi-annual survey that would normally occur in the spring of 2011. This would allow use of the FY 2008/09 year-end surplus set aside to be reduced by \$89,825.

These items are presented for consideration by the Mayor and Commission with the adoption of the General Fund Operating Budget.

## **BACKGROUND**

Over the last several years, the City of Miami Beach has adopted budgets that provided tax and fee relief while at the same time providing improved services that address needs and priorities identified by the community (primarily in public safety, cleanliness, landscaping and beautification, recreation and cultural arts programming, renewal and replacement funding for our facilities, and building/development functions); and providing structural changes that enhanced capital funding and reserves.

However, these objectives have become increasingly more challenging in the last four years: first through property tax reform where tax rates were dramatically reduced to offset increases in property values; and subsequently with the decline in property values without revisions to the property tax rate as well as increasing pension costs. In the last three years alone, the General Fund has absorbed almost \$43 million in recurring reductions and almost 20 percent of the FY 2009/10 Adopted General Fund budget that is \$226 million (and almost \$50 million and 240 positions across all funds. Despite this significant reduction, the City of Miami Beach has essentially kept services and enhancements that were added through FY 2006/07 to address needs and priorities identified by the community, despite increases in costs such as pension, living wage impacts, fuel, and other operating expenses. We have continued to focus on priorities: public safety, cleanliness, landscaping and beautification, recreation and cultural arts programming, renewal and replacement funding for our facilities, building/development functions, and structural changes that enhanced capital funding and reserves, while bringing on line several capital projects with expanded operations and maintenance and resulting increases in operating costs such as: North Shore Park and Youth Center, South Pointe Park, Normandy Shores Golf Course, Normandy Isle Park and Pool, Beachfront Bathrooms, Colony and Byron Carlyle Theatres, Beachwalk and Baywalk, multiple streetscapes, to name just a few.

## **OVERVIEW**

In summary, the Proposed Work Plan and Budget maintains current service priorities for the community, despite property tax rates set at 1.2 mills (16 percent) lower than FY 2006/07 when property values were similar to the 2010 certified values. Further, I am also recommending keeping water, sewer, and stormwater rates flat and **reducing** household sanitation fees, resulting in a combined **reduction** of almost \$140 per household per year from our expected rates just one year ago.

It is important to note that this is the first time we have recommended a modest increase to the millage since property values began an unprecedented and steep decline over the last several years. Since their peak in FY 2007/08, property values have **declined** more than \$4.7 billion, approximately 18 percent, despite almost \$3 billion in new construction added to the roll. Without the new construction, the decline in values would be even greater, at 28 percent. Outside the City Center RDA, which impacts General Fund Property Tax revenues, the decline in values is even more significant at 20 percent, even after new construction. As a result, property tax revenues to the General Fund would be \$38 million (27 percent) below FY 2006/07 peak property tax revenue levels. Even with the modest proposed increase in millage, total General Fund property tax revenues will still be approximately \$28 million below FY 2006/07 levels.

Adopting Final Budgets

September 20, 2010

Page 3

Further, while a significant portion of property taxes in our City are collected from hotels, restaurants and other businesses; a significant source of revenue to the General Fund is from non-property tax tourism and business-related sources which have increased steadily over the years. The Proposed Work Plan and Budget includes resort taxes and a transfer of Parking Operations Fund year-end surplus as well as Parking Operations Fund reimbursements and right-of-way fees paid to the General Fund that total almost \$32 million; approximately 13 percent of the Proposed General Fund FY 2010/11 Budget. This is an increase of 22 percent from just the year before. But for these additional non ad valorem revenues, the millage rate would need to be set at a rate that is 1.7 mills higher than what is proposed.

**Value for Tax Dollars Paid**

With the planned reductions incorporated in the Proposed Work Plan and Budget our 4 year total of reductions of approximately \$50 million.

General Fund	Total 3-Year			Minimal & Service Impacts			Plan B			FY 2010/11 Proposed		
	\$ Impacts	FT	PT	\$ Impacts	FT	PT	\$ Impacts	FT	PT	\$ Impacts	FT	PT
Public Safety	\$ (7,062,591)	(67.0)	-	\$ (219,748)	(2.0)	1.0	(\$92,044)	(20.0)	40.0	(\$311,792)	(22.0)	41.0
Operations	(4,594,163)	(50.5)	(18.0)	(677,644)	(9.0)	(5.0)	(95,017)	(27.0)	27.0	(772,661)	(36.0)	22.0
Administrative Support	(2,632,653)	(29.9)	1.0	(164,856)	(2.0)	(1.0)				(164,856)	(2.0)	(1.0)
Econ & Cultural Dev	(1,581,951)	(16.0)	-	(56,205)			(34,842)	(7.0)		(91,047)	(7.0)	-
Citywide*	(1,256,000)	-	-	(136,642)	-	-				(136,642)	-	-
Subtotal	\$ (17,127,358)	-	(17.0)	\$ (1,255,095)	(13.0)	(5.0)	(\$221,903)	(54.0)	67.0	\$ (1,476,998)	(67.0)	62.0
Transfers	(22,512,948)		-		-	-						
<b>Total**</b>	<b>\$ (39,640,306)</b>	<b>(163.4)</b>	<b>(17.0)</b>	<b>\$ (1,255,095)</b>	<b>(13.0)</b>	<b>(5.0)</b>	<b>\$ (221,903)</b>	<b>(54.0)</b>	<b>67.0</b>	<b>\$ (1,476,998)</b>	<b>(67.0)</b>	<b>62.0</b>
Internal Service Funds	(2,940,333)	(32.10)	-	(457,892)	(5.0)	-	(138,304)	(22.0)		(596,196)	(27.0)	-
Enterprise Funds	(2,731,026)	(31.50)	4.00	172,298	-	4.0	(411,640)	(33.0)	(14.0)	(239,342)	(33.0)	(10.0)
<b>GRAND TOTAL***</b>	<b>\$ (45,311,665)</b>	<b>(227.0)</b>	<b>(13.0)</b>	<b>\$ (1,540,689)</b>	<b>(18.0)</b>	<b>(1.0)</b>	<b>\$ (771,847)</b>	<b>(109.0)</b>	<b>53.0</b>	<b>\$ (2,312,536)</b>	<b>(127.0)</b>	<b>52.0</b>

\* \* Total General Fund Plan B savings of \$221,903 and Citywide savings of \$771,847 (\$802,247 including City Center) are offset by increased contingency

\*\* In FY 2010/11, there are also \$259,000 General Fund Reductions due to reductions in Internal Service charges which are additional reductions to the General Fund

\*\*\*The City Center RDA budget also includes the reduction of 1 full time position as part of minimal service impact efficiencies and 4 full time positions as part of Plan B

The employee “give-backs” in FY 2010/11 total almost \$9 million in impact to the General Fund Budget, including approximately \$2 million from employee merit “givebacks” by the Unclassified/“Others” employees and Governmental Supervisors Association (GSA), and from the Year 1 impacts of no cost of living adjustment (COLA) for Police and Fire on the City’s contribution to the Police and Fire pension fund that were deducted from the projected CSL expenditures early in the process.

Further, there are an additional \$3 million in “givebacks” in other funds – a total of approximately \$12 million in savings in FY 2010/11 and almost \$15 million between FY 2009/10 and FY 2010/11. Along with almost \$48 million in savings in the table above, this represents more than \$60 million in combined “givebacks” and reductions over 4 years. However, the employee give-backs in the General Fund budget assume

approximately \$1.4 million in concessions from CWA that have yet to be achieved and a target of \$2 million in CWA concessions across all funds.

The significant employee give-backs achieved from four of our five bargaining units to date as well as other non-bargaining unit employees in the City contribute significantly towards our new strategic goal (key intended outcome) to control payroll costs. In combination with the partial millage recapture (the first after three years of declining property values), and despite the dramatic impact of four years of reduction due to property tax reform exacerbated by a dramatic downturn in property values, the Proposed Work Plan and Budget preserves benefits specifically for City of Miami Beach residents, including:

- Our free "Culture in the Parks" series;
- Access to free cultural arts programs (theater, dance, music and visual arts) for children involved in after school and summer camps;
- Scholarship specialty camps in the summer, in addition to children participating in day camps; and programs for traveling athletic leagues.
- Free access to City pools on weekends and during non-programmed hours;
- Free general admission to our Youth Centers on weekends and during non-programmed hours;
- Free Learn-to-Swim programs for 3 to 4 year old residents;
- Reduced resident rates for recreation programs
- Free "family friendly" Movies in the Park;
- Special programming by the Miami City Ballet for the Miami Beach community, including a new contemporary dance series;
- Free admission to museums on Miami Beach, including the Bass and Wolfsonian Museums every day and the Jewish Museum on Wednesdays, Fridays and Saturdays;
- Free access to the majority of our senior citizen programs and special populations programs, including several free dances that take place throughout the year;
- Free of charge play at the Par 3 golf course for all residents;
- Free crime analysis of residents' homes by our Police Department; and
- Free child safety seat checks by our Fire Department.

### **Community Priorities**

In 2009, the City of Miami Beach conducted its third set of statistically-valid community surveys. The Community Survey was designed to provide resident input on quality of life, city services, and taxes; and to identify key drivers for improvement. Impressively, all 31 of the residential tracking questions from 2007 experienced increases in each of the areas measured by an overall average of approximately 7.0%; and 28 of 32 business tracking questions experienced increases measured by an overall average of approximately 8.8%. It is unusual for an entity to see improvement across such a broad range of areas, and the significant percentage increase in each of these areas is even more unusual. These results indicate a high level of satisfaction with Quality of Life in Miami Beach and the services provided by the City.

As important, these surveys and the associated strategic priorities(as outlined in Exhibit G) have been used to guide our budget process and the Proposed Budget and Work Plan incorporates the funding for the following priorities:

#### Cleaner and Safer

- Maintains 2 marine officers, the use of motor units to assist the Parking Department with traffic enforcement; and the use of Patrol officers for the Neighborhoods contact program initiated in FY 2005/06
- Maintains lifeguard coverage for 100% of our publicly accessible beaches
- While the Proposed Work Plan and Budget recommends conversion of one of two victims advocate positions to part time, there are no other public safety reductions in service recommended

#### More Beautiful and Vibrant; Mature and Stable; Unique Historic and Urban Environment

- Provides for additional litter cans throughout the City and maintains current sanitation service levels
- Funds on-going re-forestation efforts, Fire Station #3 Landscape Restoration, North Beach Police Sub-Station Landscape Restoration, Fairway Park Irrigation, NSPYC-Sports Field Restoration, Polo Park-Sports Field Restoration, and Restorative Tree Wells on Collins from 64<sup>th</sup> to 75<sup>th</sup>, as well as replacement of landscaping, pavers, up-lighting as needed, although the frequency of replacements of hanging baskets on 41 Street and 71 street will be reduced
- Successful recreation programs for teens and seniors also continue to be a priority, along with weekly classes in visual or performing arts in after school programs and summer camp
- Expanding existing code enforcement efforts adding nine part time code enforcement officers to enforce littering on the beaches on weekends and spring break
- Continues to provide resources to support homeless outreach and placement services

#### Cultural, Entertainment and Tourism Capital and an International Center for Innovation and Business

- Includes \$55 million in funding in the City's Capital Improvement Plan from County's General Obligation Bond to expand and enhance the Miami Beach Convention Center, and the Master Plan that will allow the City to develop a comprehensive assessment of funding needs related to this project
- Provides \$5.1 million to be transferred to the Greater Miami Convention and Visitors Bureau, \$1.6 million to be transferred to the Miami Beach Visitors Convention Authority, and \$200,000 to continue a Miami Beach marketing campaign, towards maximizing Miami Beach as a destination brand.

#### Well-Improved Infrastructure

- Continues funding for the South Beach Local that we hope to expand to similar circulators for the mid and north beach areas.
- Provides funding for approximately \$200 million in other projects anticipated to begin construction in for FY 2010/11, generating jobs and stimulating the economy in our region, including funding for Neighborhood Right-of-way projects, drainage improvements, garage maintenance projects, construction of the new Sunset harbor Parking Garage, on-going renovation of several parking lots that are anticipated to provide additional parking spaces when complete, park improvements, and seawall repairs

- Maintains funding of the City's pavement assessment and repair program, street light maintenance and assessments, broken sidewalk replacement, a regular maintenance program for outfall and catch basin cleaning; assessments of our facilities to identify and plan for these renewal and replacement needs and funding for the capital renewal and replacement program for general fund facilities.

#### Environmental Sustainability, Communications, Customer Service and Internal Support Functions

- Continues to support the Sustainability Committee, with the objective of providing a mechanism to discuss green (environmental) issues of concern to the community, including Development of the Sustainability Plan; award of an energy conservation contract to Ameresco, an Energy Services Company that once completed will result in "guaranteed" energy savings of \$1.1 million for the initial year; expanded The City's Recycling Program has to include recycling in selected public areas; amended it's Solid Waste Ordinance requiring franchise contractors in the City of Miami Beach to provide for enhanced recycling; approved a contract for the implementation of a self-service bicycle program in the City of Miami Beach; and adopted a voluntary green building ordinance that provides incentives to participants who are doing new construction or renovating buildings using the U.S. Green Building Council's LEED standards in Miami Beach
- Continues funding to enhance communications with our residents, enhance the availability of city services and processes that can be accessed and transacted via the internet, and preserve our technology infrastructure including funding for the City's MB Magazine, and MB TV.
- Includes a \$0.7 million transfer to the Information and Communications Technology Fund, providing funding for debt service on prior projects as well as an upgrade to the recreation administration software, GPS Tracking Software for Parking and Code vehicles (the Building component of the project will be funded from the Building Training and Technology Fund); and upgrades to the City's records imaging software to address increased storage needs and to the enterprise vault for networking.
- Provide for funding for capital components in the operating budget, although at only 1% -- it is our intent to increase this in the future to the City's 5% goal in better financial times.

#### GENERAL FUND BUDGET

Early in the development of the City's budget, I communicated that we were anticipating that the City's General Fund would be facing its most difficult budget year in many years. Our preliminary estimates early in the calendar year ranged from approximately \$26 to \$40 million, as discussed in our Commission retreats in January and May of this year.

We continued to refine our estimates as more information became available, the most significant of which were the City's annual required contributions to the Fire and Police and General Employees pension plans and the certification of property values in the City from the County property appraiser. At the time of adoption of the proposed millage in July, it was estimated that the City had a \$32 million gap to address due to the following:

- Increases in the General Fund portion of the City's annual required contributions to the Fire and Police and General Employees pension plans, primarily due to the

downturn in the market and updated assumptions in the Fire and Police Pension Plan

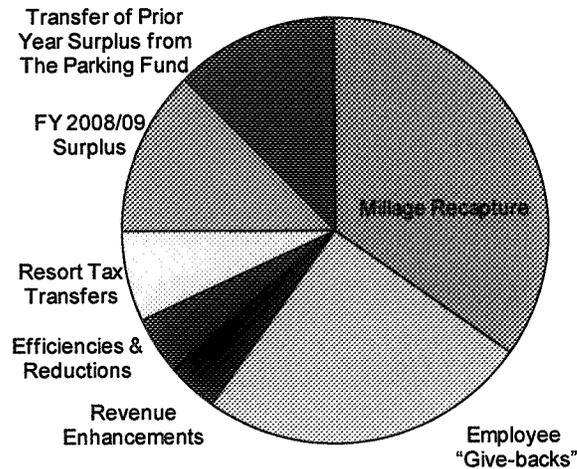
- Increases in health insurance costs
- Increase in Internal Service Fund charge-backs to Department primarily due to increases in the Risk Management Fund for claims incurred but not reported, as well as increased costs of legal services
- The impact from those bargaining units that had not yet reached agreement with the City as of May, 2010 (American Federation of State, County and Municipal Employees – AFSCME, Communications Workers Union - CWA, Fraternal Order of Police - FOP, and International Association of Fire Fighters – IAFF), due to salary increases from merits and steps received in the current Fiscal Year that had not been budgeted and further increases for FY 2010/11, as well as increased pension costs to reflect the fact that the budgeted 2 percent employee give-back to pension had not yet been achieved
- The impact of the decline in property values throughout the City, resulting in a loss of \$13.7 million in property values outside the City Center Redevelopment Area (RDA), a loss of 11.8 percent and almost half of the projected budget gap.

Together, salaries and benefits represent approximately 73 percent of the total current service level (CSL) budget of \$246 million, (including the impacts of merit/steps increases, pension contributions, etc.). It is important to note, that approximately \$28 million in other operating costs (11 percent of CSL budget) reflected a decrease of approximately \$500,000 almost half of which was offset by approximately \$270,000 of the first year impacts of the new living wage requirements. This \$500,000 savings reflects the results of various cost savings initiatives by the City such as re-bidding contracts, careful review of department line item expenditures, other efficiencies, etc.

Since July, as we committed to do, we have continued to refine our projections further. Our revenues, in particular, tend to have greater fluctuations than expenditures, and, as a result, we are usually conservative early in the process and refine these projections over the summer. Changes since July include increased revenue estimates (primarily franchise and utility taxes, sales taxes, business tax receipts and fire inspection fees, building development process fees, rents and leases, increased reimbursements from capital projects and administrative fees charged to enterprise funds, offset by decreased interest earnings). As a result, the projected gap has been reduced from \$32 million to \$29 million.

Balancing the budget with such a significant gap has been almost a year-long process. No sooner did we adopt the budget for FY 2009/10 last September, than we began working on approaches to balance the FY 2010/11 budget. Foremost among these was the importance of employee “give-backs”. With the adoption of the FY 2009/10 budget, we, had only recently began our negotiations on the bargaining unit agreements, four of which were set to expire September 30, 2009, and one of which was due to expire April 30, 2010. In the FY 2009/10 budget, we included a modest “give-back” amount in the General Fund budget of \$3.5 million, knowing that negotiations would take time to conclude. For the FY 2010/11 budget, the Commission direction was significantly more aggressive as we were directed to pursue an additional \$11 million, for a combined total of \$15.3 million across all funds from employee “give-backs”.

In addition to employee “give-backs”, we evaluated each department, once again, for efficiencies, and tweaking service levels to achieve reductions with minimal service impacts, as well as evaluating potential new revenue sources. The various approaches used to balance the General Fund budget are shown in the following chart.



The proposed Work Plan and Budget as outlined in my Manager’s Budget Message proposes that the \$29 million gap be addressed through the following means:

- **\$7.3 million Additional Employee “Give-backs” (almost \$9 million in total impact to the General Fund Budget)**  
This in addition to \$2 million in reductions already included in the General Fund CSL expenditures from employee merit “givebacks” by the Unclassified/“Others” employees and Governmental Supervisors Association (GSA), and from the Year 1 impacts of no cost of living adjustment (COLA) for Police and Fire on the City’s contribution to the Police and Fire pension fund. Further, there are an additional \$3 million in “givebacks” in other funds – a total of approximately \$12 million in savings in FY 2010/11. To date no employee “give-backs” have been achieved with the CWA bargaining unit. As described below.
- **\$1.1 million Revenue Enhancements**  
These include increases to Rescue transport fees consistent with rates being proposed by the Miami-Dade County Fire Department; eliminating the non-resident sibling discount in our recreation programs; increasing pool fees for non-residents; increasing the activity fees in our after schools and summer camps to cover the costs of supplies; modest increases to tennis fees; increases in

sidewalk café fees; establishing a commercial banner program throughout the city, charging a late fee for special event applications, establishing fees for wedding ceremony permits; and increasing revenues from anticipated corporate sponsorships. Additional details are contained in Exhibit E.

- **\$1.5 million**      **Efficiencies and Reductions**  
These include a reduction of approximately \$740,000 through recurring efficiencies, \$80,000 in savings from extending the current winter schedule for pools from September through May; \$46,000 in reduced contributions to multiple non-profit organizations and elimination of the \$90,000 reduced contribution to the Police Athletic League; \$45,000 from reducing one of two victims advocate positions to part-time; \$21,000 in savings by reducing the change-out frequency for our hanging basket program, and approximately \$230,000 from reductions in administrative support staff. An additional \$260,000 in savings are programmed from the General Fund impact of recurring efficiencies in the Information Technology and Property Management Funds. Additional details are contained in Exhibits A through D attached. These initiatives result in a net reduction of 13 full time positions and 5 part time positions in the General Fund and 5 full-time positions in the Internal Service Funds.
  
- **\$2.0 million**      **Increased transfers from Resort Tax to the General Fund**  
Additional funds are available due to increased resort tax revenues and decreased debt service to cover tourism eligible expenses in the General Fund.
  
- **\$3.66 million**      **FY 2008/09 Year-end Surplus**  
This was set aside to address potential shortfalls in FY 2010/11, however, it will require a waiver of City policy as described below.
  
- **\$3.6 million**      **Transfer of Prior Year Surplus from The Parking Operating Fund**  
There are sufficient funds available for prior year's revenue in excess of expenditures to provide for this transfer. However, the City must raise Parking fees as described below for these funds to be recurring.

- **\$10.1 million Millage Recapture**  
Operating millage increase of 0.5600 needed to recapture a portion of the \$13.7 million revenue loss due to decline in property values outside of the City Center RDA. Further, it is estimated that approximately 40 percent of households could either have no impact or could actually experience a savings, due to offsetting declines in property values. Further, an additional 50 percent of homeowners are estimated to have their taxes increase less than \$300. As a result, approximately 90 percent of homesteaded properties will have less than a \$300 per year (\$25 per month) impact.

#### **Additional Employee “Give-Backs”**

As noted above, approximately one-quarter of the budget shortfall is anticipated to be addressed through employee “give-backs”. To-date we have ratified and approved agreements with four of our five bargaining units: The American Federation of State, County and Municipal Employees (AFSCME), the Government Supervisors Association (GSA), the Fraternal Order of Police (FOP), and the International Association of Fire Fighters (IAFF). Each of these bargaining units has agreed to significant concessions over the 3 year terms of their agreements. In addition, similar concessions began to be implemented for non-bargaining unit employees as early as October 2009. As a result between FY 2009/10 and FY 2010/11, approximately \$13 million in concessions Citywide will be achieved from these groups.

Regrettably, in August, after more than a year of negotiations, we declared Impasse with the Communications Worker’s of America bargaining unit (CWA). The employee “give-backs” in the General Fund budget assume approximately \$1.4 million in concessions from CWA to be achieved by the end of the fiscal year, towards a target of \$2 million in CWA concessions across all funds.

#### **Efficiencies and Reductions**

In addition to employee “give-backs”, we have identified approximately \$1.3 million in recurring efficiencies and reductions in the General Fund while only tweaking service levels in the few areas described above. The impact of additional efficiencies in the Internal Service Funds Departments result in a total savings of \$1.5 million in the General Fund. We have also reviewed our operations to identify, where possible, privatizing and outsourcing of functions. While our contracts with AFSCME, GSA, FOP and IAFF, preclude this possibility, at least in the short-term, we have identified several potential areas that could result in recurring annual savings of approximately \$1 million in the General Fund, and more than \$1 million outside the General Fund.

ANNUAL IMPACT OF CONCEPTUAL "PLAN B" REDUCTIONS - CWA ONLY WHERE POSSIBLE, CONSIDER PRIVATIZING/OUTSOURCING, SCALING BACK FULL-TIME TO PART-TIME, ETC. SEE EXAMPLES BELOW:	Annual Impact - Including Pension	Annual Impact - Excluding Pension	Year 1 Impact Assuming Full Implementation by 3/31/11	Full Time	Part Time
<b>GENERAL FUND</b>					
Example: convert 20 out of 48 full-time lifeguards to part time, with no reduction in coverage	\$ (303,701)	\$ (184,088)	\$ (92,044)	(20.0)	40.0
Example: convert full-time pool guards to part time with no reduction in service level - reducing 16 FT guards to PT, bringing the PT year round and seasonal guards hours up, to provide the same service levels we are currently providing. The hours worked vary depending on the time of the year from 20 hours for everyone during the winter (Nov. - Feb.) when we are closed at one pool a day per week to 40 hours per guard in the summer (May - August). The other months (March, April and September, October) will vary as the weather changes and the pools demands increase or decrease	\$ (310,612)	\$ (112,594)	\$ (56,297)	(16.0)	16.0
Example: Convert staffing from 25 full-time and 3 part-time code enforcement positions to 19 full-time and 14 part-time, providing more efficient coverage on weekends and nights	\$ (88,221)	\$ (53,769)	\$ (26,885)	(6.0)	11.0
Example: Outsource Code Enforcement call center operations with privatized in-house support - Assume implementation of Call Center October 2010 and privatized in-house support March 2011	\$ (54,105)	\$ (23,669)	\$ (11,835)	(5.0)	
Example: Outsource Building Permit Clerks as recommended by the Watson Rice study (previously proposed in FY 2009/10 Budget) - Assume award by January 2011 and full implementation by March 2011	\$ (105,411)	\$ (69,663)	\$ (34,842)	(7.0)	
<b>Total General Fund</b>	<b>\$ (862,050)</b>	<b>\$ (443,803)</b>	<b>\$ (221,903)</b>	<b>(54.0)</b>	<b>67.0</b>
<b>INTERNAL SERVICE FUNDS</b>					
Example: Eliminate CWA positions in Property Management and replace with contract for approximately \$1,000,000 to provide response as needed	\$ (435,233)	\$ (276,607)	\$ (138,304)	(22.0)	
<b>General Fund Estimated Impact from Internal Service Fund</b>			<b>\$ (82,982)</b>		
<b>Total General Fund Impact</b>			<b>\$ (304,885)</b>		
<b>ENTERPRISE FUNDS</b>					
Example: Outsource Parking Enforcement. Estimated savings of \$1,200,000 in recurring costs including pension - year 1 cost savings of \$1,000,000 are net of pension savings	\$ (1,031,565)	\$ (823,279)	\$ (411,640)	(33.0)	(14.0)
<b>CITY CENTER - PROPERTY MANAGEMENT</b>					
Example: Outsource Lincoln Road Property Management	\$ (93,508)	\$ (60,800)	\$ (30,400)	(4.0)	
<b>GRANDTOTAL</b>	<b>\$ (2,422,758)</b>	<b>\$ (1,604,489)</b>	<b>\$ (802,247)</b>	<b>(113.0)</b>	<b>63.0</b>

Several of these initiatives will take significant time and effort to implement, with some requiring competitive procurement, time to negotiate contracts, and transition periods. For budget purposes, we have assumed full implementation by mid fiscal year, however, it is my intent to move as quickly as possible to maximize the savings. Any savings beyond that budgeted will be used to reduce our use of the FY 2008/09 year-end surplus set-aside described in the "Use of One-Time Revenues" section below.

It is important to note, that the initiatives described above are conceptual, and it is my intent to maximize savings from this approach. The proposed budget incorporates the reduction of an additional 54 full-time positions from these initiatives (offset by the addition of 67 part-time positions) in the General Fund and 22 full-time positions in Internal Service Funds (a total of 133 full-time positions offset by the addition of 53 positions Citywide, and the reduction of an one additional full-time position in the City Center RDA). However, the actual number of positions impacted could differ from those presented above.

### **Use of One-Time Revenues**

The City's policy regarding use of one-time revenues states that "The City of Miami Beach will use one time, non-recurring revenue for capital expenditures or one time expenditures and not subsidize recurring personnel, operations, and maintenance cost".

Recognizing early that the FY 2010/11 would be a very challenging budget year, the year-end surplus (revenues in excess of expenditures) from FY 2008/09, in the amount of \$3.657 million, was set aside for possible use in balancing the FY 2010/11 budget, as needed. Given the City's policy regarding the use of one-time revenues such as the year-end surplus, the City Commission directed staff to identify one-time expenditures in the FY 2010/11 budget that these funds could be used for. However, the nature of expenses in the General Fund operating budget are such that, while the specific line items may be unique to that fiscal year, the level of funding required for that line item is generally a recurring expense (e.g. capital investment upkeep used to maintain our landscaping, uplighting etc., information and communications technology funding, funding for facility renewal and replacement projects, etc.).

As a result, it is recommended that the Commission waive this policy for this one-time use of the FY 2008/09 year-end surplus. While this is generally not a recommended financial practice, it is being recommended at this time only because of the unusual extent of the FY 2010/11 projected budget gap. Please note that this recommendation is made cautiously. It is my intention to expend these dollars last during the fiscal year, so that if any savings are achieved throughout the year, the amount of funds needed from this source will be reduced, in which event the funds will be available to be used in subsequent fiscal years. If the use of the FY 2008/09 surplus can be spread over several years, while not providing a recurring funding source, it will at least provide a multi-year funding source.

### **Service Enhancements**

Despite the challenges faced with the FY 2010/11 budget, there were a few areas where services are recommended to be enhanced. Ensuring compliance with code regulations throughout the City was further emphasized as a priority during this fiscal year, especially with regard to quality of life issues on weekends, including beach litter during spring break, noise during special events, etc. I am proposing adding nine part time code enforcement officers to support these efforts, similar to the level of effort we deployed earlier this year. In addition, the proposed General Fund budget includes funding for a lobbyist to assist with issues related with Miami-Dade County, a total of \$255,314. The General Fund proposed budget also incorporates the addition of an Engineering Manager position to oversee design process in the Public Works Department, however, the cost of this position is offset by charges to capital projects.

## **ENTERPRISE FUND BUDGETS**

Enterprise Funds are comprised of Sanitation, Water, Sewer, Stormwater, Parking, and Convention Center Departments. The Proposed FY 2010/11 Enterprise Funds Budget is \$155.8 million. This represents an increase of \$15.2 million from the FY 2009/10 Enterprise Fund Budget, an increase of 10.8 percent. However, of this amount, \$8.1 million is primarily due to rate stabilization funds from prior years reflected as FY 2010/11 revenues for debt coverage calculation purposes only – these are not due to increased expenditures. The additional \$8.1 million is budgeted as FY 2010/11 revenues in the water and sewer funds from prior year surplus so that the net revenues at year-end are sufficient to exceed the bond coverage requirements. Since they are not anticipated to be needed to cover expenditures, they are projected to return to the water and sewer rate stabilization funds at year end and would then be available for debt coverage calculations in the following year. Were these funds not available from prior year surplus, water and sewer rate increases would be needed to meet debt coverage requirements.

An additional \$3.6 million is due to revenues from increased rates in the Parking Fund, the proceeds of which are directed to reserves. The remaining \$3.5 million increase is primarily the result of true up charges from the Miami-Dade which in FY 2009/10 was a credit and in FY 2010/11 is an additional charge.

### **Utility Rate Relief for Homeowners**

We are pleased to be able to provide relief in several areas affecting overall homeowners expense, where fee increases had been previously programmed, thereby providing a net benefit for our taxpayers. In the enterprise fund budget, I am recommending no increases in water, sewer and stormwater fees and, in fact, a decrease in household sanitation fees which were bid and negotiated this summer.

During the FY 2009/10 budget development process, we had initially forecast that water, sewer and stormwater fees would need to increase by \$0.33 per thousand gallons, \$0.45 per thousand gallons and \$1.27 per month, respectively for FY 2010/11 for debt service and bonding capacity. The combined monthly impact of these then-proposed fee increases for an average household user of 11,000 gallons would have been approximately \$9.85 per month, or \$118.20 per year. However, due to lower operating costs than previously projected, in part due to the “employee give-backs,” as well as the use of rate stabilization funds from prior years, I do not see a need to recommend any increases in these rates for FY 2010/11. Further, in the Sanitation Fund, I am recommending decreasing the household fee by \$1.58 per month (almost \$20 per year) by passing through the savings from the new residential waste collection contract to our users.

In short, the combined impact from the reduction in the household sanitation fee, and the cost avoidance from not raising the water, sewer and stormwater fees as previously programmed, represents a combined household reduction of almost \$140 per year from our projections a year ago. ***This reduction is significantly more than the \$74 impact of the proposed increase of 0.56 mills on the median household with a taxable value of \$133,000 in 2009, and almost completely offsets the impact of the mill adjustment for the average household (assuming the 2009 average taxable value with no declines in taxable value).***

### **Parking Operations**

In terms of parking rates, the proposed rates submitted for your consideration reflect the recommendations approved during the August 25, 2010 Finance and Citywide Projects Committee meeting. As you may recall, these recommendations include increasing hours of enforcement in South Beach until 3am; increasing meter parking rates (other than for I-Park device users who are residents) from \$1.25 per hour to \$1.50 per hour; and increasing hotel hang tag rates from \$6 per tag to \$10 per tag. As we discussed, to the extent that the increased parking revenues result in additional revenues in excess of expenditures at the end of FY 2010/11, these funds will be used to offset the \$3.6 million transfer from the Parking Operating Fund to the General Fund in FY 2010/11.

The Enterprise Funds budget include a modest reduction through efficiencies, including a reduction of 4 full-time positions offset by the addition of 4 part-time positions. These savings also are offset by \$235,000 from 4 full-time positions transferred from the General Fund into the Water and Sewer Funds. Additional details are contained in Exhibits A through F attached. In the Parking Fund, the proposed budget also incorporates the reduction of an additional 33 full-time positions and 14 part-time positions from outsourcing Parking enforcement as shown on Exhibit D, with an anticipated savings of \$400,000 in the first year, and annually recurring savings of over \$1 million. However, the actual number of positions impacted could differ from those presented above. The Water, Sewer and Stormwater Funds also reflect the impact of an additional Information Technology position.

Further the Parking Fund incorporates the addition of overtime to address quality of life issues in South Pointe on weekends, as well as 3 part-time positions for the increased hours of enforcement in South Beach.

### **INTERNAL SERVICE FUNDS**

Internal Service Funds are comprised of the Central Services, Fleet Management, Information Technology, Risk Management and Property Management Divisions. The Proposed FY 2010/11 Internal Service Fund budget is \$52.4 million. This represents an increase of \$2.6 million (5 percent) from the FY 2009/10 budget, primarily due to increases in the Risk Management Fund for claims incurred but not reported, as well as increased costs of legal services. These costs are completely allocated to the General Fund and Enterprise Fund departments, and the Risk Management Fund reimburses the General Fund for the cost of legal services.

The Information Technology Fund includes the impact of the reduction of 2 full-time positions, and the Property Management Fund, includes the reduction of 3 full-time positions for a total reduction of approximately half a million dollars. Further, through outsourcing of several functions and 22 full-time positions in the Property Management Fund, we hope to be able to achieve annual recurring savings of over \$400,000 in the long term. (See attached Exhibits A through D.)

**CONCLUSION**

In summary, the final FY 2010/11 General Fund operating budget maintains current service priorities for the community, despite property tax rates set at 1.2 mills (16 percent) lower than FY 2006/07 when property values were similar to the 2010 certified values. Further, I am also recommending maintaining water, sewer, and stormwater rates and reducing household sanitation fees, resulting in a combined household **reduction** of almost \$140 per household per year from our projections a year ago.

The Administration recommends adoption of the attached Resolution which establishes the final budgets for General, G.O. Debt Service, RDA Ad Valorem Taxes, Enterprise, and Internal Service Funds for FY 2010/11.

Attachment

JMG:KGB:JC

**EXHIBIT A - PRIOR YEAR REDUCTIONS , PRELIMINARY CSL & SUMMARY OF IMPACTS OF PROPOSED REDUCTIONS**

**PRELIMINARY CSL INCLUDE**

11% Increase in Health Insurance

Living Wage Impacts to General Fund (\$270,000)

	FY 2009/10 Adopted Budget			3-Year Prior Reductions					PROPOSED FY 2010/11								
				\$ Impact/% of FY 2009/10 Budget		Positions/% of FY 2009/10 Budget			CSL Budget	Addtl. Efficiency Reorg. Etc.	Potential Service Reductions	Plan B	Total	% of CSL	POS. Impacts		
	\$'s	FT	PT	\$'s	%	FT	PT	%							FT	PT	
<b>General Fund</b>																	
Mayor & Commission	\$ 1,478,523	19.0	-	\$ (47,000)	-3%	-1.0	0.0	-5%	\$ 1,670,099	\$ -	\$ (95,801)		\$ (95,801)	-6.4%	-1.3	0.0	
City Manager	\$ 2,293,523	10.0	-	\$ (333,005)	-15%	-3.0	0.0	-30%	\$ 2,435,596	\$ -	\$ (15,862)		\$ (15,862)	-0.7%	-0.3	0.0	
Communications	\$ 914,249	5.0	-	\$ (367,859)	-40%	-4.0	0.0	-80%	\$ 898,292	\$ -	\$ -		\$ -	0.0%	0.0	0.0	
OBPI	\$ 1,993,560	12.0	-	\$ (298,449)	-15%	-3.0	0.0	-25%	\$ 1,881,900	\$ -	\$ -		\$ -	0.0%	0.0	0.0	
Finance	\$ 4,416,396	32.5	-	\$ (588,321)	-13%	-10.0	0.0	-31%	\$ 4,260,074	\$ -	\$ -		\$ -	0.0%	0.0	0.0	
Procurement	\$ 901,633	9.0	-	\$ (82,017)	-9%	-1.0	0.0	-11%	\$ 1,002,303	\$ -	\$ -		\$ -	0.0%	0.0	0.0	
Human Resources/Labor Relations	\$ 1,764,137	15.1	1.0	\$ (413,742)	-23%	-5.5	1.0	-28%	\$ 1,751,962	\$ -	\$ -		\$ -	0.0%	0.0	0.0	
City Clerk	\$ 1,567,479	9.6	-	\$ (79,899)	-5%	-1.4	0.0	-15%	\$ 1,537,852	\$ -	\$ -		\$ -	0.0%	0.0	0.0	
City Attorney	\$ 4,227,546	19.0	1.0	\$ (422,362)	-10%	-3.0	0.0	-15%	\$ 4,178,202	\$ -	\$ (53,193)		\$ (53,193)	-1.3%	-0.3	-1.0	
Real Estate, Housing & Community Dev (incl. Community Services)	\$ 1,944,541	9.9	-	\$ (281,910)	-14%	-4.0	0.0	-40%	\$ 2,017,258	\$ -	\$ -		\$ -	0.0%	0.0	0.0	
Building	\$ 8,601,507	72.0	-	\$ (601,165)	-7%	-8.0	0.0	-11%	\$ 9,633,219	\$ -	\$ -	\$ (34,842)	\$ (34,842)	-0.4%	-7.0	0.0	
Planning	\$ 2,983,728	26.0	-	\$ (254,146)	-9%	-3.0	0.0	-12%	\$ 3,274,012	\$ (56,205)	\$ -		\$ (56,205)	-1.8%	0.0	0.0	
TCD	\$ 2,644,076	13.5	-	\$ (485,903)	-18%	-2.0	0.0	-15%	\$ 2,694,596	\$ -	\$ -		\$ -	0.0%	0.0	0.0	
Code Compliance (Neighborhood Svcs*)	\$ 4,094,956	36.0	3.0	\$ (843,826)	-21%	-13.0	3.0	-26%	\$ 4,117,957	\$ -	\$ -	\$ (38,720)	\$ (38,720)	-1.0%	-11.0	11.0	
Parks & Recreation	\$ 29,059,224	181.5	129.0	\$ (2,493,547)	-9%	-22.0	-21.0	-14%	\$ 28,738,322	\$ (213,972)	\$ (168,890)	\$ (56,297)	\$ (439,159)	-1.5%	-21.0	11.0	
Public Works	\$ 6,545,304	44.5	-	\$ (1,211,653)	-19%	-13.5	0.0	-30%	\$ 6,623,984	\$ (234,882)	\$ -		\$ (234,882)	-3.6%	-4.0	0.0	
CIP	\$ 3,843,831	35.0		\$ (3,963)	0%	1.0	0.0	3%	\$ 4,737,049	\$ (59,900)	\$ -		\$ (59,900)	-1.5%	0.0	0.0	
Police	\$ 81,127,849	493.0	14.0	\$ (4,810,010)	-6%	-60.0	0.0	-12%	\$ 91,591,717	\$ (59,365)	\$ (44,771)		\$ (104,136)	-0.1%	-2.0	1.0	
Fire	\$ 50,900,788	302.0	48.0	\$ (2,252,582)	-4%	-7.0	0.0	-2%	\$ 58,571,871	\$ (115,612)	\$ -	\$ (92,044)	\$ (207,656)	-0.4%	-20.0	40.0	
Citywide	\$ 11,824,469	-		\$ (1,256,000)	-11%	0.0	0.0	0%	\$ 11,324,380	\$ -	\$ (136,642)		\$ (136,642)	-1.2%	0.0	0.0	
<b>Subtotal</b>	<b>\$ 223,127,319</b>	<b>1344.6</b>	<b>196.0</b>	<b>\$ (17,127,359)</b>	<b>-8%</b>	<b>-163.4</b>	<b>-17.0</b>	<b>-12%</b>	<b>\$ 242,940,645</b>	<b>\$ (739,936)</b>	<b>\$ (515,159)</b>	<b>\$ (221,903)</b>	<b>\$ (1,476,998)</b>	<b>-0.6%</b>	<b>-67.0</b>	<b>62.0</b>	

General Fund	FY 2009/10 Adopted Budget			3-Year Prior Reductions					PROPOSED FY 2010/11					POS. Impacts		
	\$'s	FT	PT	\$ Impact/% of FY 2009/10 Budget		Positions/% of FY 2009/10 Budget			CSL Budget	Addtl. Efficiency Reorg. Etc.	Potential Service Reductions	Plan B	Total	% of CSL	FT	PT
				\$'s	%	FT	PT	%								
<b>Transfers</b>																
Capital Reserve	\$ -			\$ (2,500,000)												
Pay-As-You-Go Capital	\$ -			\$ (7,500,000)												
Info & Comm. Tech Fund	\$ 800,000			\$ (600,000)				\$ 715,000					0.0%			
Capital Investment Upkeep Acct	\$ 382,000			\$ (1,618,000)				\$ 200,000					0.0%			
Renewal and Replacement Fund	\$ 2,026,707			\$ (1,056,529)				\$ 1,777,254					0.0%			
Homeowners Dividend				\$ (4,900,000)				\$ -	\$ -	\$ -		\$ -				
Transfer to Risk Fund				\$ (1,000,000)				\$ -	\$ -	\$ -		\$ -				
Transfer to 11% Reserve				\$ (3,338,419)				\$ -	\$ -	\$ -		\$ -				
<b>Employee Items</b>																
Eliminate FY 10 Merits and Steps				\$ (1,395,430)												
Implement Class & Comp Study				\$ (50,000)												
Increase pension contribution by 2%				\$ (2,055,345)												
<b>Add Backs for Unnegotiated Items - GF component</b>																
FY 11 Merits/Steps forCWA, AFSCME								\$ 369,285								
<b>Total General Fund</b>	<b>\$ 226,336,026</b>	<b>1344.6</b>	<b>196.0</b>	<b>\$ (43,141,082)</b>	<b>-19%</b>	<b>-163.4</b>	<b>-17.0</b>	<b>-12%</b>	<b>\$ 246,002,184</b>	<b>\$ (739,936)</b>	<b>\$ (515,159)</b>	<b>\$ (221,903)</b>	<b>\$ (1,476,998)</b>	<b>-0.6%</b>	<b>-67.0</b>	<b>62.0</b>

\* Neighborhood Services Department was split into various functions and significantly reduced in FY 2007/08 - Chart reflects reductions as part of Code Compliance  
 \$ 19,666,158 Increase

Internal Service Funds	\$'s	FT	PT	\$'s	%	FT	PT	%	\$'s	FT	PT	\$'s	%	FT	PT	
Information Technology	\$ 14,053,320	37.5	-	\$ (1,186,580)	-8%	-8.0		-21%	\$ 14,663,127	\$ (38,737)	\$ (196,660)	\$ (235,397)	-1.6%	-2.0	0.0	
Risk Management	\$ 17,695,708	5.9	-	\$ (325,443)	-2%	-0.5		-8%	\$ 20,542,285	\$ -	\$ -	\$ -	0.0%	0.0	0.0	
Central Services	\$ 825,568	4.4	-	\$ (82,064)	-10%	-1.6		-36%	\$ 856,355	\$ -	\$ -	\$ -	0.0%	0.0	0.0	
Property Management - Non RDA	\$ 8,414,159	47.0	-	\$ (1,146,942)	-14%	-19.0		-40%	\$ 8,503,647	\$ (222,495)	\$ -	\$ (138,304)	-4.1%	-25.0	0.0	
Fleet Management	\$ 8,813,996	21.0	-	\$ (199,304)	-2%	-3.0		-14%	\$ 8,375,372	\$ -	\$ -	\$ -	0.0%	0.0	0.0	
<b>Total Internal Service Funds</b>	<b>\$ 49,802,751</b>	<b>115.8</b>	<b>0.0</b>	<b>\$ (2,940,334)</b>	<b>-6%</b>	<b>-32.1</b>	<b>0.0</b>	<b>-28%</b>	<b>\$ 52,940,786</b>	<b>\$ (261,232)</b>	<b>\$ (196,660)</b>	<b>\$ (138,304)</b>	<b>\$ (596,196)</b>	<b>-1.1%</b>	<b>-27.0</b>	<b>0.0</b>
									\$ 3,138,035	Increase	Impact to the General Fund	\$ (259,000)				
<b>SUB-TOTAL GENERAL FUND + INTERNALS</b>	<b>\$ 276,138,777</b>	<b>1460.4</b>	<b>196.0</b>	<b>\$ (46,081,415)</b>	<b>-17%</b>	<b>-195.5</b>	<b>-17.0</b>	<b>-13%</b>	<b>\$ 298,942,970</b>	<b>\$ (1,001,168)</b>	<b>\$ (711,819)</b>	<b>\$ (360,207)</b>	<b>\$ (2,073,194)</b>	<b>-0.7%</b>	<b>-94.0</b>	<b>62.0</b>

Enterprise Funds	\$'s	FT	PT	\$'s	%	FT	PT	%	\$'s	FT	PT	\$'s	%	FT	PT	
Convention Center	\$ 14,095,401	2.0	-	\$ (468,778)	-3%	0.0		0%	\$ 12,832,911	\$ -	\$ -	\$ -	0.0%	0.0	0.0	
Water	\$ 31,693,409	53.7	-	\$ (548,388)	-2%	-15.0		-28%	\$ 30,855,826	\$ 138,668	\$ -	\$ 138,668	0.4%	2.0	0.0	
Sewer	\$ 35,700,599	32.7	-	\$ (329,183)	-1%	-9.0		-28%	\$ 39,895,484	\$ 96,214	\$ -	\$ 96,214	0.2%	2.0	0.0	
Stormwater	\$ 11,439,438	25.1	-	\$ (290,428)	-3%	0.5		2%	\$ 16,906,071	\$ (44,152)	\$ -	\$ (44,152)	-0.3%	-1.0	0.0	
Sanitation	\$ 16,351,303	192.0	-	\$ (362,330)	-2%	-3.0		-2%	\$ 16,468,537	\$ -	\$ -	\$ -	0.0%	0.0	0.0	
Parking	\$ 31,337,778	118.5	10.0	\$ (731,919)	-2%	-5.0	4.0	-1%	\$ 34,605,368	\$ (18,432)	\$ -	\$ (411,640)	-1.2%	-36.0	-10.0	
<b>Total Enterprise Funds</b>	<b>\$ 140,617,928</b>	<b>424.0</b>	<b>10.0</b>	<b>\$ (2,731,026)</b>	<b>-2%</b>	<b>-31.5</b>	<b>4.0</b>	<b>-6%</b>	<b>\$ 151,564,197</b>	<b>\$ 172,298</b>	<b>\$ -</b>	<b>\$ (411,640)</b>	<b>\$ (239,342)</b>	<b>-0.2%</b>	<b>-33.0</b>	<b>-10.0</b>
<b>GRAND TOTAL**</b>	<b>\$ 416,756,705</b>	<b>1884.4</b>	<b>206.0</b>	<b>\$ (48,812,441)</b>	<b>-12%</b>	<b>-227.0</b>	<b>-13.0</b>	<b>-11%</b>	<b>\$ 450,507,167</b>	<b>\$ (828,870)</b>	<b>\$ (711,819)</b>	<b>\$ (771,847)</b>	<b>\$ (2,312,536)</b>	<b>-0.5%</b>	<b>-127.0</b>	<b>52.0</b>

\*\* Total General Fund Plan B savings of \$221,903 and Citywide savings of \$771,847 (\$802,247 including City Center) are offset by increased contingency. In addition, in FY 2009/10 there are 23 Police and Property Management positions budgeted in the City Center RDA and 19.6 FT positions budgeted through grants and special revenue funds. The FY 2010/11 Proposed Budget for the RDA recommends reducing 1FT positions through efficiencies and 4 FT positions through Plan B as shown in Exhibits B - D. The FY 2010/11 CSL budget for Internal Services and Enterprise Funds has already accounted for "Employee Givebacks".

**EXHIBIT B - POSITIVE IMPACT OR MINIMAL SERVICE IMPACT EFFICIENCIES, ETC.**

GENERAL FUND	Impact	Cumulative Dept. Impact	Position Impacts					
			Full Time	Part Time	Proj. Vacant	Filled	Mgt. & Admin	Non Mgt.
<b>Police</b>								
Eliminate one Administrative Aide II- (Technical Sections/Records Unit/Alarms) Processing and maintaining Alarm Subscriber permits, billing, and renewals will be made available on-line - Police will also see if registrations of new installations can be included in the building permit process	\$ (59,365)	\$ (59,365)	(1.0)				(1.0)	(1.0)
<b>Fire</b>								
Hire 3 additional firefighters to work on a weekend schedule to reduce the cost of overtime on the weekends - Hired as overage for the first year pilot stage	\$ (115,612)	\$ (115,612)						
<b>Parks &amp; Recreation</b>								
Eliminate 1 VACANT Part Time MSW 3 position (+benefits) Position # 4105-060 Impact: Work will be absorbed by existing staff	\$ (16,960)	\$ (16,960)		(1.0)	(1.0)			(1.0)
Eliminate ALL PT Concession Attendant positions from the Budget. Recreation Leader I's will be reassigned to perform tasks that include: • Compiling and maintaining necessary records and receipts. • Advise the public regarding available activities. • Adhere to all check lists, policies and procedures. • Performs varied record keeping duties such as, but not limited to attendance, field trip and sign in/out logs. These duties are listed in the Recreation Leader I job description. Impact: Elimination of these positions reduces the long term plan to increase our customer service standards within the Department.	\$ (30,847)	\$ (47,807)		(2.0)	(1.0)	(1.0)		(2.0)
Eliminate two vacant full time Recreation Leaders, and two part time vacant Recreation Leaders through restructuring and re-alignment of functions	\$ (103,596)	\$ (151,403)	(2.0)	(2.0)	(4.0)			(4.0)
Freeze one (1) vacant position and eliminate (2) vacant positions for FY11 and utilize a portion of the funds, \$50,000 to obtain contractual professional tree services utilizing current in-house full service landscape contractors.	\$ (62,569)	\$ (213,972)	(2.0)		(2.0)			(2.0)
<b>Public Works</b>								
The field support positions of Streets Supervisor and HEO II will be transferred to the Water Division. These are employees working daily restoring sidewalk squares due to new water services or water meter box replacements.	\$ (138,668)	\$ (138,668)	(2.0)				(2.0)	(2.0)
The field support positions of (1) Mason and (1) Mason Helper will be transferred to the Sewer Division. These are employees working daily restoring sidewalk squares due to new clean-outs or restoring clean-outs.	\$ (96,214)	\$ (234,882)	(2.0)				(2.0)	(2.0)
<b>CIP</b>								
Community Information - The elimination of the two Community Information Coordinator positions and create two Public Information Specialist a reduction of salary from a pay grade 16 to a pay grade 13.	\$ (59,900)	\$ (59,900)						

GENERAL FUND	Impact	Cumulative Dept. Impact	Position Impacts					
			Full Time	Part Time	Proj. Vacant	Filled	Mgt. & Admin	Non Mgt.
<b>Building</b>								
Replace one full time permit clerk position with 2 part time Permit Clerk 1-positions to more effectively accommodate fluctuations in demand at the permit counter \$4,459		\$ -						
<b>Planning</b>								
Freeze Dev. Review: Planning Technician, Prepare GIS-based analysis and maps, graphics and design presentations, Compiles building and licensing data , etc.	\$ (56,205)	\$ (56,205)						
<b>Total General Fund</b>	<b>\$ (739,936)</b>	<b>\$ (739,936)</b>	<b>(9.0)</b>	<b>(5.0)</b>	<b>(8.0)</b>	<b>(6.0)</b>	<b>0.0</b>	<b>(14.0)</b>
<b>INTERNAL SERVICE FUNDS</b>								
<b>Information Technology</b>								
Convert 1 SAN Architect filled position into a Senior Systems Administrator position. The current SAN environment is in steady state operations and there is a reduced need for this level of expertise. This Efficiency will allow us to provide for additional support of the server environment (physical and virtual servers) and also provide for additional after hours on call support.	\$ (38,737)	\$ (38,737)						
<b>Property Management</b>								
Eliminate 1 Planning Technician position . Planning Technician duties can be obtained through professional services by an outside vendor	\$ (74,795)	\$ (74,795)	(1.0)			(1.0)	(1.0)	
Reduce Assistant Director Position to Operations Manager to provide oversight of field supervisors and workers, this would result in minimal impact to operations.	\$ (36,316)	\$ (111,111)						
Eliminate 2 Carpenter Positions. Analysis of maintenance work orders revealed 60% of carpenter hours worked could be performed by handyman or municipal service worker positions	\$ (111,384)	\$ (222,495)	(2.0)			(2.0)		(2.0)
<b>Total Internal Services Funds</b>	<b>\$ (261,232)</b>	<b>\$ (261,232)</b>	<b>(3.0)</b>	<b>0.0</b>	<b>0.0</b>	<b>(3.0)</b>	<b>(1.0)</b>	<b>(2.0)</b>
<b>Property Management - City Center</b>								
Reduce 1 Filled Service Supervisor Position - A/C Supervisor will assume duties of supervision of Building Services Technicians and Maintenance Supervisor will assume duties of Fountain Cleaning and Lincoln Road Mall repairs.	\$ (66,633)	\$ (66,633)	(1.0)			(1.0)		(1.0)
<b>ENTERPRISE FUNDS</b>								
<b>Sewer</b>								
The field support positions of (1) Mason and (1) Mason Helper will be transferred from the Streets Division. Employees working daily restoring sidewalk squares due to new clean-outs or restoring clean-outs.	\$ 96,214	\$ 96,214	2.0				2.0	2.0
<b>Water</b>								
The field support positions of Streets Supervisor and HEO II will be transferred from the Streets Division. Employees working daily restoring sidewalk squares due to new water services or water meter box replacements.	\$ 138,668	\$ 138,668	2.0				2.0	2.0
<b>Stormwater</b>								
Eliminate vacant Stormwater field Inspector position	\$ (44,152)	\$ (44,152)	(1.0)			(1.0)		(1.0)
<b>Parking</b>								
ENFORCEMENT UNIT - Convert 1 Full Time PESII and 2 Full Time PESIs to 4 PT PESIs (30 hours week) (3 VACANT POSITIONS)	\$ (18,432)	\$ (18,432)	(3.0)	4.0	1.0			1.0
<b>Total Enterprise Funds</b>	<b>\$ 172,298</b>	<b>\$ 172,298</b>	<b>0.0</b>	<b>4.0</b>	<b>0.0</b>	<b>4.0</b>	<b>0.0</b>	<b>4.0</b>
<b>Grand Total</b>	<b>\$ (895,503)</b>	<b>\$ (895,503)</b>	<b>(13.0)</b>	<b>(1.0)</b>	<b>(8.0)</b>	<b>(6.0)</b>	<b>(1.0)</b>	<b>(13.0)</b>

**EXHIBIT C - PROPOSED SERVICE ADJUSTMENTS**

	Position Impacts							
	Impact	Cumulative Department Impact	Full Time	Part Time	Proj. Vacant	Filled	Mgt & Admin	Non Mgt.
<b>GENERAL FUND</b>								
<b>Police</b>								
Eliminate 4 School Liaison Officers & 1 School Liaison Supervisor (Total of 5 Contractual Services positions)- These positions serve as liaisons to the public elementary and middle schools on Miami Beach. Elimination will result in no officers being assigned to the public schools on Miami Beach which might lead to a greater dissatisfaction from the community \$183,834		\$ -						
Criminal Division: Eliminate one (1) Public Safety Specialist assigned to CID/Administration but carry existing incumbent as an average until vacant. The ability to review and enhance video from crime scenes may be diminished. \$51,957		\$ -						
Criminal Division: Convert one Domestic Violence Coordinator/Victims Advocate (CID, Domestic Violence- Days) to Part-time. One of Two positions in department. Second position VOCA grant funded. 400 advocacy cases/year will not be handled.	\$ (44,771)	\$ (44,771)	(1.0)	1.0				
<b>Fire</b>								
Reduce the Overtime Budgets (1210,1220) by amending the minimum staffing ordinance to allow staffing levels to 42 personnel when there are more than 3 unscheduled absences at the start of the shift. Note: There are no reductions to the number of firefighters assigned to shifts. Projection based on 07/08, 08/09 and 09/10 OT costs for 43rd and 44th person and shift strength of 184 (the same as the last three FY). Requires Bargaining - \$900,000		\$ -						
<b>Fire (Ocean Rescue)</b>								
Change the Ocean Rescue Division schedule to 5/8s on a year round schedule (reduces seasonal salaries) - Current hours of guarded beaches are: 4/10s February through October 0900-1900 (9am-7pm); 5/8s November through January 0900-1700 (9am-5pm) \$450,000		\$ -						
Eliminate Three (3) Lifeguard Towers (1 L2 and six L1'S) Note: The cost per lifeguard tower of \$105,394 is the personnel cost only. For a total cost of \$316,184.		\$ -						
<b>Parks &amp; Recreation</b>								
<b>Eliminate 1 FILLED Administrative Secretary position (+benefits)</b> Impact: Elimination of this position will increase the duties of 3 other employees in the Administrative Offices at the Parks & Recreation Department. These employees will absorb the Administrative Secretary's duties to include payroll, Seniors Transportation coordinator, Golf and miscellaneous accounts payable data entry and other miscellaneous work which may greatly impact the timeliness of other work.	\$ (65,839)	\$ (65,839)	(1.0)			(1.0)	(1.0)	
<b>Close Youth Centers one day at each site on the weekends</b> (general activities excluding parties). The Division has been opening both of the youth centers on Saturday and Sunday, free of charge to residents (Below Represents staff time). <b>-SRYC Impact (closing on Saturdays)</b> Eliminate one FILLED PT Rec Leader 1 \$13,026 (+benefits) Operating Supplies = \$0 Total Savings = \$13,026 <b>Daily Operational Costs - Electric \$50.86 (Monthly total \$1,528.02 / 30 days)</b> <b>TOTAL DAILY COST: \$523.76 / YEARLY COST: \$27,236.62</b> <b>-NSPYC Impact (closing on Sundays)</b> Eliminate one FILLED PT Rec Leader 1 \$13,026 (+benefits) Operating Supplies = \$0 Total Savings = \$13,026 <b>FY 09 Weekend Stats for Building Only</b> SRYC Bldg: 2,204 (Sat.) 1,963 (Sun.) NSPYC Bldg: 1,401 (Sat.) 71 (Sun.) NSPYC Gym: 1,516 (Sat.) 950 (Sun.) <b>TOTAL DAILY STATS: 5,211 (Sat.) 2,983 (Sun.)</b> <b>Daily Operational Costs - Electric \$50.86 (Monthly total \$1,528.02 / 30 days)</b> <b>TOTAL DAILY COST: \$414.86 / YEARLY COST: \$21,572.72</b> <b>NOTE**</b> 8,204 total entries for the weekend for 2 youth centers, both Saturday and Sunday for 51 weeks equates to a total of 1,683 equivalent open hours and average less than 5 people inside the centers, per hour. Impact: Classes currently scheduled on the weekends will be reallocated to another daytime slot in the week. Recreation Leaders' weekday duties that include building coverage and participant group leading will be absorbed by other Recreation Leaders located at the SRYC and NSPYC. NOTE** Ice Rink will remain open at the SRYC. <b>FY 09 ENTRANCE FEES REVENUE: NSPYC: \$4,795 and SRYC: \$30</b> <b>TOTAL EXPENSE SAVINGS = \$26,052 (+benefits)</b>		\$ (65,839)						

**EXHIBIT C - PROPOSED SERVICE ADJUSTMENTS**

	Impact	Cumulative Department Impact	Position Impacts						
			Full Time	Part Time	Proj. Vacant	Filled	Mgt & Admin	Non Mgt.	
Pool Guards and Supervisors; Reduce the salaries of all Part-timers for one week. On average, we have 40% participation on the last week of summer. Impact: Approximately 400 children will not be able to attend the last week of mini-camp. <b>OVERALL TOTAL SAVINGS = \$29,946.00 (+benefits)</b>		\$ (65,839)							
<b>Extend One Day Pool Schedule for 5 additional months for a Total of 9 months</b> Currently the one pool day closures are from November - February covering September through May. Impact: Pool closures 5 additional months will reduce our Department's goal of increasing satisfaction with recreational programs. Patrons will have to travel to another pool on the day their regular pool is closed.	\$ (82,051)	\$ (147,890)							
Reduce the change-out of the hanging basket program from twice a year to once a year	\$ (21,000)	\$ (168,890)							
<b>City Manager</b>									
Reduce receptionist through shared function with the City Attorney and Mayor and Commission - One-time estimated capital costs of \$32,450 would need to be funded for reconfiguration of the reception areas, changing the City Attorney's door to glass, etc. - 1/3rd allocated to each of City Manager, City Attorney and Mayor and Commission offices	\$ (15,862)	\$ (15,862)	(0.3)		(0.3)			(0.3)	
<b>City Attorney</b>									
Eliminate part-time First Assistant City Attorney Position. This Attorney's duties (defending appellate cases, Civil Rights, and Constitutional Law) will be redistributed among remaining staff attorneys.	\$ (43,530)	\$ (43,530)		(1.0)			(1.0)	(1.0)	
Reduce receptionist through shared function with the City Attorney and Mayor and Commission - One-time estimated capital costs of \$32,450 would need to be funded for reconfiguration of the reception areas, changing the City Attorney's door to glass, etc. - 1/3rd allocated to each of City Manager, City Attorney and Mayor and Commission offices	\$ (9,663)	\$ (53,193)	(0.3)	0.0	(0.3)	0.0		(0.3)	
<b>Mayor and Commission</b>									
Reduce 1 Secretary	\$ (79,274)	\$ (79,274)	(1.0)				(1.0)	(1.0)	
Reduce receptionist through shared function with the City Attorney and Mayor and Commission - One-time estimated capital costs of \$32,450 would need to be funded for reconfiguration of the reception areas, changing the City Attorney's door to glass, etc. - 1/3rd allocated to each of City Manager, City Attorney and Mayor and Commission offices	\$ (16,527)	\$ (95,801)	(0.3)	0.0	(0.3)	0.0		(0.3)	0.0
<b>Citywide</b>									
Reduce funding for various programs by 10%:									
Festival of the Arts (FY 2009/10: \$55,000)	\$ (5,500)	\$ (5,500)							
Jewish Museum (FY 2009/10: \$55,000)	\$ (5,500)	\$ (11,000)							
July 4th Celebration non sponsored events (FY 2009/10: \$45,000)	\$ (4,500)	\$ (15,500)							
Latin Chamber of Commerce (FY 2009/10: \$20,000)	\$ (2,000)	\$ (17,500)							
Miami Beach Chamber/Visitor Ctr (FY 2009/10: \$40,000)	\$ (4,000)	\$ (21,500)							
Miami Design Preservation League (FY 2009/10: \$25,000)	\$ (2,500)	\$ (24,000)							
North Beach Development Corp. (FY 2009/10: \$20,000)	\$ (2,000)	\$ (26,000)							
Orange Bowl (FY 2009/10: \$18,750)	\$ (1,875)	\$ (27,875)							
S Beach/Grtr Miami Hisp. Chamber (FY 2009/10: \$20,000)	\$ (2,000)	\$ (29,875)							
Sister Cities (FY2009/10: \$15,200)	\$ (1,520)	\$ (31,395)							
Hot Meals JVS (FY 2009/10: \$46,939)		\$ (31,395)							
Douglas Gardens (FY 2009/10: \$21,660)		\$ (31,395)							
Stanley C. Myers (FY 2009/10: \$21,660)		\$ (31,395)							
Boys and Girls Club (FY 2009/10: \$16,606)		\$ (31,395)							
Contribution to Garden Center (FY 2009/10: \$152,475)	\$ (15,247)	\$ (46,642)							
Eliminate funding contribution but maintain funding for police officer supporting the PAL	\$ (90,000)	\$ (136,642)							
Reduce funding for various programs by an additional 10% for a total reduction of 20% to these organizations:									
Festival of the Arts (FY 2009/10: \$55,000)		\$ (136,642)							
Jewish Museum (FY 2009/10: \$55,000)		\$ (136,642)							
July 4th Celebration non sponsored events (FY 2009/10: \$45,000)		\$ (136,642)							
Latin Chamber of Commerce (FY 2009/10: \$20,000)		\$ (136,642)							
Miami Beach Chamber/Visitor Ctr (FY 2009/10: \$40,000)		\$ (136,642)							
Miami Design Preservation League (FY 2009/10: \$25,000)		\$ (136,642)							
North Beach Development Corp. (FY 2009/10: \$20,000)		\$ (136,642)							
Orange Bowl (FY 2009/10: \$18,750)		\$ (136,642)							
S Beach/Grtr Miami Hisp. Chamber (FY 2009/10: \$20,000)		\$ (136,642)							
Sister Cities (FY 2009/10: \$15,200)		\$ (136,642)							
Contribution to Garden Center (FY 2009/10: \$152,475)		\$ (136,642)							
<b>Total</b>	<b>\$ (515,159)</b>	<b>\$ (515,159)</b>	<b>(4.0)</b>	<b>0.0</b>	<b>(1.0)</b>	<b>(3.0)</b>	<b>(4.0)</b>	<b>(4.0)</b>	<b>0.0</b>

**EXHIBIT C - PROPOSED SERVICE ADJUSTMENTS**

			Position Impacts						
	Impact	Cumulative Department Impact	Full Time	Part Time	Proj. Vacant	Filled	Mgt & Admin	Non Mgt.	
<b>INTERNAL SERVICE FUNDS</b>									
<b>Information Technology</b>									
1 Senior System Analyst filled position. This will impact special reporting and support of application interfaces by having to rely upon the vendor to provide this service as required. The City is purchasing systems with open architectures where the vendors are required to develop these interfaces. (The estimated impact reflects the salary savings net of a contingency of \$15,000 for vendor support, as needed.) Presently, there are no outstanding required interfaces.	\$ (97,017)	\$ (97,017)	(1.0)				(1.0)	(1.0)	
1 Senior Telecom Specialist filled position. This will mainly impact telecom system administration for the Automated Call Distribution (ACD) by having to rely upon the vendor to provide this service. (The estimated impact reflects the salary savings net of a contingency of \$5,000 vendor support, as needed.)	\$ (99,643)	\$ (196,660)	(1.0)				(1.0)	(1.0)	
<b>Total</b>		<b>\$ (196,660)</b>	<b>\$ (196,660)</b>	<b>(2.0)</b>	<b>-</b>	<b>-</b>	<b>(2.0)</b>	<b>(2.0)</b>	<b>-</b>
<b>Grand Total</b>		<b>\$ (711,819)</b>	<b>\$ (711,819)</b>	<b>(6.0)</b>	<b>-</b>	<b>(1.0)</b>	<b>(5.0)</b>	<b>(6.0)</b>	<b>-</b>

<b>EXHIBIT D ANNUAL IMPACT OF CONCEPTUAL "PLAN B" REDUCTIONS - CWA ONLY</b>	<b>Annual Impact - Including Pension</b>	<b>Annual Impact - Excluding Pension</b>	<b>Year 1 Impact Assuming Full Imple- mentation by 3/31/11</b>	<b>Cumulative Impact</b>	<b>Full Time</b>	<b>Part Time</b>
<b>GENERAL FUND WHERE POSSIBLE, CONSIDER PRIVATIZING/OUTSOURCING, SCALING BACK FULL-TIME TO PART-TIME, ETC. SEE EXAMPLES BELOW:</b>						
Example: convert 20 out of 48 full-time lifeguards to part time, with no reduction in coverage	\$ (303,701)	\$ (184,088)	\$ (92,044)	(\$92,044)	(20.0)	40.0
Example: convert full-time pool guards to part time with no reduction in service level - reducing 16 FT guards to PT, bringing the PT year round and seasonal guards hours up, to provide the same service levels we are currently providing. The hours worked vary depending on the time of the year from 20 hours for everyone during the winter (Nov. - Feb.) when we are closed at one pool a day per week to 40 hours per guard in the summer (May - August). The other months (March, April and September, October) will vary as the weather changes and the pools demands increase or decrease.	\$ (310,612)	\$ (112,594)	\$ (56,297)	(\$148,341)	(16.0)	16.0
Example: Convert staffing from 25 full-time and 3 part-time code enforcement positions to 19 full-time and 14 part-time, providing more efficient coverage on weekends and nights	\$ (88,221)	\$ (53,769)	\$ (26,885)	(\$175,226)	(6.0)	11.0
Example: Outsource Code Enforcement call center operations with privatized in-house support - Assume implementation of Call Center October 2010 and privatized in-house support March 2011	\$ (54,105)	\$ (23,669)	\$ (11,835)	(\$187,061)	(5.0)	
Example: Outsource Building Permit Clerks as recommended by the Watson Rice study (previously proposed in FY 2009/10 Budget) - Assume award by January 2011 and full implementation by March 2011	\$ (105,411)	\$ (69,683)	\$ (34,842)	(\$221,903)	(7.0)	
<b>Total General Fund</b>	<b>\$ (862,050)</b>	<b>\$ (443,803)</b>	<b>\$ (221,903)</b>	<b>(\$221,903)</b>	<b>(54.0)</b>	<b>67.0</b>
<b>INTERNAL SERVICE FUNDS</b>						
Example: Eliminate CWA positions in Property Management and replace with contract for approximately \$1,000,000 to provide response as needed	\$ (435,233)	\$ (276,607)	\$ (138,304)	(\$360,207)	(22.0)	
<b>General Fund Estimated Impact from Internal Service Fund</b>			\$ (82,982)			
<b>Total General Fund Impact</b>			\$ (304,885)			
<b>ENTERPRISE FUNDS</b>						
Example: Outsource Parking Enforcement. Estimated savings of \$1,200,000 in recurring costs including pension - year 1 cost savings of \$1,000,000 are net of pension savings	\$ (1,031,565)	\$ (823,279)	\$ (411,640)	(\$ 771,847)	(33.0)	(14.0)
<b>CITY CENTER - PROPERTY MANAGEMENT</b>						
Example: Outsource Lincoln Road Property Management	\$ (93,908)	\$ (60,800)	\$ (30,400)	(\$ 802,247)	(4.0)	
<b>GRANDTOTAL</b>	<b>\$ (2,422,756)</b>	<b>\$ (1,604,489)</b>	<b>\$ (802,247)</b>	<b>\$ (802,247)</b>	<b>(113.0)</b>	<b>53.0</b>

**EXHIBIT E - REVENUE ENHANCEMENTS**

	Fiscal Impact	Cumulative Department Impact	Cumulative City Impact																																																																		
<b>GENERAL FUND</b>																																																																					
<b>Fire</b>																																																																					
Increased Transport Fees Current Miami Beach fee schedule projected at \$1,600,000 Basic Life Support (BLS) - \$358.67 Advanced Life Support 1- (ALS1) - \$425.93 Advance Life Support 2 (ALS2) - \$616.47  Proposed fees consistent with Miami Dade Fire fee schedule projected at \$1,790,000 BLS- \$500.00 ALS1- \$600.00 ALS2- \$800.00	\$ 190,000	\$ 190,000	\$ 190,000																																																																		
<b>Parks and Recreation</b>																																																																					
<u>Non-Resident Sibling Discount Revenue Increase</u> Currently, the Parks and Recreation Department offers a sibling discount on non-resident participants enrolled in After School and Summer Day Camps. Based on the After School Spring 2009 Quarter the Department had 2 non-resident sibling participants enrolled in After School per quarter and zero in Summer Day Camps. The average saved for those 3 quarters equates to \$2,925 yearly in increased revenue savings.	\$ 2,925	\$ 2,925																																																																			
<ul style="list-style-type: none"> <li>- Reinstates Adult Resident Pool Fee from free to \$3.00 per admission. Resident Adults utilizing Miami Beach pools in 2009 was 62,919 x \$3.00 = \$188,757, with offset for resident membership rate</li> <li>- Increase Non-Resident Youth Pool Fee from \$4.00 to \$8.00, based on 2009 usage = 1,626 admissions = \$13,008 - Represents an increased revenue of \$6,504.</li> <li>- Increase Non-Resident Adult Pool Fee from \$6.00 to \$10.00, based on 2009 usage = 3,940 admissions = \$39,400 - Represents an increased revenue of \$15,760.</li> </ul>	\$ 22,264	\$ 25,189																																																																			
<u>Activity Fee Modification</u> <ul style="list-style-type: none"> <li>- Maintain the current After School Registration Fee and increase the activity fee by \$25 to make the fee \$50 per quarter for the 3 After School program quarters. Average After School attendance in 2009 = 683 x \$75.00 = \$51,225.</li> <li>- Maintain the current Summer Camp Registration Fee and increase the activity fee by \$25 to make the fee \$75. Average Summer Camp attendance in 2009 = 1293 x \$25.00 = \$32,325</li> </ul> Grand Total = \$83,550	\$ 83,550	\$ 108,739																																																																			
<u>Increase Tennis Fees:</u> increase court fees from \$4 to \$5 per hour for residents and from \$8 to \$9 \$10 for non-residents. Increase membership fees as below - this assumes the City receives 100% of the increased revenues - requires new contract negotiation  <table border="0" style="width: 100%;"> <thead> <tr> <th></th> <th align="center"><u>Current Rate</u></th> <th align="center"><u>New Rate</u></th> <th></th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td colspan="6"><b>Residents:</b></td> </tr> <tr> <td>Youth Memberships</td> <td align="center">\$50</td> <td align="center">\$ 115</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Adult Single</td> <td align="center">\$185</td> <td align="center">\$ 250</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Senior</td> <td align="center">\$150</td> <td align="center">\$ 215</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Family 2 adults/ 2 youth</td> <td align="center">\$ 400</td> <td align="center">\$ 660</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="6"><b>Non-Residents:</b></td> </tr> <tr> <td>Youth Memberships</td> <td align="center">\$75</td> <td align="center">\$ 200 \$250</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Adult Single</td> <td align="center">\$375</td> <td align="center">\$ 600 \$550</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Senior</td> <td align="center">\$250</td> <td align="center">\$ 375 \$425</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Family 2 adults/ 2 youth</td> <td align="center">\$ 700</td> <td align="center">\$ 1,200 \$1,250</td> <td align="center">\$ 57,595</td> <td align="center">\$ 166,334</td> <td align="center">\$ 356,334</td> </tr> </tbody> </table>		<u>Current Rate</u>	<u>New Rate</u>				<b>Residents:</b>						Youth Memberships	\$50	\$ 115				Adult Single	\$185	\$ 250				Senior	\$150	\$ 215				Family 2 adults/ 2 youth	\$ 400	\$ 660				<b>Non-Residents:</b>						Youth Memberships	\$75	\$ 200 \$250				Adult Single	\$375	\$ 600 \$550				Senior	\$250	\$ 375 \$425				Family 2 adults/ 2 youth	\$ 700	\$ 1,200 \$1,250	\$ 57,595	\$ 166,334	\$ 356,334	\$ 57,595	\$ 166,334	\$ 356,334
	<u>Current Rate</u>	<u>New Rate</u>																																																																			
<b>Residents:</b>																																																																					
Youth Memberships	\$50	\$ 115																																																																			
Adult Single	\$185	\$ 250																																																																			
Senior	\$150	\$ 215																																																																			
Family 2 adults/ 2 youth	\$ 400	\$ 660																																																																			
<b>Non-Residents:</b>																																																																					
Youth Memberships	\$75	\$ 200 \$250																																																																			
Adult Single	\$375	\$ 600 \$550																																																																			
Senior	\$250	\$ 375 \$425																																																																			
Family 2 adults/ 2 youth	\$ 700	\$ 1,200 \$1,250	\$ 57,595	\$ 166,334	\$ 356,334																																																																

	Fiscal Impact	Cumulative Department Impact	Cumulative City Impact
<b>Public Works</b>			
Sidewalk Café Fees - Increase by \$5 per sq ft from \$15 per sq ft to \$20 per sq ft over 2 years, plus a \$25 fee per establishment to cover the cost of propane tank inspections, and adjust annually by CPI thereafter, but subject to FCWPC review	\$ 177,000	\$ 177,000	
Increase nowrack fees from \$25 per unit to \$50 per unit to cover processing and inspection costs \$25000		\$ 177,000	\$ 533,334
<b>Code</b>			
Neighborhood Establishment Impact Fee - offset by enhancement of 3 additional Code Officers, provide opportunity for waiver for "good behavior" after year 1 - \$300,000 impact - To be pursued with the industry	TBD	TBD	\$ 533,334
<b>TCD</b>			
Commercial City Banner Program - This program is based on a CITY CODE AMENDMENT which would allow the City to contract with an advertising company to sell the City's light pole banner inventory. It would allow for four light pole banners on each pole with one being purely a commercial message and the other continuing to be used to promote events. This assumes that each pole would generate \$300 per month in revenue. 30% of which would come back to the City. The estimate is based on an average of 300 poles sold over a 12 month period, however the City could choose to use more poles and generate more revenue.	\$ 324,000	\$ 324,000	
Special Event Application Late Fee - Charge a late fee for applications submitted after 60 day deadline on public property and 30 day deadline on private property. Late application fee would be an additional \$250 for review (no guaranteed approval). Estimate 40 late application fees in the first year for additional revenue of \$10,000. For events with higher than 1,500 attendees, the fee is \$500. Charge a late fee for all previously itemized permit requirements not being submitted two weeks before start of load in, with building and fire permits requiring minimum submission by this date, as is requirement of application. Late permit fee would be an additional \$250. Estimate 30 late permit fees for additional revenue of \$7,500. This will also aid in our ability to issue permits more efficiently and on time. For events with higher than 1,500 attendees, the fee is \$500.	\$ 17,500	\$ 341,500	
Establish wedding ceremony permit fees to approximately cover the cost of permitting (\$100-\$125 fee versus estimated cost of \$123 per permit)	\$ 31,250	\$ 372,750	\$ 906,084
<b>City Clerk</b>			
Charge for Public Records when exceed 30 minutes	TBD		
Increase Special Master fee from \$75 to \$100 based on processing costs, current collections are approx. \$130,000 per year	\$ 43,333	\$ 43,333	\$ 949,417
<b>Corporate Sponsorship and Advertising Items Under Development</b>			
Ocean Rescue and Pool Lifeguard Uniforms - anticipated to generate at least \$100,000 in revenues per year in addition to \$54,000 in cost avoidance from uniform purchases	\$50,000	\$50,000	
Police and Fire Uniforms - anticipated to generate at least \$100,000 in revenues per year in addition to \$199,000 in cost avoidance from uniform purchases	\$50,000	\$100,000	
Official City Map - Based on a proposed partnership with Playground Maps for an "official City of Miami Beach map". The partnership includes cash plus the value of advertising for the City in the map	\$10,000	\$110,000	
Bus Shelter Advertising at 5th and Alton Garage	\$48,000	\$158,000	
Sponsorships on Cable TV - Study Underway	TBD	TBD	
Towing Rates - Study Underway	TBD	TBD	
Parking Valet Franchise	TBD	TBD	
Vacant Storefront Advertising - Limited to Business Areas	TBD	TBD	\$ 1,107,417

	Fiscal Impact	Cumulative Department Impact	Cumulative City Impact
<b>PARKING REVENUES</b>			
<b>Potential Fee Increases</b>			
Increased hourly rate in South Beach - from \$1.25 to \$1.50 - with existing hours from 9am to midnight	\$2,236,500	\$2,236,500	TOTAL POTENTIAL PARKING REVENUES
Increased Hours of Enforcement in South Beach - Expanded from 9am to midnight to 9am to 3am - Anticipated to generate \$1,132,600 - offset by increased expenditures of \$83,538 for 3 additional part-time employees	\$1,132,600	\$3,369,100	
Increased Hourly rate (from \$1.25 to \$1.50) for the expanded hours in South Beach	\$225,300	\$3,594,400	
Increase Daily Hotel Hang Tag Rates from \$6 per tag to \$10 per tag	\$124,000	\$3,718,400	
<b>Advertising Items Under Development</b>			
Parking Garage Arms - based on a total of 30 garage arms	\$180,000	\$180,000	
Parking Ticket Stubs	\$50,000	\$230,000	
Elevator Advertising - Parking Garages	\$80,000	\$310,000	
<b>OTHER POTENTIAL REVENUES TO CONSIDER - REVENUE IMPACTS TO BE DETERMINED</b>			
<b>REHCD</b>			
Amend Ordinance No. 2007-3553 to increase beachfront concession upland fees per unit from the current base rate of \$16 per unit and max cap of \$10,000 for hotels			
<b>Other Corporate Sponsorship and Advertising Items</b>			
Blue Tooth Advertising - allowing users to opt-in to receive messages and/or offers sent from transmitters along major roadways as well as City rights of way popular with visitors - and through which the City would receive revenues from the installation of transmitters			
Parking Meter Wrap Advertising			

EXHIBIT F - ENHANCEMENTS	Fiscal Impact	Fund Impact	Positions	
			FT	PT
<b>GENERAL FUND</b>				
<b>Enhancements</b>				
Add Code Detail to address quality of life issues on weekends, including beach litter during spring break, noise during special events, etc. Work to be performed by Part-Timers Assumes one code administrator per shift Staffing Levels:6 hours per day on each of 2 weekend days and an additional 30 hours per week during spring break 1 Code Administrators on overtime @ \$50.48 per day 9 Part Time Code Officers @ \$20 per hour	\$ 185,314	\$ 185,314		9.0
Hire lobbyist to monitor and track County issues that impact Miami Beach and to represent the City's best interests at the County (\$70,000)	\$ 70,000	\$ 255,314		
Create Engineering Manager position to oversee design process (\$116,304) - offset by charges to capital projects	\$ -	\$ 255,314	1.0	
<del>Enhanced Police to address quality of life issues on weekends and spring break, including coolers, glass containers, alcohol on the beach, speeding etc. The squad of 3 officers and 1 sergeant will work primarily Friday through Monday with flex in their duties as seasons and demands change - includes 3 officers and 1 sergeant \$598,014</del>		\$ 255,314		
<b>Total</b>	<b>\$ 255,314</b>	<b>\$ 255,314</b>	<b>1.0</b>	<b>9.0</b>
<b>ENTERPRISE FUNDS POTENTIAL ENHANCEMENTS</b>				
<b>Sanitation</b>				
Additional litter cans throughout Miami Beach (100)	\$ 94,000	\$ 94,000		
<b>Water</b>				
Partial funding additional IT analyst position for Cityworks support, funded equally by Water, Sewer and Stormwater	\$ 24,672	\$ 24,672	0.3	
<b>Sewer</b>				
Partial funding additional IT analyst position for Cityworks support, funded equally by Water, Sewer and Stormwater	\$ 24,672	\$ 24,672	0.3	
<b>Stormwater</b>				
Partial funding additional IT analyst position for Cityworks support, funded equally by Water, Sewer and Stormwater	\$ 24,672	\$ 24,672	0.4	
<b>Parking</b>				
Address quality of life issues in the South Pointe area on weekends, increasing enforcement in residential areas, and increasing enforcement and attendant at metered lots. Offset by an anticipated increase in revenues - potentially generating \$448,000 in additional revenues	\$ 176,376	\$ 176,376		0.0
Increased staffing required for expanded enforcement hours in South Beach from 12 midnight to 3 am	\$ 83,538	\$ 259,914		3.0
<b>Total</b>	<b>\$ 427,930</b>	<b>\$ 427,930</b>	<b>1.0</b>	<b>3.0</b>
<b>Grand Total</b>	<b>\$ 683,244</b>	<b>\$ 683,244</b>	<b>2.0</b>	<b>12.0</b>

**ATTACHMENT G**

**FY 2010/11 Proposed Citywide Workplan**

**City of Miami Beach  
Strategic Planning Priorities**

**VISION**

Cleaner and Safer; Beautiful and Vibrant; a Unique Urban and Historic Environment, a Mature, Stable residential Community with Well Improved Infrastructure; a Cultural, Entertainment and Tourism Capital and an International Center for Innovation and Business; while Maximizing Value to our Community for the Tax Dollars Paid



Vision Linkage	Key Intended Outcome	FY 2010/11 Proposed Citywide Initiatives
	Increase visibility of Police	<ul style="list-style-type: none"> <li>• Maximize community contacts through multiple internal and external Police initiatives (i.e. Citizens Police Academy, Patrol activities, HOA meetings, etc.) to ensure optimal accountability, transparency and communication</li> <li>• Look into converting some of overtime dollars into additional police officers</li> </ul>
	Maintain crime rates at or below national trends	<ul style="list-style-type: none"> <li>• Continue to develop system to provide timely information on types of crime by geographic segments of the community to allow more timely tactical deployment in response to "hot spots"</li> <li>• Work with IT Department to complete implementation of CAD/RMS technology solution for Records Management</li> <li>• Enhance lighting in business/commercial areas</li> <li>• Continue Neighborhood walk program to identify areas that may require lighting enhancements</li> <li>• Continue education outreach with nightclubs, bars, etc. on crime prevention strategies to reduce crimes against their patrons.</li> </ul>
Cleaner / Safer	Improve cleanliness of Miami Beach rights of way especially in business areas	<ul style="list-style-type: none"> <li>• Continue services to enhance cleanliness implemented in prior years related to the City Center RDA, South Pointe project area, Mid Beach and North Beach commercial districts, beaches, and alleyways</li> <li>• Continue to use contractors to supplement City staff to meet peak sanitation service requirements during major events</li> <li>• Continue public area cleanliness assessments and identification of action plans to address deficiencies</li> <li>• Continue to provide support in developing and implementing code enforcement-related action plans to address areas identified for improvement through cleanliness assessments</li> <li>• Continue to determine illegal dumping hotspots and focus enforcement patrols in the hotspot areas and coordinate with Police and Sanitation Dept.</li> <li>• Continue to coordinate with volunteer organizations for canal clean ups - Baynanza, Teen Job Corp, and Environmental Coalition of Miami Beach (ECOMB) enhancing outreach and volunteer recruitment to the local business community</li> <li>• Continue to monitor cleanliness assessment results and develop targeted action plans for improvement of cleanliness in parks; monitor contractors to ensure meeting required cleanliness activities</li> <li>• Continue "My Space" Program</li> <li>• Continue to review cleanliness assessment results to develop targeted action plans for improving cleanliness of parking garages and lots</li> <li>• Continue providing businesses outreach / information on the sidewalk sweeping/ maintenance regulations</li> <li>• Continue to coordinate with internal departments in efforts to continue dissemination of information (flyers, door hangers) regarding 1st Weekend of the Month/Neighborhood Pride program. Also, enhance coordination with Home Owner's Associations (HOAs), volunteer organizations such as Hands on Miami Beach Day, etc.</li> </ul>
	Improve cleanliness of city beaches	<ul style="list-style-type: none"> <li>• Establish Quality of Life detail for weekends and spring break to address litter on the beach</li> </ul>

Beautiful and Vibrant, Mature Stable Residential Community, Urban and Historic Environment

Ensure compliance with code within reasonable time frame	<ul style="list-style-type: none"> <li>• Continue to enhance methods/systems available for tracking response times and follow-up</li> <li>• Improve staff accountability, supervisor oversight of staff performance and case management</li> <li>• Continue to identify areas where process can be improved/streamlined</li> <li>• Explore implementing a special response team to address special events, natural disasters, etc</li> <li>• Revise policies and procedures manual</li> <li>• Review and revise fine schedules in Chapter 30</li> </ul>
Ensure safety and appearance of building structures and sites	
Stabilize residential condominiums	<ul style="list-style-type: none"> <li>• Ensure solicitation of stimulus or federal dollars to stabilize housing</li> <li>• Pursue legislative changes to the condominium laws</li> <li>• Explore changes to the 40-year recertification ordinance with Miami-Dade County</li> </ul>
Maintain Miami Beach public areas & rights of way citywide	<ul style="list-style-type: none"> <li>• Maintain a Capital Investment Upkeep Account with a recurring source of funding to address routine recurring expenses based on a pre-defined plan needed to sustain non-facility capital improvement projects, including landscaping, up-lighting, pavers, etc.</li> <li>• Continue to implement citywide the reforestation plan by amending the current tree protection ordinance to fund/maintain City program</li> <li>• Maintain new Landscape projects for Capital Improvement Projects coming on line in FY 10//11: City Center Streetscape, Collins Park, 2300-4000 Indian Creek Bump Outs, 42nd Street, South Pointe Streetscape phases II and III, Lincoln Park and Indian Creek 6200-6900 medians and right a way.</li> <li>• Focus on South Pointe landscape maintenance, especially medians</li> <li>• Continue monitoring of parking lots by Parks Greenspace Management</li> </ul>
Protect historic building stock	<ul style="list-style-type: none"> <li>• Continue historic preservation initiatives currently underway, including designation of local historic districts (Morris Lapidus/Mid 20th Century District; West Avenue/Bay Road District, North Shore National Register District), sites and structures (Rod &amp; Reel Club, North Beach Bandshell, UNIDAD Coral Rock House, City Monuments and Fountains)</li> <li>• Continue to ensure Public Works Department develops an ongoing maintenance plan for the City's historic monuments.</li> <li>• Promote Miami-Dade County's historic property tax abatement</li> </ul>
Maintain strong development management policies	<ul style="list-style-type: none"> <li>• Continue previous development management initiatives – (e.g. expanded Planning Board review of threshold projects in residential districts)</li> <li>• Continue to develop routine reporting mechanism to Commission through reports on the agenda or LTC on the status of various initiatives (consultant study, issues identified at growth management workshop, various ordinances, etc.) in order to keep topic of growth management current</li> <li>• Streamline the number of variances required to be processed by the Planning Department by amendments to the Land Development Code addressing topics of frequent routine variance applications.</li> </ul>
Increase satisfaction with family recreational activities	<ul style="list-style-type: none"> <li>• Continue programming for teens, adults and seniors</li> <li>• Continue senior transportation program funded by balance of Transportation Fund.</li> <li>• Enhance the Teen Club Program at North Shore Park Youth Center and at 21st Street Recreation Center</li> <li>• Develop plan for teen club athletics using Scott Rakow</li> <li>• Develop Tennis Program for Tennis Courts Planned for Par 3</li> <li>• Continue arts and culture programming in the Parks, including family friendly cultural arts and events</li> <li>• Continue to provide and promote availability cultural activities and events, including family-friendly programming</li> </ul>
Improve the lives of elderly residents	<ul style="list-style-type: none"> <li>• Continue outreach to elderly residents</li> <li>• Continue promotion of SHARE Food Program and implement free distribution of Basic Packages to qualifying elder residents</li> <li>• Utilize Homeless Prevention and Rapid Re-housing funds to provide rent assistance to qualifying residents</li> <li>• Increase focus on coordination of and referrals to existing programs, including basic necessities, employment programs, transportation, and recreation programs</li> </ul>
Enhance learning opportunities for youth	<ul style="list-style-type: none"> <li>• Continue educational opportunities for school aged youth through the Education Compact</li> <li>• Ensure IB required training is complete for 100% of teachers in CMB schools</li> <li>• Continue youth access to City supported programs through enhanced communication efforts, etc...</li> <li>• Enhance youth services and programming through grant funds</li> <li>• Continue to provide the Youth Empowerment Network at Fienberg Fisher k-8 Center and Biscayne Elementary</li> <li>• Expand Success University at Miami Beach Senior High School</li> <li>• Pursue additional Federal Justice appropriation for After School program and Arts for learning</li> </ul>

Beautiful and Vibrant, Mature Stable Residential Community, Urban and Historic Environment (Continued)	Reduce the number of homeless	<ul style="list-style-type: none"> <li>• Continue education and outreach to inform the public of available resources and services provided by the City to address homelessness; ensure follow-up information is provided to businesses and residents that have homeless-related complaints.</li> <li>• Continue to coordinate with internal and external partners to increase engagement and placement of homeless persons and enable enforcement of Quality of Life issues (i.e. habitual offenders, trespassing, etc.)</li> <li>• Continue with independent, proactive outreach, including flexible hours and days to address the chronic homeless</li> <li>• Continue collaborative task force with Police and Sanitation to address homeless encampments</li> <li>• Continue with Project Home Shore campaign targeting members of the faith community with information and resources to empower them as outreach resources to the homeless, and secure non-governmental resources for homeless services.</li> <li>• Continue to pursue methods to address mental health issues among the homeless and the chronically homeless, including coordinated outreach with Citrus Health targeting chronic homeless with mental health issues to enable more contacts using only one staff member, and accessing Trust-funded treatment programs and beds</li> <li>• Continue to pursue additional resources to provide specialized services for the chronic mentally ill homeless</li> </ul>
	Increase access to workforce or affordable housing	<ul style="list-style-type: none"> <li>• Continue to maximize retention of existing affordable housing stock, especially among the elderly</li> <li>• Pursue grants that promote access to and retention of affordable housing, including for elderly</li> <li>• Pursue Federal HUD appropriations for the City Center housing initiative</li> <li>• Explore transit opportunities with Miami-Dade Transit to connect affordable housing opportunities with workplace destinations</li> <li>• Develop marketing plan</li> <li>• Advertise/Provide media information regarding major accomplishments related to affordable housing and opportunities funded by the City</li> <li>• Continue prioritizing funding for housing counseling for first-time homebuyers participating in the scattered sites homebuyer's assistance program with American Dream &amp; CDBG funding.</li> </ul>
	Promote and celebrate our City's diversity	<ul style="list-style-type: none"> <li>• Continue to promote events that celebrate our City's diversity, including Hispanic Heritage, Jewish History month, Black History month, Gay Pride, Disabled Community Awareness Day, etc</li> </ul>

Vision Linkage		Key Intended Outcome:	FY 2010/11 Proposed Citywide Initiatives
Cultural, Entertainment and Tourism Capital International Center for Innovation in Culture, Recreation and Business	Maximize Miami Beach as a Destination Brand	<ul style="list-style-type: none"> <li>• Continue out-of-market marketing plan to promote Miami Beach destination brand</li> <li>• Continue to target key events for slow periods and lesser used areas</li> <li>• Continue to maximize potential use of Performing Arts Theaters in the City of Miami Beach</li> </ul>	
	Improve Convention Center facility	<ul style="list-style-type: none"> <li>• Develop a strategic plan for the Convention Center (master plan)</li> <li>• Continue to maximize utilization and upkeep of Miami Beach Convention Center</li> </ul>	
	Diversify business base in Miami Beach	<ul style="list-style-type: none"> <li>• Continue to provide information on market opportunities to interested businesses</li> <li>• Work with State of Florida DCA on implementation of the Energy Economic Zone Pilot Program</li> <li>• Identify potential Incentives that may facilitate industry diversification</li> <li>• Work with workforce agencies to identify prospective entrepreneurs and small business owners</li> <li>• Maintain, grow and disseminate a database of specified and targeted economic &amp; market information</li> <li>• Identify and assist new economic and entrepreneurial opportunities in Miami Beach</li> <li>• Identify barriers to growth for the City's businesses that are in non-economic base industries</li> <li>• Continue offering the Miami Beach CARES Business Academy for existing and potential businesses to assist them in understanding the City's processes</li> </ul>	

Vision Linkage		Key Intended Outcome:	FY 2010/11 Proposed Citywide Initiatives
Well Improved Infrastructure	Enhance mobility throughout the City	<ul style="list-style-type: none"> <li>• Implement comprehensive bike paths/recreation corridors/ and walkway plan for Miami Beach</li> <li>• Continue to implement selective enforcement during shift overlaps and use of Motor Squad high accident locations within the city in order to reduce accidents and increase traffic flow.</li> <li>• Continue coordinated approach between Building Department, Parking and Police to enhance traffic management during/ around major construction projects, as well as Parking and Police collaboration through CLEAR Task force (Clearing of Lanes, Easements, Alleyways, &amp; ROW) to improve traffic congestion caused by illegal loading and/or double parking in major thoroughfares throughout the City</li> <li>• Continue Parking and Police collaboration through CLEAR Task Force (Clearing of Lanes, Easements, Alleyways, &amp; ROW), an internal systematic approach to improving traffic congestion caused by illegal loading and/or double parking in major thoroughfares throughout the City.</li> <li>• Maintain coordinated approach between Public Works, CIP and Police to enhance traffic management during/around major construction projects.</li> <li>• Pursue project authorization in the new federal Surface Transportation Authorization bill</li> <li>• Work with housing authority on 17<sup>th</sup> site</li> </ul>	

Vision Linkage		Key Intended Outcome:	FY 2010/11 Proposed Citywide Initiatives
Well Improved Infrastructure (Continued)	Improve Parking Availability	<ul style="list-style-type: none"> <li>• Continue to develop and implement marketing plan for parking and traffic, including identification of areas of underutilized capacity through measurement of garage capacity and in support of implementation of Citywide wayfinding signage plan</li> <li>• Continue to work with the Office of Communications to further develop marketing plan.</li> <li>• Continue to pursue implementation of Walker Parking Study recommendations for development sites in the North Beach, Cultural Campus areas, South Pointe Park, and other opportunities</li> <li>• Continue to pursue joint venture opportunities in North Beach</li> <li>• Continue to survey parcels available for sale with Asset Management</li> <li>• Continue to pursue joint venture opportunities:               <ul style="list-style-type: none"> <li>▪ North Beach Town Center Plan</li> <li>▪ North Parking Facility</li> <li>▪ Gansevoort Joint venture opportunity</li> <li>▪ Collins Park parking garage development agreement/land swap</li> </ul> </li> <li>• Continue to evaluate opportunities to acquire land where possible for additional parking</li> <li>• Continue to work to enhance coordination with public and private development projects</li> <li>• Add 53 parking spaces during FY08/09 and 88 spaces in FY09/10 as a result of projects in 69<sup>th</sup> Street and Harding Avenue, 41<sup>st</sup> Street and Royal Palm Avenue, and Ocean Dr. and 1<sup>st</sup> Street.</li> </ul>	
	Ensure value and timely delivery of quality capital projects	<ul style="list-style-type: none"> <li>• Continue to streamline capital program management</li> <li>• Continue implementation of FY05 initiatives to expedite: review of construction, documents, legal issues, invoice processing, and field inspections</li> <li>• Continue to work with departments (Public Works, Planning, Parks, etc.) to ensure expedited and timely reviews and return of comments</li> <li>• Continue to implement Best-Value Procurement for planning, design, and construction phase, where contractors and consultants are selected for traditional, design-build, and construction-manager-at-risk projects utilizing Best Value criteria, that is based on past performance, project management personnel experience, etc.</li> <li>• Continue tracking invoices from receipt date to payment date</li> <li>• Continue expanded public outreach and information regarding capital projects status, etc.</li> <li>• Continue to maintain a capital reserve fund to address unforeseen needs in approved capital projects</li> <li>• Pursue annual funding contribution as a continuous re-investment in City infrastructure through Pay-as-you-go, quality of life funds, grants, or other funding sources</li> <li>• Add New Records Supervisor position</li> </ul>	
	Ensure well-maintained facilities	<ul style="list-style-type: none"> <li>• Continue to maintain a capital replacement renewal and reserve with a dedicated source of funding for general fund facilities and to identify and implement required renewal and replacement projects as scheduled</li> <li>• Evaluate available funding from Renewal and Replacement fund balance</li> <li>• Complete 40-year recertification for City facilities</li> </ul>	
	Maintain City's infrastructure	<ul style="list-style-type: none"> <li>• Continue to allocate resources for sidewalk, pavement, and roadway improvements in areas not scheduled or not scheduled in the short term to be addressed by CIP</li> <li>• Energy conservation retrofit to City Center lights</li> <li>• Continue to expedite CIP projects and process for roads, sidewalks and curbing citywide</li> <li>• Pursue Federal Infrastructure appropriations</li> <li>• Track results of coupons sampling and repairs using GIS (including a policy to take coupon sample in conjunction with regular repairs)</li> <li>• Ensure that all underground utility pre and post – construction documentation, such as material samples, pictures, videos, special reports, and/or studies are filed in GIS system</li> <li>• Evaluate an application similar to Boston iPhone App to take picture of an infrastructure problem and send to work order system</li> <li>• Developing and promotion of Miami Beach in the next 20 years as the “most mobility friendly” city, “most aging population friendly: city, etc.</li> </ul>	
	Improve Storm drainage citywide	<ul style="list-style-type: none"> <li>• Update Stormwater Master Plan</li> </ul>	
	Preserve our beaches	<ul style="list-style-type: none"> <li>• Continue federal lobbying to secure funding and sources of sand</li> <li>• Pursue federal beach renourishment funding</li> <li>• Monitor Beachfront Concessionaires permitted through a field monitoring schedule</li> </ul>	

<p>Maximizing Value for Taxpayer Dollar</p>	<p>Maximize efficient delivery of services</p>	<ul style="list-style-type: none"> <li>• Continue to maximize Byron Carlyle, Colony, and other potential venues in the City including privatization where appropriate</li> <li>• Expand call center to cover citywide inquiries</li> <li>• Continue to expand City services on-line through E-government technologies</li> <li>• Procurement: Continue to pursue a full compliance status with the Living Wage and Equal Benefits Ordinance.</li> <li>• Procurement: Continue to pursue a 100% certified purchasing eligible staff</li> <li>• Procurement: Create tracking feedback evaluation for all projects from Project Manager (and Project Owner if different from Project Manager) - annual evaluation or evaluation at end of project if less than one year</li> <li>• Develop and implement an Evaluation Committee member questionnaire process</li> <li>• Develop process for contractor performance tracking</li> <li>• Continue to implement process to ensure vehicles &amp; equipment are brought to fleet timely, to ensure PM schedules are met. Review and enhance existing process.</li> <li>• Implement WiFi enabled parking options</li> <li>• Continue to evaluate cost of in-house versus outside printing</li> </ul>
<p>Maximizing Value for Taxpayer Dollar</p>	<p>Control costs of payroll including salary and fringes/ Minimize Taxes/ Ensure expenditure trends are sustainable over the long term</p>	<ul style="list-style-type: none"> <li>• Renegotiate all 5 labor contracts where possible to reduce recurring costs, including ensuring that City and employees participate equitably in funding increasing benefit costs</li> <li>• Implement consultant recommendations for the City's classification and compensation system</li> <li>• Pursue pension reform across all employee groups in the city</li> <li>• Provide more comprehensive explanation of medical/dental benefits &amp; coverage available, and maintain premium increases at a minimum.</li> <li>• Enhance City's Wellness Programs to provide relevant health to employees.</li> <li>• Develop accident review committee citywide similar to Police (include Risk and Police)</li> <li>• Develop accident prevention training program</li> <li>• Continue implementation of Accident Awareness and Prevention program with HR, Risk and Police by initiating a process to monitor and verify licensing of driver &amp; operators.</li> <li>• Develop General fund financial trends through FY09</li> <li>• Prepare annual update regarding expenditure versus revenue-5 year projection</li> <li>• Develop annual City Center financial plan</li> <li>• Develop annual South Pointe financial plan</li> <li>• Implement recommendations of financial audit</li> <li>• Improve City Bill process</li> </ul>

Maximizing Value for Taxpayer Dollar (Continued)

Increase  
community  
satisfaction  
with City  
government

- Continue FY2006/07 initiative to track reasons for building and fire rejections through implementation of electronic plan review
- Provide Technical Training program for Plans Examiners and Inspection staff in their discipline
- Improve the dispute resolution process
- Replace permitting system
- Implement vehicle tracking system
- Produce manual of policies and procedures for Building Department
- Customer service training
- Eliminate the number of past due elevator inspections
- Evaluate Community Rating System ratings
- Review and revise all forms
- TCO/PCO guidelines/streamline process
- Distribute elevator billing over time
- Information brochures for customers
- Signage throughout the department
- Continue to fund field inspector to ensure compliance with Development Review Board conditions and to identify and resolve problems at the beginning of projects, instead of at the end of the projects
- Implement LaserFiche digitizing of records
- Increase public notice and access to information by enabling more internet access to documents, extending notice timeframes, and developing reporting mechanisms and outreach strategies.
- Attempt to resolve issues at pre-determination hearing
- Continue to develop process to track turnaround time for liens
- Continue to work with OBPI to develop a mechanism for surveying customer satisfaction at Customer Service/Business Tax window.
- Coordinate with Building to expand call center for outsourcing of calls related to utility billings, lien letters, Certificate of Use etc.
- On-line lottery applications
- Prepare quarterly financial statements
- Implementation of GASB 54 'Fund balance'
- Evaluate outsource billing based on an electronic feed - \$20K to \$30K per year
- Continue to promote emailed bills
- Pursue use of pay cards for employees without automated deposits
- Reduction of credit card transaction charges - savings of approx \$300-400K
- Continue to improve logistics management of events to minimize disruptions, traffic, debris and noise.
- Continue to ensure resident benefits from permitted special events
- Continue to implement online training to deliver safety, Human Resources, and other training to employees. This self-paced training can enhance Public Safety by improving and maintaining employee knowledge, enhancing customer service and safety, and allowing training without placing units out of service. Enhance training by providing additional backfill for overtime.
- Continue to analyze layout of lifeguard stands and locations to evaluate needs based on utilization rates, time of day, etc, as well as explore alternate schedules, etc
- Continue with night inspection program
- Continue administering Community Emergency Response Team (CERT) program which trains neighborhood teams to function as first responders to large scale disasters and to help each other and to augment emergency responders.
- Continue Service Shopper initiative, provide feedback/reports and training to departments with an average service shopper score of less than 4, develop action plans and train volunteers
- Coordinate annual training for contract employees in service, standards, city strategic plan, and their essential piece
- Conduct annual training of non-City volunteers for Service Shopper
- Conduct annual Leadership Staff Retreat
- Conduct Management Team Retreats
- Conduct annual OBPI retreat
- Facilitate departments to improve measurement methodologies for public appearance-ROW/Parks Landscaping and garages
- Provide staff with additional customer service training
- Prepare Environmental Scan update
- Coordinate cleanliness assessments, conduct quarterly meetings, create summary reports on results, train city employees and resident volunteers on doing assessments and assist with quarterly LTC
- Continue posting requirements and tracking employee compliance with training plan
- Conduct training needs and satisfaction survey
- Conduct annual facilitation training
- Conduct annual supervisory series
- Develop on-line training modules for appropriate required and optional training modules
- Facilitate employee academy twice a year
- Implement Company Store
- Implement E-based learning program

Vision Linkage		Key Intended Outcome:		FY 2010/11 Proposed Citywide Initiatives	
Supporting Outcomes to Sustainability of Vision	Enhance the environmental sustainability of the community	<ul style="list-style-type: none"> <li>• Continue to pursue Green initiatives:               <ul style="list-style-type: none"> <li>▪ Fuel-efficient vehicles</li> <li>▪ Energy efficient consultant recommendations</li> <li>▪ Ramping up green initiatives" e.g. greening the taxi industry – will require working with the County</li> <li>▪ Work with CIP to do as an add/alternate for remaining ROW projects that incorporates more energy efficient street lighting</li> <li>▪ Pursue grant funding to fund energy efficient lighting</li> </ul> </li> </ul>			
	Enhance external and internal communications from and within the City	<ul style="list-style-type: none"> <li>• Continue implementation of WebQA as a replacement for Better Place software, and promote use of this program by residents and businesses</li> <li>• Continue to provide multi-session academies in English and Spanish to residents and businesses to enhance understanding of MB government</li> <li>• Continue to publish MB magazine quarterly to all Miami Beach addresses.</li> <li>• Coordinate Budget Outreach for FY10/11 Budget</li> <li>• Continue to produce Spanish-language news</li> <li>• Partner with the North Beach commercial real estate industry and other interests to create a commercial site directory</li> <li>• Expand communication efforts on CIP Program progress using various delivery methods</li> <li>• Continue communication and marketing to targeted residents/groups for upcoming events</li> </ul>			
	Expand e-government	<ul style="list-style-type: none"> <li>• Complete implementation of a new infrastructure management software application for Water, Sewer &amp; Stormwater; implement Geographic Information System (GIS) application</li> <li>• Enhance intuitiveness of website</li> <li>• Implement FY2009/10 online priorities as approved by the IT Steering Committee. Some of these priorities are as follows:               <ul style="list-style-type: none"> <li>▪ Calendar of Events</li> <li>▪ Online Surveys</li> <li>▪ Artist/Vendor and Street Performer and Non-Profit Vendor Lottery Application</li> <li>▪ Online Applications for Recreation</li> <li>▪ Emergency Information Center</li> <li>▪ Fast Track Permitting System</li> </ul> </li> <li>• Continue to work with IT to develop Parking website with the ability to perform business transactions online</li> </ul>			
	Improve process through information technology	<ul style="list-style-type: none"> <li>• Continue to pursue GIS deployment citywide</li> <li>• Information Technology: Continue to maximize IT/digital connectivity through the implementation of Citywide WiFi initiative.</li> <li>• Pursue on-line re-fill and sales</li> <li>• Continue to work with IT to create a data base that is able to link information within the Dept and export to EDEN to eliminate duplicate data entry by both the Parking &amp; Finance Dept</li> <li>• Review FY10/11 Information and Communication Technology business Case proposals</li> <li>• Summarize and track contract development</li> </ul>			

Vision Linkage

Key Intended Outcome:

FY 2010/11 Proposed Citywide Initiatives

Supporting Outcomes to Sustainability of Vision (Continued)	<p>Improve the City's overall financial health and maintain overall bond rating</p>	<ul style="list-style-type: none"> <li>• Continue to address funding shortfalls in the reserve for claims against the risk management fund</li> <li>• Continue to address liability for non-pension post-retirement benefits (health, dental, and life insurance for retirees)</li> <li>• Implement corporate sponsorship program.</li> <li>• Continue to establish advertising program goals and objectives to increase general market awareness of City of Miami Beach and promote specific departments</li> <li>• Monitor effect of sick sell-back program implemented in FY 2007/08</li> <li>• Pursue pilot implementation of weekend staffing schedule with additional staffing to reduce OT</li> <li>• Evaluate "no-cash acceptance policy" for outlying locations</li> <li>• Implement study of eligible Resort Tax/CDT expenses</li> <li>• Hold annual grants workshops</li> <li>• Review proposed capital budget/CIP for FY2011/2012 to ensure consistency with grants appropriated</li> <li>• Conduct citywide grants training workshop</li> <li>• Create Annual Audit Plan and present to Commission in Nov 2010</li> <li>• Work with State Attorney/Dade Chiefs to implement initiatives to reduce Court Overtime: e.g. revamp how and when a Police</li> <li>• Implement the 2010 State Legislative Agenda Economic Development: Evaluate business improvement districts</li> <li>• Implement process to continuous verify stormwater billings and review for missed ERUs</li> <li>• Pursue alternative revenue resources related to advertising or sponsorship opportunities (develop a product to market for profit, bus ads on local, advertising on empty storefronts, sponsorship on Cable TV, etc.)</li> <li>• Review collection of code fines</li> <li>• Explore Intellectual rights for City produced events and City sponsored events</li> <li>• Include electric car charging stations in parking garages</li> <li>• Explore Kiosk machines that also sell merchandise such as gift cards</li> <li>• Review valet rates</li> <li>• Review towing rates</li> <li>• Respond to cities desiring police services from Miami Beach</li> <li>• Explore Kiosk machines that also sell merchandise such as gift cards</li> </ul>
	<p>Promote transparency of City operations</p>	<ul style="list-style-type: none"> <li>• Maximize use of website for transparency</li> </ul>
	<p>Strengthen internal controls</p>	

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING FINAL BUDGETS FOR THE GENERAL, G.O. DEBT SERVICE, RDA AD VALOREM TAXES, ENTERPRISE, AND INTERNAL SERVICE FUNDS FOR FISCAL YEAR (FY) 2010/11.**

**WHEREAS**, the City's FY 2010/11 proposed workplan and budget was developed through an intensive review process that included City Commission retreats in January and May 2010, as well as series of budget briefings with the Finance and Citywide Projects Committee between June and July, 2010; and

**WHEREAS**, at the July 7, 2010, Finance and Citywide Projects Committee meeting, the Committee endorsed an approach to balancing the City's budget that included, employee "give-backs", efficiencies and reductions, use of FY 2008/09 year-end surplus, additional transfers from Resort Tax revenues to cover tourism expenditures in the General Fund, and an increase in the general operating millage rate to recapture the \$13.7 million decrease in property tax revenues due to declines in property values; and

**WHEREAS**, on July 14, 2010, the Mayor and City Commission adopted the proposed General Fund operating millage of 6.4143, sufficient to recapture the \$13.7 million loss in property tax revenues due to declines in property values; and

**WHEREAS**, at the August 25, 2010, Finance and Citywide Projects Committee meeting, the Committee endorsed the approach to modify the \$29 million budget gap; and

**WHEREAS**, this approach to address the budget gap reduced the funding from millage recapture from \$13.7 million to \$10.1 million, and offset this reduction with a \$3.6 million transfer of prior year-end surplus from the Parking Operation Fund; and

**WHEREAS**, in order to utilize the use of FY 2008/09 year-end surplus funds, the Mayor and City Commission would need to waive the City's established policy of not utilizing one-time, non-recurring revenue to subsidize recurring personnel, operating, and maintenance costs; and

**WHEREAS**, on September 15, 2010 the Mayor and City Commission tentatively adopted the operating and debt service millage rates and the operating budget for FY 2010/11.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that following a duly noticed public hearing on September 20, 2010, the City Commission hereby waives the City's policy of not utilizing one-time, non-recurring revenue to subsidize recurring personnel, operating and maintenance costs for FY 2010/11, and hereby adopts final budgets for the General, G.O. Debt Service, RDA Ad Valorem Taxes, Enterprise, and Internal Service Funds for FY 2010/11 as summarized and listed below.

	GENERAL	G.O. DEBT SERVICE	RDA	ENTERPRISE	TOTALS	INTERNAL SERVICE
<b>GENERAL OPERATING REVENUES</b>						
Ad Valorem Taxes	\$ 110,367,361				\$ 110,367,361	
Ad Valorem - Capital Renewal & Repl.	1,777,254				1,777,254	
Ad Valorem Taxes - Normandy Shores	100,517				100,517	
Other Taxes	25,417,600				25,417,600	
Licenses and Permits	15,506,204				15,506,204	
Intergovernmental	9,618,140				9,618,140	
Charges for Services	10,348,050				10,348,050	
Fines and Forfeits	3,211,263				3,211,263	
Interest	3,552,000				3,552,000	
Rents and Leases	4,892,352				4,892,352	
Miscellaneous	11,393,221				11,393,221	
Other - Resort Tax Contribution	24,465,000				24,465,000	
Reserves- Building Dept Operations	1,546,709				1,546,709	
Other - Non Operating Revenues	11,665,443				11,665,443	
FY 09 Year-End Surplus Set Aside	3,657,000				3,657,000	
<b>FUND TOTAL</b>	<b>\$ 237,518,114</b>				<b>\$ 237,518,114</b>	
<b>G.O. DEBT SERVICE FUND</b>						
Ad Valorem Taxes		\$ 6,026,858			\$ 6,026,858	
<b>FUND TOTAL</b>		<b>\$ 6,026,858</b>			<b>\$ 6,026,858</b>	
<b>RDA FUND-City TIF only</b>						
<b>AD VALOREM TAXES</b>						
Property Taxes-RDA City Center			\$ 17,177,816		\$ 17,177,816	
<b>FUND TOTAL</b>			<b>\$ 17,177,816</b>		<b>\$ 17,177,816</b>	
<b>ENTERPRISE FUNDS</b>						
Convention Center				\$ 12,832,911	\$ 12,832,911	
Parking				38,446,850	38,446,850	
Sanitation				16,562,258	16,562,258	
Sewer Operations				40,024,931	40,024,931	
Storm Water				16,893,083	16,893,083	
Water Operations				31,030,070	31,030,070	
<b>FUND TOTAL</b>				<b>155,790,103</b>	<b>\$ 155,790,103</b>	
<b>INTERNAL SERVICE FUNDS</b>						
Central Services						\$ 856,355
Fleet Management						8,375,372
Information Technology						14,427,730
Property Management						8,233,171
Risk Management						20,542,249
<b>FUND TOTAL</b>						<b>52,434,877</b>
<b>TOTAL - ALL FUNDS</b>	<b>\$ 237,518,114</b>	<b>\$ 6,026,858</b>	<b>\$ 17,177,816</b>	<b>\$ 155,790,103</b>	<b>\$ 416,512,891</b>	<b>\$ 52,434,877</b>

**APPROPRIATIONS**

<b>FUNCTION/DEPARTMENT</b>	<b>GENERAL</b>	<b>G.O. DEBT SERVICE</b>	<b>RDA</b>	<b>ENTERPRISE</b>	<b>TOTALS</b>	<b>INTERNAL SERVICE</b>
<b>MAYOR &amp; COMMISSION</b>	\$1,534,322				\$1,534,322	
<b>ADMINISTRATIVE SUPPORT SERVICES</b>						
CITY MANAGER	2,350,894				2,350,894	
Communications	878,482				878,482	
BUDGET & PERFORMANCE IMPROV	1,820,829				1,820,829	
FINANCE	4,124,205				4,124,205	
Procurement	969,238				969,238	
Information Technology						14,427,730
HUMAN RESOURCES/LABOR RELATIC	1,697,128				1,697,128	
Risk Management						20,542,249
CITY CLERK	1,500,597				1,500,597	
Central Services						856,355
<b>CITY ATTORNEY</b>	4,002,642				4,002,642	
<b>ECONOMIC DEV. &amp; CULTURAL ARTS</b>						
Economic Development						
REAL ESTATE, HOUSING & COMM DE\	776,768				776,768	
Homeless Services	759,337				759,337	
BUILDING	9,316,891				9,316,891	
PLANNING	3,113,588				3,113,588	
Cultural Arts						
TOURISM & CULTURAL DEV	2,643,624				2,643,624	
Tourism & Cultural Development						
CONVENTION CENTER				12,832,911	12,832,911	
<b>OPERATIONS</b>						
Code Compliance	4,146,931				4,146,931	
Community Services	430,093				430,093	
PARKS & RECREATION	27,772,711				27,772,711	
PUBLIC WORKS	6,372,884				6,372,884	
Property Management						8,233,171
Sanitation				16,562,258	16,562,258	
Sewer				40,024,931	40,024,931	
Stormwater				16,893,083	16,893,083	
Water				31,030,070	31,030,070	
CAPITAL IMPROVEMENT PROJECTS	4,520,748				4,520,748	
PARKING				38,446,850	38,446,850	
FLEET MANAGEMENT						8,375,372
<b>PUBLIC SAFETY</b>						
POLICE	88,920,529				88,920,529	
FIRE	56,115,331				56,115,331	
<b>CITYWIDE ACCOUNTS</b>						
CITYWIDE ACCTS-Normandy Shores	157,678				157,678	
CITYWIDE ACCTS-Operating Contingenc	1,321,902				1,321,902	
CITYWIDE ACCTS-Other	9,578,508				9,578,508	
Transfers						
Capital Investment Upkeep Fund	200,000				200,000	
Info & Comm Technology Fund	715,000				715,000	
<b>CAPITAL RENEWAL &amp; REPLACEMENT</b>	1,777,254				1,777,254	
<b>G.O. DEBT SERVICE</b>		6,026,858			6,026,858	
<b>RDA-City TIF only</b>						
City Center			17,177,816		17,177,816	
<b>TOTAL - ALL FUNDS</b>	<b>\$237,518,114</b>	<b>\$6,026,858</b>	<b>\$17,177,816</b>	<b>\$155,790,103</b>	<b>\$416,512,891</b>	<b>\$52,434,877</b>

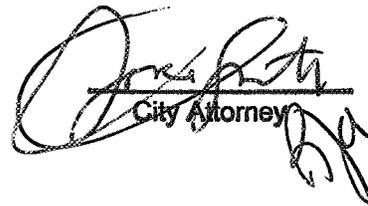
PASSED and ADOPTED this 20th day of September, 2010.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

9/17/10  
\_\_\_\_\_  
Date

**THIS PAGE INTENTIONALLY LEFT BLANK**

**Condensed Title:**

A resolution of the Board Of Directors of The Normandy Shores Local Government Neighborhood Improvement District adopting the final Ad Valorem Millage Rate Of 1.0375 Mills For The Normandy Shores Neighborhood Improvement District, which is three and a half percent (3.5%) more than the "rolled-back" rate of 1.0025 mills.

**Key Intended Outcome Supported:**

Increase visibility of police; Maintain crime rates at or below national trends.

**Supporting Data (Surveys, Environmental Scan, etc.):**

In 2009 Community Survey, both residents and businesses reported the following areas for the City to address in an effort to improve public safety:

- Preventing crime (Residents: 44.9%, Business: 43.9%)
- Increasing police visibility (Residents: 32.4%, Business: 33.1%)

**Issue:**

Shall the Mayor and City Commission, acting in its capacity as the Board of Directors for the Normandy Shores Local Government Neighborhood Improvement District, adopt the attached resolution which sets the final Ad Valorem Millage Rate?

**Item Summary/Recommendation:**

On July 1, 2010, the City received the 2010 Certification of Taxable Value from the Property Appraiser's Office stating that the taxable value for Normandy Shores is \$101,983,135, which includes \$1,289,587 due to new construction, renovation, etc. The preliminary value represents a decrease of \$15,726,022 from the July 1, 2009 Certification of taxable value of \$117,709,157 (13.4 percent) and a decrease of 13.5 percent over 2009's final value of \$117,832,096.

The proposed ad valorem millage recommended by the Administration is 1.0375 mills to provide the current level of security required by this district. This tax levy will generate proceeds of \$100,517. The total operating expenditures to provide the current service level to this district is \$163,317 for FY 2010/11. The City of Miami Beach General Fund is required to provide 35% of the total operating expenditures (\$57,161), and the City has funded the 35% for each of the seventeen years since the District was established. The \$163,317 in FY 2010/11 represents a \$15,940 increase (10.8%) over the FY 2009/10 budget of \$147,377. The rolled-back rate is the millage rate required to produce the same level of property tax revenue in FY 2010/11 as collected in FY 2009/10. The rate is calculated as 1.0025 or 0.1458 mills more than the millage rate adopted for FY 2009/10.

The first public hearing on the tentative District millage rate and budget for FY 2010/11 was held on September 15, 2010. The millage rates presented herein are those which were tentatively adopted at the end of the first public hearing held on that day.

**Advisory Board Recommendation:**

**Financial Information:**

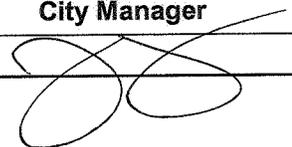
Source of Funds:	Amount	Account	Approved
1			
2			
<b>Total</b>			

N/A  
OBPI

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

SUBJECT: **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORMANDY SHORES LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT DISTRICT ADOPTING THE FINAL AD VALOREM MILLAGE OF 1.0375 MILLS FOR FISCAL YEAR (FY) 2010/11 FOR THE NORMANDY SHORES LOCAL GOVERNMENT DISTRICT, WHICH IS THREE AND A HALF PERCENT (3.5%) MORE THAN THE "ROLLED-BACK" RATE OF 1.0025 MILLS.**

### ADMINISTRATION RECOMMENDATION

The Administration recommends that the Mayor and City Commission, acting in its capacity as the Board of Directors for the Normandy Shores Local Government Neighborhood Improvement District, adopt the attached resolution which sets the following:

- 1) The final adopted millage rate for the Normandy Shores Neighborhood Improvement District for FY 2010/11:
 

General Operating	1.0375 mills (0.8567 mills last year)
-------------------	---------------------------------------
- 2) The final adopted millage rate of 1.0375 mills is 3.5% more than the "Rolled-Back" Rate of 1.0025 mills.

The first public hearing on the tentative District millage rate and budget for FY 2010/11 was held on September 15, 2010. The millage rates presented herein are those which were tentatively adopted at the end of the first public hearing held on that day.

### BACKGROUND

The Normandy Shores Local Government Neighborhood Improvement District (the District), a dependent taxing district of its principal, the City of Miami Beach, was established in 1994 to provide continual 24-hour security to this gated community; FY 2009/10 represents its seventeenth year of operation.

The District was established by Ordinance 93-2881, and has the authority "to levy an ad-valorem tax on real and personal property of up to two mills, provided that no parcel of property will be assessed more than \$500 annually for such improvements". During FY 1998/99 the amount of annual funding to be provided by the City and the dependent status of the District were issues discussed by the Finance and Citywide Projects Committee. A determination was reached that the City would fund 35% of the annual cost of the operation of the community gate guard. This cost will eventually be funded from the golf course operation of the Normandy Shores Golf

Course. It was further agreed that the City would continue to supplement the District at current levels until both issues were resolved. On August 29, 2002, the Administration met with the Normandy Shores Local Government Neighborhood Improvement District representatives and agreed to eliminate the \$500 cap on the highest valued home in the District. The enabling legislation was adopted by the Commission on September 25, 2002. This ensures that the City's contribution from the General Fund remains at 35% of the operating budget of the District.

**PROCEDURE**

The operating millage and budget for this dependent special taxing district must be adopted in accordance with Florida Statutes. This procedure requires that this Resolution be considered immediately after the millage and budget of the principal taxing authority, i.e., City of Miami Beach.

It also prescribes that a final millage be adopted first. This is accomplished by adopting a Resolution which states the percent increase or decrease over the "Rolled-back" rate. Following this, another Resolution which adopts the Normandy Shores District operating budget must be approved. (See accompanying District Budget Agenda item for details).

The statute requires the name of the taxing authority, the rolled-back rate, the percentage increase or decrease over the rolled-back rate, and the millage rate be publicly announced before adoption of the millage resolution.

**ANALYSIS**

On July 1, 2010, the City received the 2010 Certification of Taxable Value from the Property Appraiser's Office stating that the taxable value for Normandy Shores is \$101,983,135, which includes \$1,289,587 due to new construction, renovation, etc. The preliminary value represents a decrease of \$15,726,022 from the July 1, 2009 Certification of taxable value of \$117,709,157 (13.4 percent) and a decrease of 13.5 percent over 2009's final value of \$117,832,096.

The proposed ad valorem millage recommended by the Administration is 1.0375 mills to provide the current level of security required by this district. This tax levy will generate proceeds of \$100,517. The total operating expenditures to provide the current service level to this district is \$163,317 for FY 2010/11. The City of Miami Beach General Fund is required to provide 35% of the total operating expenditures (\$57,161), and the City has funded the 35% for each of the seventeen years since the District was established. In order to close the budget shortfall of \$8,674 that resulted from decreasing the proposed millage from 1.0957 to 1.0375 at the July 14, 2010 Commission meeting, the Commission voted to waive the City's policy of not utilizing one-time, non-recurring revenue to subsidize recurring personnel, operating and maintenance costs. This allows the use of \$5,639 Normandy Shores stash site dollars which resulted from the sale of the stash site in 1993, matched by an additional \$3,035 in City dollars. The \$163,317 in FY 2010/11 represents a \$15,940 increase (10.8%) over the FY 2009/10 budget of \$147,377.

For the Normandy Shores taxing District, the value for each mill (\$1.00 of ad valorem tax for each \$1,000 of property value) is determined by the 2010 Certification of Taxable Value and has been set at \$101,983. Florida Statutes permit a discount of up to five percent for early payment discounts, delinquencies, etc. Therefore, the 95 percent value of the mill is \$96,884. Accordingly, 1.0375 mills are required to generate \$100,517 in property tax revenues by the district.

The rolled-back rate is the millage rate required to produce the same level of property tax

The rolled-back rate is the millage rate required to produce the same level of property tax revenue in FY 2010/11 as collected in FY 2009/10. The rate is calculated as 1.0025 or 0.1458 mills more than the millage rate adopted for FY 2009/10.

It must be noted that in accordance with State Statute, there is a 10 mill operating cap which cannot be exceeded without voter approval. Combining both millages from the dependent district (1.0375) and the principal taxing authority (6.2155) totals **7.253** mills, which is **2.747** mills less than the **10 mill cap**.

**CONCLUSION**

The City Commission, acting in its capacity as the Board of Directors of the District, should adopt the attached Resolution which adopts the final millage.

JMG:KGB:JC

A handwritten signature in black ink, appearing to be the initials 'JMG' or similar, written in a cursive style.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORMANDY SHORES LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT DISTRICT ADOPTING THE FINAL AD VALOREM MILLAGE OF 1.0375 MILLS FOR FISCAL YEAR (FY) 2010/11 FOR THE NORMANDY SHORES LOCAL GOVERNMENT DISTRICT WHICH IS THREE AND A HALF PERCENT (3.5%) MORE THAN THE "ROLLED-BACK" RATE OF 1.0025 MILLS.**

**WHEREAS**, for the purpose of providing security services within the Normandy Shores neighborhood area, the Mayor and City Commission adopted Ordinance No. 93-2881 on October 20, 1993, which authorized the creation of the Normandy Shores Local Government Neighborhood Improvement District (District); and

**WHEREAS**, Section 200.065, Florida Statutes, specifies the method by which municipalities may fix the operating millage rate and adopt an annual budget for dependent taxing districts; and

**WHEREAS**, the maximum millage that can be approved by a simple majority (4/7) vote is 1.0375; anything beyond that requires a 5/7<sup>ths</sup> vote; and

**WHEREAS**, on July 14, 2010, the City Administration had proposed a millage of 1.0957, which would have been sufficient to cover the current service level budget; and

**WHEREAS**, the proposed millage of 1.0957 failed to obtain the required 5/7<sup>ths</sup> vote (i.e. required to exceed the 1.0375 millage); and

**WHEREAS**, on July 14, 2010, the Mayor and City Commission, acting as the Board of Directors of the District, adopted Resolution No. 2010-27450, which set the Proposed General Operating Millage Rate at 1.0375; and

**WHEREAS**, on September 15, 2010, pursuant to Section 200.065 of the Florida Statutes, the City Commission, acting as the Board of Directors of the District, held its first duly noticed public hearing to consider the Tentative Ad Valorem Millage and Tentative Operating Budget (FY 2010/11) for the District and adopted a millage rate of 1.0375; and

**WHEREAS**, accordingly on September 20, 2010, pursuant to Section 200.065 of the Florida Statutes, the City Commission, acting as the Board of Directors of the District, held its second duly noticed public hearing to consider the Final Ad Valorem Millage and Final Operating Budget (FY 2010/11) for the District; and

NOW, THEREFORE, BE IT DULY RESOLVED BY THE BOARD OF DIRECTORS OF THE NORMANDY SHORES LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT DISTRICT, that following a duly noticed public hearing on September 20, 2010, the Board hereby adopts the Final Operating Millage rate of 1.0375 mills for the District for FY 2010/11, which is three and a half percent (3.5%) more than the "Rolled-back" rate of 1.0025.

PASSED and ADOPTED this 20th day of September, 2010.

\_\_\_\_\_  
Chairperson of the District

ATTEST:

\_\_\_\_\_  
Secretary to the District

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

  
\_\_\_\_\_  
Date

**Condensed Title:**

A resolution adopting the final operating budget for the Normandy Shores Local Government Neighborhood Improvement District for Fiscal Year (FY) 2010/11.

**Key Intended Outcome Supported:**

Increase visibility of police; Maintain crime rates at or below national trends.

**Supporting Data (Surveys, Environmental Scan, etc.):**

In 2009 Community Survey, both residents and businesses reported the following areas for the City to address in an effort to improve public safety:

- Preventing crime (Residents: 44.9%, Business: 43.9%)
- Increasing police visibility (Residents: 32.4%, Business: 33.1%)

**Issue:**

Shall the Mayor and City Commission, acting in its capacity as the Board of Directors for the Normandy Shores Local Government Neighborhood Improvement District, approve the final operating budget for the District for FY 2010/11 in the amount of \$163,317?

**Item Summary/Recommendation:**

The operating expenditures to provide security services at the current service level to this district is \$163,317, a 10.8% increase from the FY 2009/10 amount of \$147,377. The majority of the increase (\$13,890) is due to recently enacted changes in the City's Living Wage Ordinance which impacted contracted employees including security guards. The tentative ad valorem millage recommended by the Administration is 1.0375 mills to provide the current level of security required by this district. This tax levy will generate proceeds of \$100,517. The City of Miami Beach General Fund is required to provide 35% of the total operating expenditures (\$57,161), and the City has funded the 35% for each of the seventeen years since the District was established. In order to close the budget shortfall of \$5,639 that resulted from decreasing the proposed millage from 1.0957 to 1.0375 at the July 14, 2010 Commission meeting, the City Commission voted on September 15, 2010 to waive the City's policy of not utilizing one-time, non-recurring revenue to subsidize recurring personnel, operating and maintenance costs. This allows the use of \$5,639 Normandy Shores stash site dollars which resulted from the sale of the stash site in 1993, matched by an additional \$3,035 in City dollars. The City Commission also adopted the tentative operating millage of 1.0375 and the operating budget for the district in the amount of \$163,317.

**Advisory Board Recommendation:**

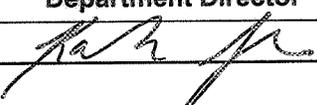
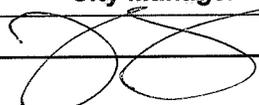
**Financial Information:**

Source of Funds:		Amount	Account	Approved
	1	\$ 100,517	Normandy Shores District	
	2	5,639	Proceeds from Sale of Stash Site	
	3	57,161	General Fund	
	<b>Total</b>	<b>\$ 163,317</b>		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

SUBJECT: **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORMANDY SHORES LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT DISTRICT ADOPTING THE FINAL OPERATING BUDGET FOR FISCAL YEAR (FY) 2010/11.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution which establishes the final operating budget for the Normandy Shores Local Government Neighborhood Improvement District for FY 2010/11 in the amount of \$163,317.

### BACKGROUND

The Normandy Shores Local Government Neighborhood Improvement District (the District), a dependent taxing district of its principal, the City of Miami Beach, was established in 1994 to provide continual 24-hour security to this gated community; FY 2010/11 represents its seventeenth year of operation.

The District was established by Ordinance 93-2881, and has the authority "to levy an ad-valorem tax on real and personal property of up to two mills, provided that no parcel of property will be assessed more than \$500 annually for such improvements". During FY 1998/99 the amount of annual funding to be provided by the City and the dependent status of the District were issues discussed by the Finance and Citywide Projects Committee. A determination was reached that the City would fund 35% of the annual cost of the operation of the community gate guard. This cost will eventually be funded from the golf course operation of the Normandy Shores Golf Course. It was further agreed that the City would continue to supplement the District at current levels until both issues were resolved. On August 29, 2002, the Administration met with the Normandy Shores Local Government Neighborhood Improvement District representatives and agreed to eliminate the \$500 cap on the highest valued home in the District. The enabling legislation was adopted by the Commission on September 25, 2002. This ensures that the City's contribution from the General Fund remains at 35% of the operating budget of the District.

### PROCEDURE

The operating millage and budget for this dependent special taxing district must be adopted in accordance with Florida Statutes. This procedure requires that this Resolution be considered immediately after the tentative millage for Normandy Shores District has been adopted (See accompanying District Millage Agenda Item for details).

## **ANALYSIS**

The FY 2010/11 budget to maintain the current service levels is \$163,317, which includes an adjustment of \$13,890 due to recently enacted changes in the City's Living Wage Ordinance which impacted contracted employees including security guards. The budget for FY 2009/10 was \$147,377.

Section 200.065 of Florida Statutes specifies the method by which municipalities may fix the operating millage rate and adopt an annual budget for dependent taxing districts. The maximum millage that can be approved by a simple majority (4/7) vote is based on property tax revenue in prior years adjusted for changes in per capita Florida personal income growth. For FY 2010/11, the maximum millage rate is 1.0375. State Statute allows for a 10% above maximum millage with a 5/7 vote.

On July 14, 2010, the City administration had proposed a millage of 1.0957, sufficient to cover the \$163,317 current service level budget and offset the 13.5% decline in property values for Normandy Shores. The proposed millage rate failed to obtain the 5/7 vote required for the millage rate of 1.0957, therefore the millage was approved at 1.0375 (simple majority vote).

The revised proposed ad valorem millage of 1.0375 mills will generate proceeds of \$100,517, or \$5,639 less in District property tax revenues to pay for security services required by this district. The City of Miami Beach General Fund is required to provide 35% of the total operating expenditures (\$57,161), and the City has funded the 35% for each of the seventeen years since the District was established. With the decrease in the millage, the City's portion would decrease by \$3,035 to \$54,126, for a total shortfall of \$8,674.

The Administration met with the District Board and the President of the Normandy Shores Homeowners' Association in August and they requested the use of the Normandy Shores stash site dollars which resulted from the sale of the stash site in 1993 to cover their shortfall of \$5,639.

In order to utilize these funds, the Commission would need to waive the City's policy of not utilizing one-time, non-recurring revenue to subsidize recurring personnel, operating and maintenance costs. However, this one-time use represents only a small portion of the available funds. To ensure that a shortfall does not re-occur in FY 2011/12, and that the City does not continue to use one-time revenues for recurring expenses, the intent would be to increase the millage for the District next year in order to recapture the current service level funding going forward.

On September 15, 2010, the Mayor and City Commission adopted the tentative operating budget for the District in the amount of \$163,317 and an operating millage of 1.0375 and voted to waive the City's policy of not utilizing one-time, non-recurring revenue to subsidize recurring personnel, operating and maintenance costs. This allows the use of \$5,639 of the Normandy Shores stash site dollars, matched by an additional \$3,035 in City dollars to close the budget shortfall of \$8,674.

The final operating budget for the District is as follows:

	<b>Budget</b>	
	<b>1.0375 Mills</b>	
<b>Revenues</b>		
Ad Valorem Tax	\$	100,517
Proceeds from Sale of Stash Site		5,639
City's General Fund		57,161
<b>Total</b>	\$	<u>163,317</u>
<b>Expenses</b>		
Security Service	\$	152,792
Maintenance		10,525
<b>Total</b>	\$	<u>163,317</u>

**CONCLUSION**

The City Commission, acting in its capacity as the Board of Directors of the Normandy Shores Local Government Neighborhood Improvement District, should adopt the attached Resolution which establishes the final operating budget.

JMG:KGB:JC

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NORMANDY SHORES LOCAL GOVERNMENT  
NEIGHBORHOOD IMPROVEMENT DISTRICT ADOPTING  
DISTRICT ADOPTING THE FINAL OPERATING BUDGET  
FOR FISCAL YEAR (FY) 2010/11.**

**WHEREAS**, for the purpose of providing security services within the Normandy Shores neighborhood area, the Mayor and City Commission adopted Ordinance No. 93-2881 on October 20, 1993, which authorized the creation of the Normandy Shores Local Government Neighborhood Improvement District (District); and

**WHEREAS**, a final budget has been developed to fund projected Fiscal Year (FY) 2010/11 District operating expenses; and

**WHEREAS**, Section 200.065, Florida Statutes, specifies the method by which municipalities may fix the operating millage rate and adopt an annual budget for dependent taxing districts; and

**WHEREAS**, the maximum millage that can be approved by a simple majority vote (4/7<sup>th</sup> vote) is 1.0375; beyond this, would require a 5/7<sup>th</sup> vote; and

**WHEREAS**, on July 14, 2010, the City Administration had proposed a millage of 1.0957, sufficient to cover the current service level budget; and

**WHEREAS**, the proposed millage of 1.0957 failed to obtain the required 5/7<sup>th</sup> vote (i.e. required to exceed the 1.0375 millage); and

**WHEREAS**, on July 14, 2010, the Mayor and City Commission, acting as the Board of Directors of the District, adopted Resolution No. 2010-27450, which set the Proposed General Operating Millage Rate for the District at 1.0375; and

**WHEREAS**, the effect of the Proposed Operating Millage Rate of the District being set at 1.0375 results in a shortfall in the annual operating budget of the District, in the amount of \$5,639; and

**WHEREAS**, the City Administration evaluated two possible options on funding this shortfall, and recommends using funding from the proceeds from the City's sale of the Normandy Shores stash site (in 1993) to make up the difference; and

**WHEREAS**, the Administration met with the District Board and the President of the Normandy Shores Homeowners' Association in August and they requested that these funds be utilized to cover the shortfall; and

**WHEREAS**, in order to utilize these funds, the Commission would need to waive the City's established policy of not utilizing one-time, non-recurring revenue to subsidize recurring personnel, operating, and maintenance costs; and

**WHEREAS**, this one-time use represents only a small percentage of the available funds; and

**WHEREAS**, to ensure that a shortfall does not re-occur in FY2011/12, and that the City does not continue to use one-time revenues for recurring expenses, the Administrations' recommendation would be that the City Commission increase the millage for the District next year, in order to recapture the current service level funding going forward; and

**WHEREAS**, on September 15, 2010, pursuant to Section 200.065 of the Florida Statutes, the City Commission, acting as the Board of Directors of the District, held its first duly noticed public hearing to consider the Tentative Ad Valorem Millage and Tentative Operating Budget (FY 2010/11) for the District; and

**WHEREAS**, accordingly on September 20, 2010, pursuant to Section 200.065 of the Florida Statutes, a public hearing was held before the Mayor and City Commission, acting as the Board, to discuss the operating millage rate and operating budget for the District for FY 2010/11.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE BOARD OF DIRECTORS OF THE NORMANDY SHORES LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT DISTRICT**, that following a duly noticed public hearing on September 20, 2010, the Board hereby waives the City's policy of not utilizing one-time, non-recurring revenue to subsidize recurring personnel, operating and maintenance costs, and adopts the Final Operating Budget (FY 2010/11) for the Normandy Shores Local Government Improvement District, as summarized and listed below:

		<b>Budget</b>
		<b>1.0375 Mills</b>
<b>Revenues</b>		
Ad Valorem Tax	\$	100,517
Proceeds from Sale of Stash Site		5,639
City's Genaral Fund		57,161
<b>Total</b>	<b>\$</b>	<b>163,317</b>
<b>Expenses</b>		
Security Service	\$	152,792
Maintenance		10,525
<b>Total</b>	<b>\$</b>	<b>163,317</b>

PASSED and ADOPTED this 20th day of September, 2010.

\_\_\_\_\_  
Chairperson of the District

ATTEST:

\_\_\_\_\_  
Secretary to the District

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
 \_\_\_\_\_  
 City Attorney

\_\_\_\_\_  
 Date 9/22/10

**Condensed Title:**

A resolution of the Mayor and City Commission of The City of Miami Beach, Florida, adopting the Fiscal Year (FY) 2010/11 budget for the Capital Renewal and Replacement Fund, in the amount of \$1,777,254.

**Key Intended Outcome Supported:**

Improve the City's overall financial health and maintain overall bond rating  
 Ensure well-maintained facilities  
 Ensure well-maintained infrastructure

**Supporting Data (Surveys, Environmental Scan, etc.):** The City has improved with 72% of facilities on the Facility Cost Index ratings scoring below 0.15 (good or better) during FY 2007/08 as compared to 35% in FY 2005/06. This is in part due to the fact that as of FY 2004/05 the City implemented a dedicated General Fund millage for renewal and replacement to ensure these maintenance needs are addressed. Between FY 2004/05 and FY 2009/10 the City allocated over \$14 million in renewal and replacement project funding.

**Issue:**

Shall the Mayor and City Commission adopt the attached resolution which adopts the FY 2010/11 budget for the Capital Renewal and Replacement Fund?

**Item Summary/Recommendation:**

In FY 2004/05, the City established a capital renewal and replacement reserve to provide a dedicated source of funding for capital renewal and replacement projects that extend the useful life of General Fund assets and adopted stringent criteria for allowable uses of the Fund. These criteria require that the Commission approve specific projects to be funded each year.

On September 15, 2010, the Mayor and City Commission tentatively adopted the proposed millage rate of 6.2155 mills, which included 0.1083 mills dedicated for capital renewal and replacement; and providing \$1,777,254 for Capital Renewal and Replacement needs.

The attached Resolution specifies the FY 2010/11 project appropriations for the General Fund Renewal and Replacement.

**Advisory Board Recommendation:**

In 2004, the Budget Advisory Committee recommended the implementation of a dedicated millage for General Fund renewal and replacement.

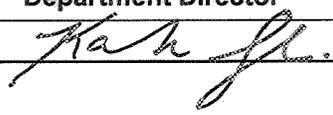
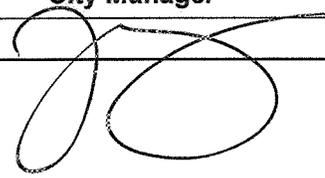
**Financial Information:**

Source of Funds:		Amount	Account
 OBPI	1	\$1,777,254	General Fund millage of 0.1083 dedicated for Capital Renewal and Replacement
	2		
	<b>Total</b>		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE ANNUAL FISCAL YEAR (FY) 2010/11 APPROPRIATION FOR THE CAPITAL RENEWAL AND REPLACEMENT FUND BUDGET IN THE AMOUNT OF \$1,777,254.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### BACKGROUND

The City currently maintains a vast number and variety of buildings, structures and facilities, hundreds of acres of recreational and open space, significant public art pieces, and hundreds of miles of streets, sidewalks and alleys. It is important to ensure that funding levels provide for major capital renewal and replacement projects and these projects are not deferred many years beyond their useful life. Further, as a result of the ongoing capital improvement program, in addition to funding from Miami-Dade County's General Obligation Bond Program, there has been a significant increase in maintenance needs.

In FY 2004/05 the City established a separate reserve with a dedicated source of funding to be used exclusively for facility renewal and replacement of capital items. Appropriations from the fund are reviewed and approved each year by the City Commission as part of the budget process, and are used exclusively for those capital expenditures that help to extend or replace the useful life of our facilities.

On September 15, 2010, the Mayor and City Commission tentatively adopted the proposed millage rate of 6.2155 mills, which included 0.1083 mills dedicated for capital renewal and replacement. The 0.1083 mills will provide \$1,777,254 for renewal and replacement funding in the General Fund for FY 2010/11, its seventh year since inception.

### CONCLUSION

The City Commission should adopt the annual FY 2010/11 project-specific appropriations for the Capital Renewal and Replacement Fund Budget in the amount of \$1,777,254, pursuant to the attached Resolution.

JMG:KGB:JC

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE ANNUAL FISCAL YEAR (FY) 2010/11 APPROPRIATION FOR THE CAPITAL RENEWAL AND REPLACEMENT FUND BUDGET, IN THE AMOUNT OF \$1,777,254.**

**WHEREAS**, the Mayor and Commission adopted Resolution No. 2004-25697 on September 28, 2004, establishing a capital renewal and replacement reserve to provide a dedicated source of funding for capital renewal and replacement projects that extend the useful life of General Fund assets; and;

**WHEREAS**, the Mayor and Commission adopted Resolution No. 2005-25832 on February 23, 2005, amending Resolution No. 2004-25697, to provide for more stringent criteria for allowable uses of the Fund; and

**WHEREAS**, the City currently maintains a vast number and variety of buildings, structures and facilities, hundreds of acres of recreational and open space, significant public works, and hundreds of miles of streets, sidewalks and alleys; and

**WHEREAS**, as a result of the City's ongoing Capital Improvement Program, and the Miami-Dade County General Obligation Bond Program, there has been a significant additional increase in capital renewal and replacement needs; and

**WHEREAS**, annual capital renewal and replacement needs compete for General Fund resources with other needs, such as public safety, with the result that capital renewal and replacement needs may be deferred; and

**WHEREAS**, on September 15, 2010, the Mayor and City Commission tentatively adopted the proposed millage rate of 6.2155 mills, which included 0.1083 mills dedicated for capital renewal and replacement; and

**WHEREAS**, the City Manager's proposed operating Budget sets forth the recommendation for the FY 2010/11 Capital Renewal and Replacement Fund appropriation amounts for specific projects.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA** that the Mayor and City Commission hereby adopts the FY 2010/11 project-specific appropriations for the Capital Renewal and Replacement Fund Budget, in the amount of \$1,777,254, as more specifically provided in Attachment "A" hereto.

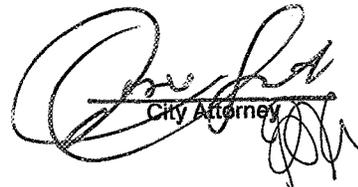
PASSED and ADOPTED this 20th day of September, 2010.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

9/17/10  
Date

**ATTACHMENT A**

<b>City of Miami Beach</b>			
<b>Fiscal Year 2010/11 General Fund Capital Renewal and Replacement Projects</b>			
<b>LIFE SAFETY HAZARD CATEGORY</b>			
<b>Asset</b>	<b>Project</b>	<b>Over 25k</b>	<b>Cumulative Total</b>
<b>Police Station Building</b>	<b>Halon System Replacement</b> Replace Halon system serving main IT computer room, with FIKE 25 system in order to be in compliance with Code requirements and National Fire Protection Association Standards (NFPA 72) for Clean Agent Fire Extinguishing systems. Halon system replacement recommended by VFA assessment.	71,821	71,821
<b>Police HQ &amp; Parking Garage</b>	<b>Fire Alarm Replacement</b> Replace system due to antiquated features and communications linkage issues. System lacks addressable elements.	240,732	312,553
<b>Police Station Building</b>	<b>Firing Range Ventilation System Replacement (a)</b>	370,000	682,553
<b>Fire Stations</b>	<b>911 Alerting System Replacement (a)</b>	173,500	856,053
<b>NOT LIFE SAFETY HAZARD BUT BEYOND USEFUL LIFE CATEGORY</b>			
<b>Asset</b>	<b>Project</b>	<b>Over 25k</b>	<b>Cumulative Total</b>
<b>21 St Community Center</b>	<b>Ceiling and Lighting Fixture Replacements and Sprinkler Head Adjustments</b> Replace worn acoustical ceiling tiles and outdated lighting fixtures. Fire sprinkler heads to be adjusted to proper height to correct fire code violation.	53,663	909,716
<b>City Hall</b>	<b>Electrical Upgrades</b> Includes: 1) Replacement of electrical switchgear at City Hall due to deteriorated condition. Scope includes replacement of the main Emergency Distribution Switchboard (800 Amp., @ 220/480 Volt, 3-phase) and the Main Distribution Switchboard (3,000 Amp. @ 227/480 Volt, 3-Phase), in accordance with approved design and specifications. It was necessary to expand the project scope to include the construction of an exterior extension of the existing electrical room in order to accommodate the new switchgear without affecting the City Hall operations. 2) IT Electric Closet Replacement - Planning. Scope entails the replacement of electrical panels with obsolete replacement parts that have exceed their useful life	350,057	1,259,773

<b>City of Miami Beach</b>			
<b>Fiscal Year 2010/11 General Fund Capital Renewal and Replacement Projects (Continued)</b>			
<b>Fire Station # 2 Support Building</b>	<b>Roof Replacement</b> Roof is damaged and leaking. Water intrusion is causing interior damage and replacement is required.	179,732	1,439,505
<b>Flamingo park</b>	<b>Pool Deck Fence Replacement</b> Existing fence is extremely corroded and presents a safety issue.	143,066	1,582,571
<b>City Hall</b>	<b>Repaint Building</b> Facility needs to be sealed and repainted.	83,695	1,666,265
<b>Miami Beach Golf Course Clubhouse</b>	<b>Paint Building</b> Paint and waterproof exterior building walls due to damage and peeling.	30,261	1,696,526
<b>SUBTOTAL</b>			1,696,526
<b>CONTINGENCY</b>			80,728
<b>TOTAL</b>			1,777,254

THIS PAGE INTENTIONALLY LEFT BLANK

**Condensed Title:**

A resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving the transfer of \$4,994,916 from the Capital Reserve Fund to the Pay-As-You-Go Fund and, adopting and appropriating the City of Miami Beach Fiscal Year (FY) 2010/11 Capital Budget and the Capital Improvement Plan (CIP) for FY 2010/11 through 2014/15.

**Key Intended Outcome Supported:**

Ensure well designed quality capital projects -- Increase Community Satisfaction with City Services

**Supporting Data (Surveys, Environmental Scan, etc.):** Based on the 2009 Community Survey, storm drainage was identified as an area for improvement, although improved from prior years; arts and culture was one of the services identified that the city should strive not to reduce; and traffic flow, conditions of roads, and availability of public parking, were all identified as key drivers of overall satisfaction levels. Further, the following have been prioritized as key intended outcomes for the City's Strategic Plan: Increase satisfaction with family recreational activities, Improve Convention Center facility, Enhance mobility throughout the city, Improve parking availability, Ensure value and timely delivery of quality capital projects, Maintain City's infrastructure, Improve Storm drainage system, Improve processed through Information Technology. The Proposed FY 2010/11 Capital Budget and the Proposed CIP for FY 2010/11 through 2014/15 includes funding for capital projects to address these priorities.

**Issue:**

Should the Commission appropriate the City of Miami Beach FY 2010/11 Capital Budget and adopt the CIP for FY 2010/11 through 2014/15?

**Item Summary/Recommendation:**

The CIP was created as a plan for projects that require significant capital investment and is intended to serve as an official statement of public policy regarding long-range physical development in the City of Miami Beach, establishing priorities for the upcoming five year period, FY 2010/11 – 2014/15. The first year of the CIP is recommended for approval as the FY 2010/11 Capital Budget, which, totals \$144,280,191, with \$80,807,728 recommended for appropriation at this time, and the remaining \$63,472,463 to be appropriated over time in conjunction with future financing of the Water & Sewer, Stormwater and Parking financing.

Project specific appropriations to be funded from these financings will be appropriated when the financings are implemented depending on spend-down of existing bonds and timing of project commitment needs. This approach will provide the City with more time to refine the cost estimates for the water, sewer, stormwater and parking projects anticipated for FY 2010/11.

**Advisory Board Recommendation:**

On June 3, 2010 the Proposed Capital Budget and updated CIP was discussed at a meeting of the Finance and Citywide Projects Committee and adjustments were made to the funding recommendations presented.

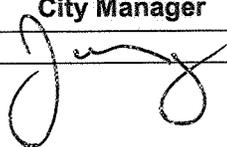
**Financial Information:**

Source of Funds:		Amount	Account
 OBPI	1	\$ 80,807,728	Various – See attachment A of Resolution
	2	\$63,472,463	To be appropriated with sale of Proposed Water & Sewer, Stormwater, and Parking Bonds.
	<b>Total</b>	<b>\$144,280,191</b>	

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROPRIATING THE CITY OF MIAMI BEACH CAPITAL BUDGET FOR FISCAL YEAR (FY) 2010/11 AND THE CAPITAL IMPROVEMENT PLAN FOR FY 2010/11- 2014/15**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### BACKGROUND

Planning for capital improvements is an ongoing process; as needs change within the City, capital programs and priorities must be adjusted. The Capital Improvement Plan ("CIP") serves as the primary planning tool for systematically identifying, prioritizing and assigning funds to critical City capital development, improvements and associated needs.

The City's capital improvement plan process begins in the spring when all departments are asked to prepare capital improvement updates and requests on the department's ongoing and proposed capital projects. Individual departments prepare submittals identifying potential funding sources and requesting commitment of funds for their respective projects.

In the spring of 2006, the City created a Capital Budget Process Committee comprised of the Capital Improvements Office, Department of Public Works, Planning Department, Fire Department, Parks and Recreation Department, Parking Department, and Fleet Management Department, together with the Finance Department and the Office of Budget and Performance Improvement. The Committee is responsible for reviewing and prioritizing new capital projects that will be funded in a given Fiscal Year, and for recommendation of funding allocations from authorized sources for the prioritized projects. The Committee developed and implemented a structured committee process for development of the Capital Plan and Budget, including review criteria projects must meet in order to be considered for funding. The process is reviewed and refined annually by the Committee.

Based on the direction received from the Finance and Citywide Projects Committee in February 2008, the process was modified to allow for early input to the prioritization process by the Commission. Under the new process, a preliminary list of unfunded projects is presented to the Commission or the Finance and Citywide Projects Committee, providing the

opportunity for input and prioritization. This is consistent with the process for Commission input regarding operating budget priorities and the format used would be similar to that used to seek guidance on operating budget priorities in prior years. This revised process allows early input by the Commission regarding priorities for funding, subject to availability of funding.

Under the new process, Departments submit proposed new project requests which staff reviews For accuracy of estimates, sign-off by impacted departments, and prepares preliminary prioritization of the projects. Before setting of the proposed millage in July. the Finance and Citywide Projects Committee reviews all priorities, including capital projects priorities. Finally, the Capital Budget is adopted at the second budget hearing in September.

**COMMITTEE REVIEW**

On June 3, 2010, capital funding priorities were discussed at a meeting of the Finance and Citywide Projects Committee. The Director of Budget and Performance Improvement, Assistant City Managers, the Capital Improvement Project Office Director, other Department Directors, and other City staff were available to discuss specific projects and respond to the Committee's questions.

Based on the review, on June 3,2010, the Office of Budget and Performance Improvement presented potential projects for funding in the FY 2010/11 Capital Budget with associated available funds (excluding water and sewer and stormwater projects). The following projects were recommended for funding at the June 3, 2010 Finance and Citywide Projects Committee meeting:

Building Dept Second Floor Renovations	\$206,713
Colony Theatre Sound/Audio Equip Purchase	67,400
Crosswalks Phase II	200,000
Directory Signs in City Center ROW	108,268
Fisher Park Tot-Lot Equipment & Additional Safety Surface	150,000
Lincoln Road-Collins to Washington Avenue BP9C	28,490
Miami Beach Golf Course Drainage Remediation	151,017
North Beach town Center	272,000
NSPYC Sports Field Restoration	107,100

Pedestrian Countdown Signals - Phase II	100,000
Polo Park Sport Field Restoration	132,557
South Pointe Park Playground & Shade Structure	275,000
South Pointe Park Remediation	800,000
Sunrise Plaza Pedestrian Connection	799,000
Sunset Islands 3 & 4 Entryway Improvements	465,599
Symantec Enterprise Vault for Network Storage	41,150
Washington Avenue South Pointe Drive Improvements	594,675
<b>Total New Projects</b>	<b>\$4,498,969</b>

The following funding for previously programmed projects was also recommended:

Seawall-Fleet Management	\$1,810,289
Lummas Park Serpentine North	395,000
Par 3 Golf Course Master Plan and Drainage Contingency Plan	4,161,992
Restorative Tree Wells - 2B-Collins 64-75 ST	183,068
Fire Station 2 & Hose Tower Refurbishment	441,237
Bandshell Park Master Plan Improvements	418,313
Flamingo Park	219,755
Muss Park	110,801
Muss Park Greenspace Expansion-Chase Avenue	183,428
Restorative Tree Wells - 5th Street from Alton to Ocean Drive	202,987
Seawall Lincoln Rd Streetend (west)	43,549
Seawall Normandy Isle Channel (prior FEMA and GO N)	61,760
Seawall-Alton Rd & I-95 Interchange	633,464
Seawall-Biscayne Bay Streetend (10th Street)	542,491
South Pointe RDA Phase III-V	228,027
<b>Total</b>	<b>\$9,636,161</b>

In addition, \$1.6 million was approved for funding the land acquisition for West Avenue Bridge over Collins Canal, \$1.3 million of which is anticipated to be repaid by Road Impact Fees. Further, funding for a South Pointe LED Lighting Program was recommended, although estimates were not available at the time of the meeting. The Proposed Capital Budget includes \$1,054,790 in funding for this project.

The following projects were also added as projects for the future with no funding yet identified:

7300 Dickens Ave Landscape Area Irrigation System	\$36,674
Carl Fisher Memorial Monument	172,530
Crespi Park Field Renovation	62,660
Fairway Park Install Black Aluminum Fence	68,306
Fisher Park Irrigation System Restoration	49,800
Fisher Park Additional Shade Structure	50,000
Flamingo Park Madvac System	37,570
Flamingo Park New Pool Lockers	25,000
LaGorce Park New tot-Lot & Safety Structure	61,981
Miami Beach Golf Course Range Netting	99,500
Mermaid Monument	94,341
North Shore Park Youth Center-Fitness Center Refurbishment	73,213
Palm Island Fountain	99,897
Pine Tree Fountain	118,002
Polo Player Statute	63,900
Relocation of Homeless Services Division	85,560
Rue Vendome/Biarritz Dr Park & Garden	25,500
Stillwater Park Sports Field Landscape & Irrigation	63,894
Tatum Park Construction of 2 Outdoor Volleyball Courts	90,751
The Great Spirit Monument	64,326
Water Tower Restoration-Star Island	593,205
World War Memorial	61,770
<b>Total</b>	<b>\$2,098,380</b>

Parking project funding was recommended as follows:

17th Street Parking Garage Elevator Enclosure	\$36,600
Surface Lot 8B Improvements at 42nd and Royal Palm	78,300
Surface Lot 1A Penrods	121,600
Surface Lot 4D West Ave and 16 St	31,500
Surface Lot 9E Harding Ave and 71St (East)	25,000
Surface Lot 12X 9t Street and Washington Ave	53,000
Surface Lot 13X 10th St and Washington	18,000
Surface Lot 17X Collins Ave and 13th St	25,080
Maint13th St Parking Garage 10	105,000
<b>Total</b>	<b>\$494,080</b>

While funding for Convention Center projects was presented, there was limited discussion at the meeting. Subsequent to the meeting, the funding recommendation was changed by staff to the following:

Ballroom Upgrades	(\$435,000)
East & West Sidewalk Replacement	(200,000)
Glass Block Window Replacement	(950,000)
Buss Duct Replacement for West Wrap	950,000
Cleaning Equipment	150,000
Electrical Switchgear Testing & Maintenance	400,000
Hall Sound System Replacement	300,000
Install Exhaust Fans in Storage Ramp	250,000
Landscaping	150,000
Miscellaneous Projects FY 2010	250,000
Replace 2 Loading Dock Roll-Up Doors	150,000
Security Camera Systems Upgrade	600,000
<b>TOTAL CONVENTION CENTER</b>	<b>\$1,615,000</b>

Finally, the following projects, previously included in the FY 2009/10 Capital Budget and FY 2009/10 - 2012/13 CIP have been deleted for the reasons stated below:

CAPITAL PROJECTS DELETED	REASON DELETION	
Dade Boulevard to Park Street	\$1,863,055	Included in the Convention Center Master Plan
Fitness Course - Lummus Park	158,550	Funded by grants
Musco Lighting for SRYC	104,500	Included in the Scott Rakow Youth Center renovation project
Shane Watersports Seawall	320,000	Not the City's responsibility
Seawall-Wofford Park Rehab	735,000	Not the City's responsibility
<b>TOTAL</b>	<b>\$3,181,105</b>	

Subsequent to the June 3, 2010 finance and Citywide projects meeting, the following changes were made:

- The Fisher Park Additional Shade Structure project (unfunded in the amount of \$50,000) was removed as funding was secured for this project in FY 2009/10.
- Funding for the West Avenue Bridge Over Collins Canal was decreased by \$33,884 and the 16<sup>th</sup> Street Operational Improvement project was increased by \$140,061.
- Funding for the 17<sup>th</sup> Garage Maintenance project was increased by \$269,000.

The Capital Budget and CIP also includes approximately \$200,000 for technology projects (Automated Vehicle Locator Tracking System, Upgrades to the City's Record Management System-Laserfische, and to the Storage Network, and upgrades to the recreation management Software). An additional \$3.9 million is programmed for vehicle and heavy equipment replacement.

Subsequent to the public hearing on the Proposed Capital Budget, funding for certain convention Center projects were changed from Convention Center Development Taxes to Convention Center funds based on available fund balances. In addition, funding for the Sewall-Lincoln Road Streetend W project was changed from Proposed Future Storm Water funding in FY 2010/11 to the Line of Credit to be reimbursed in FY 2011/12 from Proposed Future Storm Water, due to timing of funding needs.

## **ANALYSIS**

### **Capital Improvement Plan**

The FY 2010/11 – 2014/15 CIP for the City of Miami Beach is a five year plan for public improvements and capital expenditures by the City. This document is an official statement of public policy regarding long-range physical development in the City of Miami Beach. The approved Capital Improvement Plan has been updated to include projects that will be active during the FY 2010/11 through 2014/15.

The Plan has been updated to include additional funding sources that have become available, changes in project timing, and other adjustments to ongoing projects as they have become better defined. Certain adjustments have been made to reflect projects that have been reconfigured, re-titled, combined with or separated from other projects and/or project groupings. These adjustments have no fiscal or cash impact and are as a result of a comprehensive review of the program to insure that our plan accurately reflects all project budgets, funding sources and commitments.

The Plan also contains information on appropriations prior to FY 2010/11 for ongoing/active projects, as well as potential future appropriations beyond FY 2014/15. In conjunction with the development of the FY 2010/11 Capital Budget and CIP, the City began to develop a list of potential projects that may be funded in the future, including projects that have been approved as part of a plan but not yet sequenced or approved for funding. Over time, it is anticipated that this list will be expanded.

### **Capital Budget**

The City's proposed annual capital budget contains capital project commitments recommended for appropriation for FY 2010/11 (Proposed Capital Budget). Preparation of the Proposed Capital Budget occurred simultaneously with the development of the FY 2010/11 – 2014/15 CIP and FY 2010/11 Proposed Operating Budget.

The Capital Budget presents project budgets for both the current and new capital projects necessary to improve, enhance and maintain public facilities and infrastructure to meet the service demands of residents and visitors to the City of Miami Beach. Capital reserves, debt

service payments, and capital purchases found in the operating budget are not included in this budget. However, we have included a capital equipment section, which itemizes purchases of major capital equipment, fleet, light and heavy equipment and information technology related acquisitions. The Capital Budget for FY 2010/11 appropriates funding for projects that will require commitment of funds during the upcoming fiscal year, including construction contracts and architect/engineer contracts to be awarded during the upcoming year and capital equipment acquisitions recommended for appropriation in conjunction with the FY 2010/11 Operating Budget.

A Pay-As-You-Go component of the Capital Budget was established in FY 2005/06 for new projects or unfunded scope in existing projects. In FY 2010/11, a total of \$4 million is recommended to be recaptured from project savings in Capital Reserves and Pay-As-You-Go funded projects. It is recommended that these be reprogrammed for Pay-As-You-Go capital projects. Along with appropriated \$0.6 million in Pay-As-You-Go fund balance, this provides approximately \$5 million for the FY 2010/11 Pay-As-You-Go capital project appropriation. These Pay-As-You-Go funds are recommended for appropriation for the NSPYC-Sports Field Restoration, Polo Park Sports Field Restoration, Seawall Repair-Fleet Management, Seawall-Alton Rd & I-95 Interchange, Seawall-Biscayne Bay Streetend Enhancement Phase II, Sunset Islands 3 & 4 Entryway Improvements, and West Avenue Bridge Over Collins Canal. Funding for the West Bridge Over Collins Canal in the amount of \$1,303,396 will be reimbursed by Road Impact Fees.

The Capital Budget also recommends appropriation of approximately \$95,000 in General Obligation Bond for the Muss Greenspace Expansion/Chase Avenue, and reprogramming of savings from seawall projects for the Lincoln Road Streetend Seawall, and Normandy Isle Channel Seawall. In addition, \$1.2 million in Quality of Life funds is recommended for appropriation for tourism-related eligible projects such as the Bandshell Master Plan Improvements, Flamingo Park, Lummus Park Serpentine Walkway, Restorative Tree Well-along Collins from 64<sup>th</sup> to 75<sup>th</sup> Street.

Approximately \$3.9 million is recommended for appropriation from the Miami-Dade County Convention Development Tax (CDT) Interlocal Agreement funds for CDT/municipal resort tax eligible projects such as the Miami Beach Golf Club Drainage Remediation, and the Par 3 Golf Course Master Plan.

Approximately \$5.3 million is recommended for appropriation from the South Pointe Capital fund and pre-termination South Pointe RDA funds for several projects in the South Pointe area.

Approximately \$1.6 million is recommended for appropriation from a combination of recaptured Convention Development Taxes due to project savings, and Convention Center funds for improvements to the Convention Center, including painting, panic hardware installation on hall doors, cleaning equipment, life safety upgrades, and smoke exhaust fans.

The Capital Budget has also been updated to reflect the ongoing parking lot and garage refurbishment and replacement program, including improvements to the 17<sup>th</sup> Street Parking Garage Elevator Enclosure, 13<sup>th</sup> Street, 17<sup>th</sup> Street, and 42<sup>nd</sup> Street parking garages maintenance, and parking lot maintenance at 9<sup>th</sup> & 10<sup>th</sup> Street and Washington Avenue, Collins Avenue and 13<sup>th</sup> Street, Collins Avenue and 53<sup>rd</sup> Street, West Avenue and 16<sup>th</sup> Street, Harding Avenue and 71<sup>st</sup> Street East, and Collins Avenue and 84<sup>th</sup> Street,

Based on current project schedules, additional water and sewer, and stormwater financings, previously anticipated for FY 2009/10, are now planned for to be financed over a series of years. In FY 2009/10, the City issued \$30 million in water and sewer bonds, and approximately \$40 million in proposed stormwater bonds are anticipated to be issued during FY 2010/11. Stormwater funding needed prior to the issuance of the proposed stormwater bonds and any additional water and sewer funding needs during FY 2010/11, is anticipated to be advanced through a line of credit that will then be replaced by future bonds.

Approximately \$24 million in new Parking Bonds are also anticipated for parking garage in the Purdy Avenue/Sunset Harbor area, as well as to replace funding advanced during FY 2008/09 for the air rights acquired for the Purdy Avenue/Sunset Harbor Garage. Additionally, funding is programmed in the future for garages in the North Beach, Cultural Campus, and South Beach areas.

The Proposed Capital Budget for FY 2010/11 totals \$144,280,191. Of this total, approximately \$7.6 million in proposed new water and sewer bonds, \$38.9 million in proposed new stormwater bonds, and \$16.9 million in Parking Bonds are not appropriated at this time, but rather project specific appropriations to be funded from these financings will be appropriated when the financings are implemented depending on spend-down of existing bonds and timing of project commitment needs. As a result, it is recommended that \$80,807,728 be appropriated at this time.

Funding Source	Funding
Proposed Future Storm Water Bond	\$43,327,980
W&S GBL Series 2010 Bonds	27,968,267
Proposed Parking Bonds-2010 Series	24,162,891
Proposed Future Parking Bonds	21,901,275
Proposed Future Water & Sewer Bonds	7,614,483
South Pointe Capital	5,383,789
Pay-As-You-Go	4,994,916
Parking Operations Fund to be Repaid with Financing from Cultural Campus Parking Garage	(4,980,568)
MDC CDT Interlocal-CDT/Resort Tax Eligible	3,912,939
Equipment Loan/Lease	3,882,500
Half Cent Transit Surtax - County	3,809,644
Concurrency Mitigation Fund	3,807,000
Stormwater Enterprise Fund	(3,167,535)
Stormwater Letter of Credit	(1,223,172)
Quality of Life Resort Tax Fund - 1%	1,216,136
Convention Development Taxes	765,000
Parking Operations Fund	(447,075)
Convention Center	431,901

RCP-1996 15M GO Bond	260,801
Building Technology Capital Project	230,926
2003 GO Bonds - Parks & Beaches	183,428
City Center RDA Capital Fund	136,758
Information & Communications Technology Fund	128,407
2003 GO Bonds - Neighborhood Improvements	(87,900)
Capital Projects Not Financed by Bonds	67,400
<b>Sub-total</b>	<b>\$144,280,191</b>
Total Proposed Appropriations as of 9/20/10	<b>80,807,728</b>
Additional Appropriation Upon Financing for Cultural Parking Garage	<b>16,920,707</b>
Additional Appropriation Upon Sale of Proposed Stormwater Bonds	<b>38,937,273</b>
Additional Appropriation Upon Sale of Water & Sewer Bonds	<b>7,614,483</b>
<b>TOTAL</b>	<b>\$144,280,191</b>

**CONCLUSION:**

The Administration recommends adoption of the attached Resolution appropriating the Capital Budget for FY 2010/11 and establishing the CIP for FY 2010/11 – 2014/15.

**ATTACHMENT A  
FY 2010/11 CAPITAL BUDGET  
SUMMARY OF FUNDING SOURCES**

Funding Source	Funding
W&S GBL Series 2010 Bonds	\$27,968,267
Proposed Parking Bonds-2010 Series	24,162,891
South Pointe Capital	5,383,789
Pay-As-You-Go	4,994,916
MDC CDT Interlocal-CDT/Resort Tax Eligible	3,912,939
Equipment Loan/Lease	3,882,500
Half Cent Transit Surtax - County	3,809,644
Concurrency Mitigation Fund	3,807,000
Quality of Life Resort Tax Fund - 1%	1,216,136
Parking Operations Fund	(447,075)
Convention Center	1,196,901
RCP-1996 15M GO Bond	260,801
Building Technology Capital Project	230,926
2003 GO Bonds - Parks & Beaches	183,428
City Center RDA Capital Fund	136,758
Information & Communications Technology Fund	128,407
2003 GO Bonds - Neighborhood Improvements	(87,900)
Capital Projects Not Financed by Bonds	67,400
<b>TOTAL</b>	<b>\$80,807,728</b>

**ATTACHMENT B  
 FY 2010/11 CAPITAL BUDGET AND  
 FY 2010/11 – 2014/15 CAPITAL IMPROVEMENT PLAN  
 SUMMARY OF PROJECTS BY PROGRAM**

**Bridges**

Pine Tree Drive Bridge	\$257,400
West Avenue Bridge Over Collins Canal	1,566,116
<b>Total Bridges</b>	<b>\$1,823,516</b>

**Convention Center**

Ballroom Upgrades	(\$435,000)
East & West Sidewalk Replacement	(200,000)
Glass Block Window Replacement	(950,000)
Buss Duct Replacement for West Wrap	950,000
Cleaning Equipment	150,000
Electrical Switchgear Testing & Maintenance	400,000
Hall Sound System Replacement	300,000
Install Exhaust Fans in Storage Ramp	250,000
Landscaping	150,000
Miscellaneous Projects FY 2010	250,000
Replace 2 Loading Dock Roll-Up Doors	150,000
Security Camera Systems Upgrade	600,000
<b>Total Convention Center</b>	<b>\$1,615,000</b>

**Equipment**

AVL Tracking System for City Vehicles	\$92,310
FY 11 Vehicle/Equipment Replacement	3,882,500
Upgrade Laserfische Avante	31,320
Master Meter Phase II	1,496,878
Pay on Foot (POF) Machines	315,578
Symantec Ent Vault for Network Storage	41,150
Colony Theatre Sound/Audio Equipment	67,400
<b>Total Equipment</b>	<b>\$5,927,136</b>

**General Public Buildings**

Building Renovations-Second Floor	\$206,713
Fire Station 2/Hose Tower	297,743
Hose tower Refurbishment Fire Station 2	(297,743)
<b>Total Equipment</b>	<b>\$206,713</b>

**Golf Courses**

Par 3 Golf Course Master Plan	\$3,761,922
Miami Beach Golf Course Drainage Remediation	151,017
<b>Total Golf Courses</b>	<b>\$3,912,939</b>

<b>Information Technology</b>	
Building Development Process Ent System	\$100,000
Info & Comm Technology Contingency	4,445
Permitting System Replacement	(100,000)
RecWare Recreation Software	29,550
<b>Total Information Technology</b>	<b>\$33,995</b>

<b>Jackie Gleason Theater</b>	
TOPA ADA and Interior Renovations	(\$418,099)
<b>Total Jackie Gleason Theater</b>	<b>(\$418,099)</b>

<b>Parking Garages</b>	
17th St Parking Garage Elevator Enclosure	\$36,600
Maint-13th Street Parking Garage 10	105,000
Maint-13th Street Parking Garage 09	90,000
Maint-17th Street Parking Garage 10	269,000
Maint-17th Street Parking Garage 09	135,000
Sunset Harbor/Purdy Avenue Garage	19,860,435
<b>Total Parking Garages</b>	<b>\$20,496,035</b>

<b>Parking Lots</b>	
Parking Lot Improv-42nd & Royal Palm	\$78,300
Penrods @ 1 Ocean Drive	121,600
Surface Lot 9th St & Washington Avenue	53,000
Surface Lot 10th St & Washington Avenue	18,000
Surface Lot Collins Avenue & 13th Street	25,080
Surface Lot Collins & 53rd Street	1,669,500
Surface Lot West Avenue & 16th Street	31,500
Surface Lot Harding Avenue & 71st Street East	25,000
Surface Lot Collins & 84th	768,500
<b>Total Parking Lots</b>	<b>\$2,790,480</b>

<b>Parks</b>	
Bandshell Master Plan Improvements	\$418,313
Flamingo Park	(80,245)
Lummus Park Serpentine Walkway	395,000
Muss Park	110,801
Muss Park Greenspace Expansion/Chase Ave	183,428
South Pointe Park Remediation	800,000
Fisher Park New tot Lot & Additional Safety Structure	150,000
New Tennis Courts at a Site TBD	300,000
NSPYC-Sports Field Restoration	107,100
Polo Park Sports Field Restoration	132,557
South Pointe Park Playground & Shade Structure	275,000

	<b>Total Parks</b>	<b>\$2,791,954</b>
<b>Seawalls</b>		
Lincoln Road Streetend West		\$43,549
Normandy Isle Channel		61,760
Pine Tree Drive Rehab 63rd Street		(193,209)
Fleet Management		1,810,289
<hr/>		
Alton Road & I-95 Interchange		633,484
Biscayne Bay Streetend Enhancement Phase II		542,491
Dickens Avenue Shoreline & Bike Path		200,000
	<b>Total Seawalls</b>	<b>\$3,098,364</b>
<b>Streets/Sidewalk/Streetscape Improvements</b>		
Bayshore Neigh Sunset Is 1 & 2		\$773,567
Bayshore Neighborhood BPA		8,110,004
Bayshore Neighborhood BPB		494,587
Bayshore Neighborhood BPC		(521,740)
Bayshore Neighborhood BPD		2,583,793
Biscayne Point Neighborhood Improvements		4,471,945
Directory Signs in City Center Row		108,268
LaGorce Neighborhood Improvements		499,425
LED Lighting Installation		1,054,790
Lincoln Rd Between Collins & Washington		28,490
Nautilus Neighborhood Improvements		0
Normandy Isle Neighborhood Improvements		0
Normandy Shores Neighborhood Improvements		0
North Shore Neighborhood Improvements		4,822,571
Oceanfront Neighborhood Improvements		249,227
Palm & Hibiscus Island Enhancement		70,000
South Pointe Improvements Phase III-V		228,027
Star Island Enhancements		382,060
Venetian Neighborhood-Venetian Islands		917,828
Restorative Tree Wells Collins 64th-75th		183,068
Restorative Tree Wells 5th Street-Alton-Ocean Dr		202,987
Drainage Hot Spots		0
Flamingo Neighborhood BPA		0
Flamingo Neighborhood BPC		0
ROW Improvement Project		430,000
ROW Improvements on Prairie Avenue		0
Sunset Islands 3 & 4 Entryway Improvements		465,599
Washington Avenue South Pointe Dr Improvements		594,675
West Avenue/Bay Road Improvements		232,000
	<b>Total Streets/Sidewalk/Streetscape Improvements</b>	<b>\$26,381,171</b>

**Transit/Transportation**

North Beach Town Center	\$272,000
16th St Operational Improv/Enhancement	4,949,524
71st St & Dickens Intersection Improvements	335,000
City W Curb Ramp Installation/Maint	10,000
Crosswalks	200,000
Crosswalks Phase II	200,000
Miscellaneous Mast Arm Painting	100,000
Pedestrian Countdown Signals - Phase II	100,000
Sunrise Plaza Pedestrian Connection	799,000
Traffic Calming Program	300,000

---

<b>Total Transit/Transportation</b>	<b>\$7,265,524</b>
-------------------------------------	--------------------

**Utilities**

Belle Isle Outfall Pipes Replacement	
Citywide Waste Water Pump Station-Landscape	\$0
12" DIP Water Main Improv 5th-Alton & Ocean	(232,000)
48" Outfall at Easement 4180-4200 Chase	900,000
5th Street Alton to Michigan	0
Bay Road Pump Station Outfall	(124,200)
Citywide Stormwater Master Plan	0
Drainage Improvements 44th and Royal Palm	0
Drainage Improvements Sp Drive 72nd St	0
Drainage Improvements North Bay & 56th Street	1,215,000
Miscellaneous Water & Sewer Capital Projects	0
Pump Station #28 Grinder Replacement	124,200
Sanitary Sewer Manhole Rehab	0
Stormwater Pipe Repairs	500,000
Sunset & Venetian Island Force Mains	0
Sunset Harbor Pump Station Upgrades	2,500,000

<b>Total Utilities</b>	<b>\$4,883,000</b>
------------------------	--------------------

<b>TOTAL</b>	<b>\$80,807,728</b>
--------------	---------------------



**CITY OF MIAMI BEACH**  
**2011-2015 CAPITAL IMPROVEMENT PLAN BY PROGRAM**

PROJECT	PROGRAM	Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
<b>Art In Public Places</b>									
<b>Parks &amp; Recreation</b>									
pkslinrosi	400 Block Lincoln Rd Site Improv Wii	0.00	0.00	0.00	0.00	0.00	0.00	50,000.00	50,000.00
		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>50,000</b>	<b>50,000</b>
<b>Tourism and Cultural Development</b>									
pfcartinpp	Fund 147 Art in Public Places	0.00	0.00	380,346.00	0.00	0.00	0.00	0.00	380,346.00
aippinsopt	So Pointe Art in Public Places Proj	347,000.00	0.00	0.00	0.00	0.00	0.00	0.00	347,000.00
		<b>347,000</b>	<b>0</b>	<b>380,346</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>727,346</b>
		<b>347,000</b>	<b>0</b>	<b>380,346</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>50,000</b>	<b>777,346</b>
<b>Bridges</b>									
<b>CIP Office</b>									
pwnbridgt	Bridge Light (77 St / Hawthorne Ave)	30,000.00	0.00	0.00	0.00	0.00	0.00	0.00	30,000.00
rwmicbridg	Indian Creek Pedestrian Bridges	0.00	0.00	0.00	0.00	0.00	0.00	595,185.00	595,185.00
		<b>30,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>595,185</b>	<b>625,185</b>
<b>Public Works</b>									
rws17bridg	17th Street Bridge Project	623,330.00	0.00	0.00	0.00	0.00	0.00	0.00	623,330.00
rwn73bridg	Bridges: Holocaust, Biarritz, Fountain	0.00	0.00	0.00	0.00	0.00	0.00	666,000.00	1,666,000.00
rwchenedon	Henedon Avenue Bridge	212,421.00	0.00	0.00	0.00	0.00	0.00	0.00	212,421.00
rwmpinebri	Pine Tree Drive Bridge	0.00	257,400.00	0.00	0.00	0.00	0.00	0.00	257,400.00
rwcsunbri2	Sunset Island 3 Bridge #876708	267,604.00	0.00	0.00	0.00	0.00	0.00	0.00	267,604.00
rwcsunbri1	Sunset Island 4 Bridge #876707	279,374.00	0.00	0.00	0.00	0.00	0.00	0.00	279,374.00
rwm29bridg	West 29th Street Bridge	476,000.00	0.00	0.00	0.00	0.00	0.00	0.00	476,000.00
rwceavbri	West Ave Bridge Over Collins Canal	1,389,352.00	1,566,116.00	0.00	513,068.00	0.00	0.00	193,429.00	3,661,965.00
		<b>3,248,081</b>	<b>1,823,516</b>	<b>0</b>	<b>513,068</b>	<b>0</b>	<b>0</b>	<b>1,859,429</b>	<b>7,444,094</b>
		<b>3,278,081</b>	<b>1,823,516</b>	<b>0</b>	<b>513,068</b>	<b>0</b>	<b>0</b>	<b>2,454,614</b>	<b>8,069,279</b>
<b>Convention Center</b>									
<b>CIP Office</b>									
pfsconvctr	CC-Convention Center ADA	5,113,299.00	0.00	0.00	0.00	0.00	0.00	0.00	5,113,299.00
		<b>5,113,299</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,113,299</b>
<b>Convention Center</b>									
pfsavmainr	CC-Air Vents on Main Roof Drains	0.00	0.00	0.00	0.00	0.00	0.00	1,000,000.00	1,000,000.00
pfcairwall	CC-Airwall Replacement	2,075,000.00	0.00	0.00	0.00	0.00	0.00	0.00	2,075,000.00
pfsbalrmup	CC-Ballroom Upgrades	500,000.00	-435,000.00	0.00	0.00	0.00	0.00	635,000.00	1,700,000.00
pfsbuswest	CC-Buss Duct Replacement for West	250,000.00	950,000.00	0.00	0.00	0.00	0.00	0.00	1,200,000.00
pfsbusduc	CC-Buss Duct Testing	275,000.00	0.00	0.00	0.00	0.00	0.00	0.00	275,000.00
pfsairhand	CC-C/D Airhandlers Replacement	0.00	0.00	0.00	0.00	0.00	0.00	300,000.00	300,000.00
pfsconcrp	CC-Carpet Replacement	150,000.00	0.00	0.00	0.00	0.00	0.00	1,500,000.00	1,650,000.00
pfsatbeam	CC-Catwalk Beam Cleaning	0.00	0.00	0.00	0.00	0.00	0.00	15,000.00	15,000.00
pfsccchill	CC-Chiller Surge Protection	70,000.00	0.00	0.00	0.00	0.00	0.00	0.00	70,000.00
pfsclaneq	CC-Cleaning Equipment	50,000.00	150,000.00	0.00	0.00	0.00	0.00	150,000.00	350,000.00

270



**CITY OF MIAMI BEACH  
2011-2015 CAPITAL IMPROVEMENT PLAN BY PROGRAM**

PROJECT	PROGRAM	Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
pfscnctr	CC-Concession Stand Renovations	0.00	0.00	0.00	0.00	0.00	0.00	50,000.00	50,000.00
pfsewider	CC-East & West Sidewalk Replacem	200,000.00	-200,000.00	0.00	0.00	0.00	0.00	400,000.00	400,000.00
pflelecbus	CC-Electric Buss Duct	697,865.00	0.00	0.00	0.00	0.00	0.00	0.00	697,865.00
pfselestpm	CC-Electrical Switchgear Testing & Iv	100,000.00	400,000.00	0.00	0.00	0.00	0.00	800,000.00	1,300,000.00
pfsestrucc	CC-Escalator Replacement/Upgrades	1,350,000.00	0.00	0.00	0.00	0.00	0.00	0.00	1,350,000.00
pfsexecoff	CC-Executive Offices Furniture Replc	0.00	0.00	0.00	0.00	0.00	0.00	300,000.00	300,000.00
pfsexhalfr	CC-Exhibit Hall Floor Repairs	0.00	0.00	0.00	0.00	0.00	0.00	800,000.00	800,000.00
pfsexhalup	CC-Exhibit Hall Lighting Upgrades	0.00	0.00	0.00	0.00	0.00	0.00	400,000.00	400,000.00
pfsextmars	CC-Exterior Marquee Signage	0.00	0.00	0.00	0.00	0.00	0.00	1,800,000.00	1,800,000.00
pfsextshrp	CC-Exterior Stairs & Handrailing Rep	0.00	0.00	0.00	0.00	0.00	0.00	350,000.00	350,000.00
pfseffpcorp	CC-Floor Pocket Connector Replacer	0.00	0.00	0.00	0.00	0.00	0.00	700,000.00	700,000.00
pfseffuteffe	CC-Future FF & E	0.00	0.00	0.00	0.00	0.00	0.00	475,635.00	475,635.00
pfseffgrmope	CC-Future General Maintenance	0.00	0.00	0.00	0.00	0.00	0.00	5,600,000.00	5,600,000.00
pfseffuturerm	CC-Future Mechanical	0.00	0.00	0.00	0.00	0.00	0.00	75,000.00	75,000.00
pfseffy6rest	CC-FY 06 ADA/Restroom Renovator	1,936,729.00	0.00	0.00	0.00	0.00	0.00	0.00	1,936,729.00
pfseffy06mis	CC-FY 06 Miscellaneous	200,000.00	0.00	0.00	0.00	0.00	0.00	0.00	200,000.00
pfseffy7chil	CC-FY 07 Chiller Replacement #4	1,500,000.00	0.00	0.00	0.00	0.00	0.00	0.00	1,500,000.00
pfseffgarrecc	CC-Garbage & Recycling Containers	200,000.00	0.00	0.00	0.00	0.00	0.00	0.00	200,000.00
pfseffglassbw	CC-Glass Block Windows Replacemr	1,200,000.00	-950,000.00	0.00	0.00	0.00	0.00	0.00	250,000.00
pfseffshallett	CC-Hall C Electrical Transformer Inst	100,000.00	0.00	0.00	0.00	0.00	0.00	0.00	100,000.00
pfseffshssysrpr	CC-Hall Sound System Replacement	0.00	300,000.00	0.00	0.00	0.00	0.00	200,000.00	500,000.00
pfseffshurrigi	CC-Hurricane Impact Glass Installat	0.00	0.00	0.00	0.00	0.00	0.00	4,000,000.00	4,000,000.00
pfseffshvacwpi	CC-HVAC Chilled Water Piping Insul	25,000.00	0.00	0.00	0.00	0.00	0.00	0.00	25,000.00
pfseffscnctgo	CC-Improvements County GO	600,000.00	0.00	0.00	0.00	0.00	0.00	54,400,000.00	55,000,000.00
pfseffsextans	CC-Install Exhaust Fans in Storage F	0.00	250,000.00	0.00	0.00	0.00	0.00	0.00	250,000.00
pfseffsrubfrs	CC-Install Rubber Floor in Serv Corri	0.00	0.00	0.00	0.00	0.00	0.00	350,000.00	350,000.00
pfseffscinsbacf	CC-Installation of Backflow Preventer	150,000.00	0.00	0.00	0.00	0.00	0.00	0.00	150,000.00
pfseffsintogmk	CC-Interior Doors Gen Master Key S;	0.00	0.00	0.00	0.00	0.00	0.00	20,000.00	20,000.00
pfseffslandsc	CC-Landscaping	0.00	150,000.00	0.00	0.00	0.00	0.00	0.00	150,000.00
pfseffslandsc	CC-Life Safety Upgrades	200,000.00	0.00	0.00	0.00	0.00	0.00	1,000,000.00	1,200,000.00
pfseffslandsc	CC-Lighting Control System Replacel	0.00	0.00	0.00	0.00	0.00	0.00	700,000.00	700,000.00
pfseffslandsc	CC-Loading Dock Bays Repair & Mai	0.00	0.00	0.00	0.00	0.00	0.00	80,000.00	80,000.00
pfseffslandsc	CC-Main Kitchen Equipment Upgrad	0.00	0.00	0.00	0.00	0.00	0.00	90,000.00	90,000.00
pfseffslandsc	CC-Maintenance Boom Sissors & Fo	0.00	0.00	0.00	0.00	0.00	0.00	300,000.00	300,000.00
pfseffslandsc	CC-Meeting Room Renovations	0.00	0.00	0.00	0.00	0.00	0.00	2,000,000.00	2,000,000.00
pfseffslandsc	CC-Meeting Room Signage Replacer	0.00	0.00	0.00	0.00	0.00	0.00	50,000.00	50,000.00
pfseffslandsc	CC-Misc Replacement	500,000.00	0.00	0.00	0.00	0.00	0.00	0.00	500,000.00
pfseffslandsc	CC-Misc. Projects Fiscal Year 2010	0.00	250,000.00	0.00	0.00	0.00	0.00	0.00	250,000.00
pfseffslandsc	CC-Misc. Projects Future Years	250,000.00	0.00	0.00	0.00	0.00	0.00	750,000.00	1,000,000.00
pfseffslandsc	CC-New General Master Key System	0.00	0.00	0.00	0.00	0.00	0.00	9,000.00	9,000.00
pfseffslandsc	CC-Outside Air Dampners	50,000.00	0.00	0.00	0.00	0.00	0.00	0.00	50,000.00
pfseffslandsc	CC-Package Unit Replacement AC	2,000,000.00	0.00	0.00	0.00	0.00	0.00	0.00	2,000,000.00
pfseffslandsc	CC-Painting	850,000.00	0.00	0.00	0.00	0.00	0.00	0.00	850,000.00
pfseffslandsc	CC-Panic Hardware Install on Hall Dr	50,000.00	0.00	0.00	0.00	0.00	0.00	69,000.00	119,000.00



# CITY OF MIAMI BEACH

## 2011-2015 CAPITAL IMPROVEMENT PLAN BY PROGRAM

PROJECT	PROGRAM	Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
pfsprotrck	CC-Procurement of Truck	0.00	0.00	0.00	0.00	0.00	0.00	20,000.00	20,000.00
pfspropgts	CC-Property Gates Access Control	40,000.00	0.00	0.00	0.00	0.00	0.00	0.00	40,000.00
pfsrenchil	CC-Renovate Old NW Chiller Room	0.00	0.00	0.00	0.00	0.00	0.00	300,000.00	300,000.00
pfsrnspark	CC-Renovation -North & South Load	0.00	0.00	0.00	0.00	0.00	0.00	500,000.00	500,000.00
pfsrepddrs	CC-Replace 2 Loading Dock Roll Up	0.00	150,000.00	0.00	0.00	0.00	0.00	0.00	150,000.00
pfsrepuwc	CC-Replace 6 Package Roof Units-V	0.00	0.00	0.00	0.00	0.00	0.00	650,000.00	650,000.00
pfsrepskyl	CC-Replace Skylight Panels	0.00	0.00	0.00	0.00	0.00	0.00	400,000.00	400,000.00
pfsrepdoor	CC-Replacement of Doors East Side	0.00	0.00	0.00	0.00	0.00	0.00	500,000.00	500,000.00
pfsconrseq	CC-Replacement-Sound Equipment	400,000.00	0.00	0.00	0.00	0.00	0.00	600,000.00	1,000,000.00
pfsconrcta	CC-Roofing of Cooling Tower Area	190,000.00	0.00	0.00	0.00	0.00	0.00	0.00	190,000.00
pfsccsupgs	CC-Security Camera System Upgrad	0.00	600,000.00	0.00	0.00	0.00	0.00	0.00	600,000.00
pfsensflc	CC-Sensor Switches for Lighting Con	0.00	0.00	0.00	0.00	0.00	0.00	20,000.00	20,000.00
pfsacetro	CC-Siemens A/C Computerized Reti	1,110,000.00	0.00	0.00	0.00	0.00	0.00	0.00	1,110,000.00
pfssexhfan	CC-Smoke Exhaust Fans	100,000.00	0.00	0.00	0.00	0.00	0.00	0.00	100,000.00
pfsolarep	CC-Solar Energy Project	0.00	0.00	0.00	0.00	0.00	0.00	3,000,000.00	3,000,000.00
pfst&crepl	CC-Table & Chair Replacement	500,000.00	0.00	0.00	0.00	0.00	0.00	0.00	500,000.00
pfsteleinf	CC-Telephone Infrastructure & Switc	0.00	0.00	0.00	0.00	0.00	0.00	400,000.00	400,000.00
pfsvideois	CC-Video Information System	0.00	0.00	0.00	0.00	0.00	0.00	150,000.00	150,000.00
pfswestktr	CC-West Kitchen Renovation	0.00	0.00	0.00	0.00	0.00	0.00	1,000,000.00	1,000,000.00
pfswsdrepl	CC-West Side Dimmer Replacement	0.00	0.00	0.00	0.00	0.00	0.00	500,000.00	500,000.00
		<b>17,869,594</b>	<b>1,615,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>88,408,635</b>	<b>107,893,229</b>
		<b>22,982,893</b>	<b>1,615,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>83,408,635</b>	<b>113,006,528</b>

**Environmental**

GIP Office		Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
pksbotanic	Botanical Garden (Garden Center)	1,851,925.00	0.00	0.00	0.00	0.00	0.00	0.00	1,851,925.00
		<b>1,851,925</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,851,925</b>

Public Works		Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
encanimalw	Animal Waste Dispensers/Receptacl	100,000.00	0.00	0.00	0.00	0.00	0.00	0.00	100,000.00
enccolcep	Collins Canal Enhancement Project	8,738,908.00	0.00	0.00	0.00	0.00	0.00	0.00	8,738,908.00
enddiscool	District Cooling Plant	5,571,693.00	0.00	0.00	0.00	0.00	0.00	0.00	5,571,693.00
encdomwatr	Domestic Water Conservation	487,124.00	0.00	0.00	0.00	0.00	0.00	0.00	487,124.00
encfacligh	Facility Lighting and Lighting Control	3,606,105.00	0.00	0.00	0.00	0.00	0.00	0.00	3,606,105.00
gt10energy	Geothermal Cooling - Police Station	736,041.00	0.00	0.00	0.00	0.00	0.00	0.00	736,041.00
enmgreenwf	Green Waste Facility	1,326,761.00	0.00	0.00	0.00	0.00	0.00	530,000.00	1,856,761.00
enchvaccon	HVAC Controls	2,066,163.00	0.00	0.00	0.00	0.00	0.00	0.00	2,066,163.00
encpowtrrp	Power Transformer Replacement	1,230,613.00	0.00	0.00	0.00	0.00	0.00	0.00	1,230,613.00
enctrashrp	Trash Receptacles	125,000.00	0.00	0.00	0.00	0.00	0.00	0.00	125,000.00
		<b>23,988,408</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>530,000</b>	<b>24,518,408</b>
		<b>25,840,333</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>530,000</b>	<b>26,370,333</b>

**Equipment**

Building		Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
eqcgpstsys	AVL Tracking System for City Vehicle	0.00	92,310.00	0.00	0.00	0.00	0.00	0.00	92,310.00

272



**CITY OF MIAMI BEACH  
2011-2015 CAPITAL IMPROVEMENT PLAN BY PROGRAM**

PROJECT	PROGRAM	Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
<b>Communications</b>	Commission Chamber Equipment	46,000.00	0.00	0.00	0.00	0.00	0.00	0.00	46,000.00
<b>Fire</b>	emcemerop Fire Station No. 2 EOC	936,130.74	0.00	0.00	0.00	0.00	0.00	0.00	936,130.74
	emccardiac LP15 Cardiac Monitor/Defibrillator Re	147,169.00	0.00	0.00	0.00	0.00	0.00	0.00	147,169.00
		1,083,300	0	0	0	0	0	0	1,083,300
<b>Fleet Management</b>	eqc10vehre FY11 Vehicle/Equipment Replacement	0.00	3,882,500.00	0.00	0.00	0.00	0.00	0.00	3,882,500.00
	eqcvehfy10 FY10 Vehicle/Equipment Replacement	3,997,000.00	0.00	0.00	0.00	0.00	0.00	0.00	3,997,000.00
	eqc09vehre FY09 Vehicle/Equip Replacement	3,933,900.00	0.00	0.00	0.00	0.00	0.00	0.00	3,933,900.00
	eqcvehqre FY08 Vehicle/Equip Replacement Pr	5,279,000.00	0.00	0.00	0.00	0.00	0.00	0.00	5,279,000.00
		13,209,900	3,882,500	0	0	0	0	0	17,092,400
<b>Information Technology</b>	eqcuplaser Upgrade Laserfische Avante	0.00	31,320.00	0.00	0.00	0.00	0.00	0.00	31,320.00
	eqcintwifi WiFi	488,166.00	0.00	0.00	0.00	0.00	0.00	0.00	488,166.00
	eqcintwifi WiFi City Buildings	28,968.00	0.00	0.00	0.00	0.00	0.00	0.00	28,968.00
		517,134	31,320	0	0	0	0	0	548,454
<b>Parking</b>	pgcpaydisp Master Meter Phase II	5,898,972.10	1,496,878.00	0.00	0.00	0.00	0.00	0.00	7,395,850.10
	pgcstmph3 Master Meter Phase III	449,962.00	0.00	0.00	0.00	0.00	0.00	0.00	449,962.00
	pgcpayfoot Pay on Foot (POF) Machines	1,920,960.35	315,578.00	0.00	0.00	0.00	0.00	0.00	2,236,538.35
		8,269,894	1,812,456	0	0	0	0	0	10,082,350
<b>Parks &amp; Recreation</b>	eqchandrrc Citywide Electronic Timekeeping	43,405.00	0.00	0.00	0.00	0.00	0.00	0.00	43,405.00
<b>Police</b>	eqcspynvns Symantec Ent Vault for Network Stor	0.00	41,150.00	0.00	0.00	0.00	0.00	0.00	41,150.00
<b>Tourism and Cultural Development</b>	fpccoloeaq Colony Theatre Sound/Audio Equip F	0.00	67,400.00	0.00	0.00	0.00	0.00	0.00	67,400.00
<b>General Public Buildings</b>		23,169,633	5,927,136	0	0	0	0	0	29,096,769
<b>Asset Management</b>	72nd St Community Center Improv	500,000.00	0.00	0.00	0.00	0.00	0.00	0.00	500,000.00
<b>Building</b>		500,000	0	0	0	0	0	0	500,000



# CITY OF MIAMI BEACH

## 2011-2015 CAPITAL IMPROVEMENT PLAN BY PROGRAM

PROJECT	PROGRAM	Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
pfcbuilrev	Second Floor Renovation-Building De	0.00	206,713.00	0.00	0.00	0.00	0.00	0.00	206,713.00
		<b>0</b>	<b>206,713</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>206,713</b>
<b>CIP Office</b>									
pfm53restr	53rd Street Restrooms	827,190.00	0.00	0.00	0.00	0.00	0.00	0.00	827,190.00
pfs6strest	6th Street Restrooms	690,720.00	0.00	0.00	0.00	0.00	0.00	0.00	690,720.00
pfc777buil	777 Building Renovation	278,000.00	0.00	0.00	0.00	0.00	0.00	0.00	278,000.00
pkcbassph2	Bass Musuem Phase II Expansion	0.00	0.00	0.00	0.00	0.00	0.00	15,000,000.00	15,000,000.00
pfcbrrooms	Beachfront Restrooms	2,272,780.00	0.00	0.00	0.00	0.00	0.00	0.00	2,272,780.00
07gtcolon1	Colony Theatre Renovation	636,265.85	0.00	0.00	0.00	0.00	0.00	0.00	636,265.85
fsmfireno2	Fire Station 2/Hose Tower	12,974,978.00	297,743.00	0.00	0.00	0.00	0.00	0.00	13,272,721.00
fsmhosetw2	Hose Tower Refurbishment Fire Stati	297,743.00	-297,743.00	0.00	0.00	0.00	0.00	0.00	0.00
pfmtlstag	Little Stage Complex	637,200.00	0.00	0.00	0.00	0.00	0.00	7,390,120.00	8,027,320.00
pfpkmaint	Parks Maintenance Facility	933,722.00	0.00	0.00	0.00	0.00	0.00	0.00	933,722.00
pfspropfac	Property Management Facility	4,937,581.00	0.00	0.00	0.00	0.00	0.00	0.00	4,937,581.00
pfpmpwsyard	Public Works Facility	2,880,173.00	0.00	0.00	0.00	0.00	0.00	0.00	2,880,173.00
		<b>27,366,353</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>22,390,120</b>	<b>49,756,473</b>
<b>Parks &amp; Recreation / Fire</b>									
pknsospmf	NSOP Beach Maint. Facility	0.00	0.00	0.00	0.00	0.00	0.00	2,745,090.00	2,745,090.00
		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,745,090</b>	<b>2,745,090</b>
<b>Property Management</b>									
pfsoldchgo	Historic Old City Hall	5,200,000.00	0.00	0.00	0.00	0.00	0.00	0.00	5,200,000.00
		<b>5,200,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,200,000</b>
<b>Public Works</b>									
pfsachpgin	Anchor Place Impact Glass Installatic	507,200.00	0.00	0.00	0.00	0.00	0.00	0.00	507,200.00
pfszrdgrt	Hazard Mitigation Grant - Wind Retro	844,523.00	0.00	0.00	0.00	0.00	0.00	0.00	844,523.00
pfssshoreg	S. Shore Comm Center (County G.O.	500,000.00	0.00	0.00	0.00	0.00	0.00	0.00	500,000.00
		<b>1,851,723</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,851,723</b>
<b>Real Estate, Housing &amp; Community Develop</b>									
pfmrelochs	Relocation of Homeless Services Div	0.00	0.00	0.00	0.00	0.00	0.00	85,560.00	85,560.00
		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>85,560</b>	<b>85,560</b>
		<b>34,918,076</b>	<b>206,713</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>25,220,770</b>	<b>60,345,559</b>
<b>Golf Courses</b>									
<b>CIP Office</b>									
pkmcartbar	Miami Beach Golf Course Cart Barn	1,423,821.00	0.00	0.00	0.00	0.00	0.00	0.00	1,423,821.00
pknnorgccb	Normandy Shores GC Cart Barn	1,431,697.00	0.00	0.00	0.00	0.00	0.00	0.00	1,431,697.00
pknnormsch	Normandy Shores GC Club House	4,986,656.00	0.00	0.00	0.00	0.00	0.00	0.00	4,986,656.00
pknnorgcmf	Normandy Shores GC Maint Facility	946,823.00	0.00	0.00	0.00	0.00	0.00	0.00	946,823.00
pknnorgctr	Normandy Shores GC Two Restroom	362,537.00	0.00	0.00	0.00	0.00	0.00	0.00	362,537.00
pknnormsgc	Normandy Shores Golf Course	9,228,385.12	0.00	0.00	0.00	0.00	0.00	0.00	9,228,385.12
pkmgcmpar3	Par 3 Golf Course Master Plan	412,100.00	3,761,922.00	0.00	0.00	0.00	0.00	0.00	4,174,022.00
		<b>18,792,019</b>	<b>3,761,922</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>22,553,941</b>

274



**CITY OF MIAMI BEACH**  
**2011-2015 CAPITAL IMPROVEMENT PLAN BY PROGRAM**

PROJECT	PROGRAM	Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
<b>Parks &amp; Recreation</b>									
pkmmbgcdra	M Beach Golf Course Drainage Rem	0.00	151,017.00	0.00	0.00	0.00	0.00	0.00	151,017.00
pkmmbgcnet	MBGC-Golf Range Netting	0.00	0.00	0.00	0.00	0.00	0.00	99,500.00	99,500.00
pknormgin	Normandy Shores GC Grow-in	945,836.00	0.00	0.00	0.00	0.00	0.00	0.00	945,836.00
		<b>945,836</b>	<b>151,017</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>99,500</b>	<b>1,196,353</b>
		<b>19,737,855</b>	<b>3,912,939</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>99,500</b>	<b>23,750,294</b>
<b>Information Technology</b>									
<b>Building</b>									
eqppermac	Bldg Dev Process Ent System	1,500,000.00	100,000.00	0.00	0.00	0.00	0.00	0.00	1,600,000.00
eqcprojdox	Projectdox Electronic Plan Rev Softw	547,000.00	0.00	0.00	0.00	0.00	0.00	0.00	547,000.00
		<b>2,047,000</b>	<b>100,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,147,000</b>
<b>Finance</b>									
eqqrecima3	Records Imaging 3/Cleanliness Asse	29,268.00	0.00	0.00	0.00	0.00	0.00	0.00	29,268.00
eqqrecima2	Records Imaging Phase 2	25,557.00	0.00	0.00	0.00	0.00	0.00	0.00	25,557.00
		<b>54,825</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>54,825</b>
<b>Fire</b>									
eqqestafor	Telestaff - Ocean Rescue	16,600.00	0.00	0.00	0.00	0.00	0.00	0.00	16,600.00
		<b>16,600</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>16,600</b>
<b>Human Resources / Finance</b>									
eqqvelffe	Auto Transfer Benefits Data	18,000.00	0.00	0.00	0.00	0.00	0.00	0.00	18,000.00
eqqrecimag	Records Imaging-Human Resources	57,490.00	0.00	0.00	0.00	0.00	0.00	0.00	57,490.00
eqqworkflo	Workflow Processing	50,000.00	0.00	0.00	0.00	0.00	0.00	0.00	50,000.00
		<b>125,490</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>125,490</b>
<b>Information Technology</b>									
eqqcad/rms	CAD/RMS - New World System Agm	1,366,256.00	0.00	0.00	0.00	0.00	0.00	0.00	1,366,256.00
eqqinfocom	Info & Comm Tech Contingency	516,979.00	4,445.00	0.00	0.00	0.00	0.00	0.00	521,424.00
eqqcodecom	Permitting System Replacement-Cod	100,000.00	-100,000.00	0.00	0.00	0.00	0.00	0.00	0.00
		<b>1,983,235</b>	<b>(95,555)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,887,680</b>
<b>Parks</b>									
eqqewarer	RecWare Recreation Software to Act	0.00	29,550.00	0.00	0.00	0.00	0.00	0.00	29,550.00
		<b>0</b>	<b>29,550</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>29,550</b>
<b>Police</b>									
eqqcadrmsl	CAD/RMS Addtl Mobile Lic	4,500.00	0.00	0.00	0.00	0.00	0.00	0.00	4,500.00
eqqcadrmsbr	CAD/RMS Field Based Reporting	7,500.00	0.00	0.00	0.00	0.00	0.00	0.00	7,500.00
		<b>12,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12,000</b>
		<b>4,239,150</b>	<b>33,995</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,273,145</b>
<b>Jackie Gleason Theater</b>									
<b>CIP Office</b>									
pfsjackiet	Jackie Gleason Theater Life Safety	953,700.00	0.00	0.00	0.00	0.00	0.00	0.00	953,700.00

275



# CITY OF MIAMI BEACH

## 2011-2015 CAPITAL IMPROVEMENT PLAN BY PROGRAM

PROJECT	PROGRAM	Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
pfstopaada	TOPA ADA and Interior Renovations	4,476,871.00	-418,099.00	0.00	0.00	0.00	0.00	0.00	4,058,772.00
		<b>5,430,571</b>	<b>(418,099)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,012,472</b>
		<b>5,430,571</b>	<b>(418,099)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,012,472</b>

### Monuments

#### CIP Office

pkcobelisk	28th St. Obelisk Monument Restorati	0.00	0.00	0.00	0.00	0.00	0.00	742,475.00	742,475.00
pkcobeliss	28th Street Obelisk Stabilization	381,780.00	0.00	0.00	0.00	0.00	0.00	0.00	381,780.00
pksfountan	Alton Road Fountain @ 20th Street	0.00	0.00	0.00	0.00	0.00	0.00	278,600.00	278,600.00
pkccarlmem	Carl Fisher Memorial Monument	0.00	0.00	0.00	0.00	0.00	0.00	172,530.00	172,530.00
pfsflagler	Flagler Monument Restoration	369,029.00	0.00	0.00	0.00	0.00	0.00	0.00	369,029.00
pkmmermaid	Mermaid	0.00	0.00	0.00	0.00	0.00	0.00	97,341.00	97,341.00
pkspalmfou	Palm Island Fountain	0.00	0.00	0.00	0.00	0.00	0.00	99,897.00	99,897.00
pkmpinefou	Pine Tree Fountain	0.00	0.00	0.00	0.00	0.00	0.00	118,002.00	118,002.00
pknpolopst	Polo Player Statue	0.00	0.00	0.00	0.00	0.00	0.00	63,900.00	63,900.00
pkcgreatsm	The Great Spirit Monument	0.00	0.00	0.00	0.00	0.00	0.00	64,326.00	64,326.00
pkswatrest	Water Tower Restoration Star Island	0.00	0.00	0.00	0.00	0.00	0.00	593,205.00	593,205.00
pkswwarmem	World War Memorial	0.00	0.00	0.00	0.00	0.00	0.00	61,770.00	61,770.00
		<b>750,809</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,292,046</b>	<b>3,042,855</b>
		<b>750,809</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,292,046</b>	<b>3,042,855</b>

### Parking Garages

#### CIP Office

pgc13canop	13th Street Parking Garage Canopy	299,066.41	0.00	0.00	0.00	0.00	0.00	0.00	299,066.41
pgs17pgele	17th St P.G. Elevator Enclosure	610,000.00	36,600.00	0.00	0.00	0.00	0.00	0.00	646,600.00
pgc17stefr	17th Street Garage East Facade Ret:	0.00	0.00	375,000.00	2,125,000.00	0.00	0.00	0.00	2,500,000.00
pgmculcamp	Collins Park Parking Garage	2,709,560.00	14,216,715.00	0.00	0.00	0.00	0.00	0.00	16,926,275.00
pgmculcaml	Collins Park Parking Garage Land	2,271,008.00	2,703,992.00	0.00	0.00	0.00	0.00	0.00	4,975,000.00
pgmculcii	Cultural Campus Parking Garage II	0.00	0.00	0.00	0.00	0.00	0.00	12,399,971.00	12,399,971.00
pgs12garag	Maint-12th St Parking Garage	350,501.14	0.00	0.00	0.00	0.00	0.00	0.00	350,501.14
pgsm13stpg	Maint-13 St Parking Garage 10	0.00	105,000.00	0.00	0.00	0.00	0.00	0.00	105,000.00
pgs13garmt	Maint-13th St. Parking Garage 09	30,000.00	90,000.00	0.00	0.00	0.00	0.00	0.00	120,000.00
pgcaltfenc	Maint-16th St Garage (Anchor)-Gen	395,000.00	0.00	0.00	0.00	0.00	0.00	0.00	395,000.00
pgcanchorg	Maint-16th St Parking Garage 09	425,000.00	0.00	0.00	0.00	0.00	0.00	0.00	425,000.00
pgs17garag	Maint-17th St Parking Garage	2,213,737.19	0.00	0.00	0.00	0.00	0.00	0.00	2,213,737.19
pgs17stpg	Maint-17th St Parking Garage 10	145,000.00	269,000.00	0.00	0.00	0.00	0.00	0.00	414,000.00
pgs17garmt	Maint-17th St. Parking Garage 09	100,000.00	135,000.00	0.00	0.00	0.00	0.00	0.00	235,000.00
pgm42garmt	Maint-42 St. Parking Garage 09	240,000.00	0.00	0.00	0.00	0.00	0.00	0.00	240,000.00
pgm42stpg	Maint-42nd St Parking Garage 10	245,000.00	0.00	0.00	0.00	0.00	0.00	0.00	245,000.00
pgsmnt7stg	Maint-7th St Parking Garage 10	375,000.00	0.00	0.00	0.00	0.00	0.00	0.00	375,000.00
pgs7garamt	Maint-7th St. Parking Garage 09	360,000.00	0.00	0.00	0.00	0.00	0.00	0.00	360,000.00
pgs7garage	Maint-7th Street Parking Garage	330,000.00	0.00	0.00	0.00	0.00	0.00	0.00	330,000.00
pgsmmpkpf	Multi-Purpose Municipal Parking Faci	40,304,925.00	0.00	0.00	0.00	0.00	0.00	0.00	40,304,925.00
pgnbnparkg	North Beach Parking Garage	0.00	0.00	0.00	0.00	25,000,000.00	0.00	0.00	25,000,000.00



**CITY OF MIAMI BEACH**  
**2011-2015 CAPITAL IMPROVEMENT PLAN BY PROGRAM**

PROJECT	PROGRAM	Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
pgssbparkg	South Beach Parking Garage	0.00	0.00	0.00	0.00	0.00	0.00	25,000,000.00	25,000,000.00
pgmsunharg	Sunset Harbor / Purdy Ave Garage	608,000.00	19,860,435.00	0.00	0.00	0.00	0.00	0.00	20,468,435.00
pgmsunharl	Sunset Harbor/Purdy Av Land & Air F	8,500,000.00	0.00	0.00	0.00	0.00	0.00	0.00	8,500,000.00
		<b>60,511,798</b>	<b>37,416,742</b>	<b>375,000</b>	<b>2,125,000</b>	<b>25,000,000</b>	<b>0</b>	<b>37,399,971</b>	<b>162,828,511</b>
<b>City Manager's Office</b>									
pgspotamki	5th Street & Alton Road Joint Venture	14,397,725.40	0.00	0.00	0.00	0.00	0.00	0.00	14,397,725.40
		<b>14,397,725</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,397,725</b>
<b>Parking</b>									
pgccctvph2	CCTV Phase 2	250,000.00	0.00	0.00	0.00	0.00	0.00	0.00	250,000.00
pgccctvgar	Closed Circuit Television System	857,222.92	0.00	0.00	0.00	0.00	0.00	0.00	857,222.92
		<b>1,107,223</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,107,223</b>
<b>RDA</b>									
pkmnwsgara	Pennsylvania (New World Symphony	17,085,135.00	0.00	0.00	0.00	0.00	0.00	0.00	17,085,135.00
		<b>17,085,135</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>17,085,135</b>
		<b>93,101,881</b>	<b>37,416,742</b>	<b>375,000</b>	<b>2,125,000</b>	<b>25,000,000</b>	<b>0</b>	<b>37,399,971</b>	<b>195,418,594</b>

**Parking Lots**

<b>CIP Office</b>									
pgm42royal	Parking Lot 8B Impro-42 & Royal Pal	1,305,000.00	78,300.00	0.00	0.00	0.00	0.00	0.00	1,383,300.00
pgsodsurlf	Penrods @ 1 Ocean Dr	1,320,000.00	121,600.00	0.00	0.00	0.00	0.00	0.00	1,441,600.00
pgcprefgar	Preferred Lot Parking Garage	0.00	0.00	0.00	0.00	0.00	0.00	70,000,000.00	70,000,000.00
pgsmesurlf	Surface Lot 10C 1662 Meridian Ave	0.00	0.00	1,325,000.00	0.00	0.00	0.00	0.00	1,325,000.00
pgsjasurlf	Surface Lot 10D Jefferson Ave	0.00	0.00	556,500.00	0.00	0.00	0.00	0.00	556,500.00
pgsnlsurlf	Surface Lot 10F S Lincoln Ln. & Meri	0.00	0.00	302,100.00	0.00	0.00	0.00	0.00	302,100.00
pgs16surfl	Surface Lot 10G 1620 Michigan Aver	0.00	0.00	0.00	174,900.00	0.00	0.00	0.00	174,900.00
pgs1xsurlf	Surface Lot 10X 1663 Lenox Avenue	0.00	0.00	0.00	911,600.00	0.00	0.00	0.00	911,600.00
pgs09surfl	Surface Lot 12X @ 9th St & Washing	97,000.00	53,000.00	0.00	0.00	0.00	0.00	0.00	150,000.00
pgs10surfl	Surface Lot 13X @ 10th St & Washin	340,000.00	18,000.00	0.00	0.00	0.00	0.00	0.00	358,000.00
pgscasurlf	Surface Lot 17X Collins Ave & 13 St	418,000.00	25,080.00	0.00	0.00	0.00	0.00	0.00	443,080.00
pgn53surfl	Surface Lot 19B @ Collins & 53rd St.	0.00	1,669,500.00	0.00	0.00	0.00	0.00	0.00	1,669,500.00
pgnnsyclsl	Surface Lot 22X N Shore Youth Cent	0.00	0.00	381,600.00	0.00	0.00	0.00	0.00	381,600.00
pgnsl24bst	Surface Lot 24B 971 71 Street	0.00	0.00	180,200.00	0.00	0.00	0.00	0.00	180,200.00
pgn69surfl	Surface Lot 24C 6972 Bay Drive	0.00	0.00	323,300.00	0.00	0.00	0.00	0.00	323,300.00
pgnbdsurfl	Surface Lot 25X 7061 Bonita Drive	0.00	0.00	127,200.00	0.00	0.00	0.00	0.00	127,200.00
pgnsl26c79	Surface Lot 26-C (P-107) Collins and	0.00	0.00	0.00	0.00	0.00	0.00	797,500.00	797,500.00
pgnsl26d83	Surface Lot 26-D Collins and 83 (P-1	0.00	0.00	0.00	0.00	0.00	0.00	880,000.00	880,000.00
pgs06surfl	Surface Lot 2B Meridian Ave and 6 S	0.00	0.00	0.00	233,200.00	0.00	0.00	0.00	233,200.00
pgmslwesta	Surface Lot 4D West Ave & 16 St	525,000.00	31,500.00	0.00	0.00	0.00	0.00	0.00	556,500.00
pgs19surfl	Surface Lot 5H 1901 Meridian Ave	0.00	0.00	238,500.00	0.00	0.00	0.00	0.00	238,500.00
pgm40surfl	Surface Lot 8H 4001 Prairie Ave.	0.00	0.00	556,500.00	0.00	0.00	0.00	0.00	556,500.00
pgnhasurlf	Surface Lot 9A @ Harding Ave-71 St	310,000.00	0.00	0.00	0.00	0.00	0.00	0.00	310,000.00
pgn71surfl	Surface Lot 9E @ Harding Ave-71 St	225,000.00	25,000.00	0.00	0.00	0.00	0.00	0.00	250,000.00

277



# CITY OF MIAMI BEACH

## 2011-2015 CAPITAL IMPROVEMENT PLAN BY PROGRAM

PROJECT	PROGRAM	Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
pgccolln84	Surface Lot at Collins & 84 St	0.00	768,500.00	0.00	0.00	0.00	0.00	0.00	768,500.00
pgccolln80	Surface Lot at Collins Ave & 80 St	725,000.00	0.00	0.00	0.00	0.00	0.00	0.00	725,000.00
pgsmisurf1	Surface Lot Michigan Lot	0.00	0.00	0.00	1,272,000.00	0.00	0.00	0.00	1,272,000.00
pgmslp48st	Surface Lot P48 Bass Museum Lot	0.00	0.00	220,000.00	0.00	0.00	0.00	0.00	220,000.00
pgmsuppl8d	Surface Parking Lot 8D Pine Tree Dr	170,000.00	0.00	0.00	0.00	0.00	0.00	0.00	170,000.00
pgm41surfl	Surface Parking Lot 8E @ 4141 Altor	200,000.00	0.00	0.00	0.00	0.00	0.00	0.00	200,000.00
pgmsrpl18a	Surface Pkg Lot 18A 6475 Collins Av	250,000.00	0.00	0.00	0.00	0.00	0.00	0.00	250,000.00
		<b>5,885,000</b>	<b>2,790,480</b>	<b>4,210,900</b>	<b>2,591,700</b>	<b>0</b>	<b>0</b>	<b>71,677,500</b>	<b>87,155,580</b>
		<b>5,885,000</b>	<b>2,790,480</b>	<b>4,210,900</b>	<b>2,591,700</b>	<b>0</b>	<b>0</b>	<b>71,677,500</b>	<b>87,155,580</b>

**Parks**

CIP Office									
pknaltospk	Altos Del Mar Park	2,900,000.00	0.00	0.00	0.00	0.00	0.00	0.00	2,900,000.00
pknbandshe	Band Shell Master Plan Improv	1,500,000.00	418,313.00	0.00	0.00	0.00	0.00	0.00	1,918,313.00
pknnoshban	Bandshell Facility Improvements	1,649,709.00	0.00	0.00	0.00	0.00	0.00	0.00	1,649,709.00
pkscolpacf	Collins Park Children's Feature	150,000.00	0.00	0.00	0.00	0.00	0.00	0.00	150,000.00
pknfairway	Fairway Park	1,286,568.00	0.00	0.00	0.00	0.00	0.00	0.00	1,286,568.00
pkslamgob	Flamingo Park	13,713,307.00	-80,245.00	0.00	0.00	0.00	0.00	0.00	13,633,062.00
pkslummusp	Lumms Park	2,070,676.00	0.00	0.00	0.00	0.00	0.00	0.00	2,070,676.00
pkslummser	Lumms Park Serpentine Walkway	0.00	395,000.00	0.00	0.00	0.00	0.00	0.00	395,000.00
pkslumm10a	Lumms Park-10th Street Auditorium	9,961,818.00	0.00	0.00	0.00	0.00	0.00	0.00	9,961,818.00
pksmonuisl	Monument Island (County G.O. Bond	750,000.00	0.00	0.00	0.00	0.00	0.00	0.00	750,000.00
pkmmussprk	Muss Park	339,828.00	110,801.00	0.00	0.00	0.00	0.00	0.00	450,629.00
pkmmusspkg	Muss Park Greenspace Expansion/C	480,000.00	183,428.00	0.00	0.00	0.00	0.00	0.00	663,428.00
pkmrakowyc	Scott Rakow Youth Center Phase II	10,086,349.00	0.00	0.00	0.00	0.00	0.00	0.00	10,086,349.00
pkssouthpt	South Pointe Park	28,246,772.00	0.00	0.00	0.00	0.00	0.00	0.00	28,246,772.00
pksspreme	South Pointe Park Remediation	0.00	800,000.00	0.00	0.00	0.00	0.00	0.00	800,000.00
pfssptpier	South Pointe Pier	6,625,671.00	0.00	90,821.00	0.00	0.00	0.00	0.00	6,716,492.00
pkswashprk	Washington Park	215,531.00	0.00	0.00	0.00	0.00	0.00	0.00	215,531.00
		<b>79,976,229</b>	<b>1,827,297</b>	<b>90,821</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>81,894,347</b>

Parks & Recreation									
pkcdicavel	7300 Dickens Ave L/scape-Irrigation	0.00	0.00	0.00	0.00	0.00	0.00	36,674.00	36,674.00
pknallison	Allison Park Improvements	170,000.00	0.00	0.00	0.00	0.00	0.00	0.00	170,000.00
pkncommgar	Community Garden in North Beach	50,000.00	0.00	0.00	0.00	0.00	0.00	0.00	50,000.00
pkncrespip	Crespi Park Field Renovation	0.00	0.00	0.00	0.00	0.00	0.00	62,660.00	62,660.00
pkcplayph2	CW Playgrounds, Tot lots & Shade P	250,000.00	0.00	0.00	0.00	0.00	0.00	0.00	250,000.00
pxnfairpar	Fairway Park Install. Black Alum. Fer	0.00	0.00	0.00	0.00	0.00	0.00	68,306.00	68,306.00
pkmfishepl	Fisher Park Tot-lot/Playground Shade	60,100.00	0.00	0.00	0.00	0.00	0.00	0.00	60,100.00
pxmfisherp	Fisher Pk Irrigation System Restorati	0.00	0.00	0.00	0.00	0.00	0.00	49,800.00	49,800.00
pkmfishtot	Fisher Pk New Tot Lot Addl Safety Si	0.00	150,000.00	0.00	0.00	0.00	0.00	0.00	150,000.00
pkslamvac	Flamingo Park Madvac System	0.00	0.00	0.00	0.00	0.00	0.00	37,570.00	37,570.00
pkslamloc	Flamingo Park Pool New Lockers	0.00	0.00	0.00	0.00	0.00	0.00	25,000.00	25,000.00
pkslamtrk	Flamingo Park Track Resurfacing	50,000.00	0.00	0.00	0.00	0.00	0.00	0.00	50,000.00

278



# CITY OF MIAMI BEACH

## 2011-2015 CAPITAL IMPROVEMENT PLAN BY PROGRAM

PROJECT	PROGRAM	Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
pkcinsfpar	Install Add. St. Furniture within Parks	130,000.00	0.00	0.00	0.00	0.00	0.00	0.00	130,000.00
pkmlagortl	La Gorce Pk New Tot Lot & Safety Si	0.00	0.00	0.00	0.00	0.00	0.00	61,981.00	61,981.00
pkmpinetrp	Mid-Beach Community Garden	40,700.00	0.00	0.00	0.00	0.00	0.00	0.00	40,700.00
pkctenncrt	New Tennis Courts at a site TBD	0.00	300,000.00	0.00	0.00	0.00	0.00	0.00	300,000.00
pknnsptlss	Normandy Shores Park Tot-lot/Playgr	135,500.00	0.00	0.00	0.00	0.00	0.00	0.00	135,500.00
pknnsospdp	North Shore Open Space Park-Dog F	91,875.00	0.00	0.00	0.00	0.00	0.00	0.00	91,875.00
pknnsptycfc	NSPYC-Fitness Center Refurbishmei	0.00	0.00	0.00	0.00	0.00	0.00	73,213.00	73,213.00
pknnsptycsp	NSPYC-Sports Field Restoration	0.00	107,100.00	0.00	0.00	0.00	0.00	0.00	107,100.00
pkcplaytsp	Playground/Tot-lots & Shade Struct	835,651.00	0.00	0.00	0.00	0.00	0.00	0.00	835,651.00
pknnsptotl	Playgrounds/Shade Struct NSPYC	100,000.00	0.00	0.00	0.00	0.00	0.00	0.00	100,000.00
pxmpolosfr	Polo Park Sport Field Restoration	0.00	132,557.00	0.00	0.00	0.00	0.00	0.00	132,557.00
pknrueveno	Rue Vendome/Biarritz Dr Park & Gar	0.00	0.00	0.00	0.00	0.00	0.00	25,500.00	25,500.00
pkssppshs	South Pointe Park Playground & Sha	0.00	275,000.00	0.00	0.00	0.00	0.00	0.00	275,000.00
pknstillsf	Stillwater Pk Sports Field Lcape & Irr	0.00	0.00	0.00	0.00	0.00	0.00	63,894.00	63,894.00
pkmsunisle	Sunset Islands Neighborhoods/Park	120,000.00	0.00	0.00	0.00	0.00	0.00	0.00	120,000.00
pkntatumub	Tatum Pk Const 2 Outdoor Sand Voll	0.00	0.00	0.00	0.00	0.00	0.00	90,751.00	90,751.00
pkswashdog	Washington Park - Dog Park	60,836.00	0.00	0.00	0.00	0.00	0.00	0.00	60,836.00
		<b>2,094,662</b>	<b>964,657</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>595,349</b>	<b>3,654,668</b>
<b>RDA</b>									
pkmwnspark	Lincoln (New World Symphony) Park	19,485,100.00	0.00	0.00	0.00	0.00	0.00	0.00	19,485,100.00
		<b>19,485,100</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>19,485,100</b>
<b>Tourism and Cultural Development</b>									
pkmcolpuar	Maze Project 21 St & Collins Avenue	250,000.00	0.00	0.00	0.00	0.00	0.00	0.00	250,000.00
		<b>250,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>250,000</b>
		<b>101,805,991</b>	<b>2,791,954</b>	<b>90,821</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>595,349</b>	<b>105,284,115</b>
<b>Seawalls</b>									
<b>CIP Office</b>									
enmbotancc	Seawall-Botanical Gard/Collins Cana	0.00	0.00	0.00	0.00	0.00	1,208,662.00	0.00	1,208,662.00
ensflamsw	Seawall-Flamingo Drive Rehabilitation	158,700.00	0.00	0.00	0.00	0.00	0.00	0.00	158,700.00
enslincsw	Seawall-Lincoln Road Streetend W	725,820.00	216,549.00	0.00	0.00	0.00	0.00	0.00	942,369.00
ennnorisle	Seawall-Normandy Isle Channel	324,150.00	61,760.00	0.00	0.00	0.00	0.00	0.00	385,910.00
rwn63bridg	Seawall-Pine Tree Dr Rehab 63 St	379,573.00	-193,209.00	0.00	0.00	0.00	0.00	0.00	186,364.00
enmsunslsw	Seawall-Sunset Lake Pk (Sunset Is #	505,923.00	0.00	0.00	0.00	0.00	0.00	0.00	505,923.00
		<b>2,094,166</b>	<b>85,100</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,208,662</b>	<b>0</b>	<b>3,387,928</b>
<b>Public Works</b>									
ensearpfm	Seawall Repair - Fleet Management	66,793.00	1,810,289.00	0.00	0.00	0.00	0.00	0.00	1,877,082.00
enmaltonsw	Seawall-Alton Rd & I-95 Interchange	0.00	633,484.00	0.00	0.00	0.00	0.00	633,484.00	1,266,968.00
ensbayrdsw	Seawall-Bay Road Rehabilitation	0.00	0.00	0.00	0.00	0.00	0.00	275,180.00	275,180.00
ensbiscbse	Seawall-Biscayne Bay St End Enh Pf	0.00	542,491.00	0.00	0.00	0.00	0.00	542,332.00	1,084,823.00
enbaystend	Seawall-Biscayne Bay Streetend Enh	976,960.00	0.00	0.00	0.00	0.00	0.00	0.00	976,960.00
pnwdaveshr	Seawall-Dickens Av Shoreline & Bike	392,750.00	200,000.00	0.00	0.00	0.00	0.00	150,000.00	742,750.00



# CITY OF MIAMI BEACH

## 2011-2015 CAPITAL IMPROVEMENT PLAN BY PROGRAM

PROJECT	PROGRAM	Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
enmindcrkg	Seawall-Indian Creek Greenway	100,000.00	0.00	0.00	0.00	0.00	0.00	15,000,000.00	15,100,000.00
enslinccsw	Seawall-Lincoln Court Rehabilitation	0.00	0.00	0.00	0.00	0.00	0.00	547,760.00	547,760.00
ennmusspsw	Seawall-Muss Park Rehabilitation	0.00	0.00	0.00	0.00	0.00	0.00	674,000.00	674,000.00
encpinetre	Seawall-Pine Tree Pk Shoreline Rest	284,766.00	0.00	0.00	0.00	0.00	0.00	0.00	284,766.00
encwtrdred	Seawall-Waterways Dredging	105,954.00	0.00	0.00	0.00	0.00	0.00	0.00	105,954.00
		<b>1,927,223</b>	<b>3,186,264</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>17,822,756</b>	<b>22,936,243</b>
		<b>4,021,389</b>	<b>3,271,364</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,208,662</b>	<b>17,822,756</b>	<b>26,324,171</b>

### Street/Sidewalk/Streetscape Improvements

CIP Office									
rwsl7thstn	17th Street North Imprv Penn Av to V	0.00	0.00	0.00	0.00	0.00	0.00	2,000,000.00	2,000,000.00
rwmsunisla	Bayshore Neigh Sunset Isl 1 & 2 BPE	3,471,303.00	2,332,404.00	0.00	0.00	0.00	0.00	0.00	5,803,707.00
rwmbaysbpa	Bayshore Neighborhood - Bid Pack A	6,470,976.90	18,144,911.00	0.00	0.00	0.00	0.00	0.00	24,615,887.90
rwmbaysbpb	Bayshore Neighborhood - Bid Pack B	3,906,345.00	4,009,868.00	0.00	0.00	0.00	0.00	0.00	7,916,213.00
rwmbaysbpc	Bayshore Neighborhood - Bid Pack C	4,000,587.00	1,006,097.00	0.00	0.00	0.00	0.00	0.00	5,006,684.00
rwmbaysbpd	Bayshore Neighborhood - Bid Pack D	1,105,485.00	5,250,776.00	0.00	0.00	0.00	0.00	0.00	6,356,261.00
rwmbptrow	Biscayne Point Neighborhood Improv	6,811,128.00	11,063,204.00	0.00	0.00	0.00	0.00	0.00	17,874,332.00
rwscityctr	CCHV Neigh. Improv.-Historic Dist. B	17,855,993.00	0.00	0.00	0.00	0.00	0.00	0.00	17,855,993.00
rwscchvb9b	City Center-Commercial Dist BP9B	13,209,842.00	0.00	0.00	0.00	0.00	0.00	0.00	13,209,842.00
rwscollpar	Collins Park Ancillary Improvements	0.00	0.00	0.00	0.00	0.00	0.00	5,000,000.00	5,000,000.00
pkscollins	Collins Park/Streetscape/Rotunda	10,342,106.00	0.00	0.00	0.00	0.00	0.00	0.00	10,342,106.00
rwconvctr	Convention Center Lincoln Rd Conne	0.00	0.00	0.00	0.00	0.00	0.00	10,000,000.00	10,000,000.00
trmdirsign	Directory Signs in the City Center RO	0.00	108,268.00	0.00	0.00	0.00	0.00	0.00	108,268.00
rwslflambpb	Flamingo Neighborhood - Bid Pack B	16,098,007.00	0.00	0.00	0.00	0.00	0.00	0.00	16,098,007.00
rwslflambp1	Flamingo Neighborhood Bid Pack 1A	1,034,855.00	0.00	0.00	0.00	0.00	0.00	0.00	1,034,855.00
rwmlagorce	LaGorce Neighborhood Improvement	6,951,774.00	6,376,913.00	0.00	0.00	0.00	0.00	0.00	13,328,687.00
pwsledigt	LED Lighting Installation	0.00	1,054,790.00	0.00	0.00	0.00	0.00	0.00	1,054,790.00
rwmlincoln	Lincoln Rd Between Collins & Washi	2,488,093.00	28,490.00	0.00	0.00	0.00	0.00	0.00	2,516,583.00
rwslinwash	Lincoln Road Washington Av to Leno	0.00	0.00	0.00	0.00	0.00	20,000,000.00	0.00	20,000,000.00
rwmnautils	Nautilus Neighborhood Improvement	39,861,900.00	0.00	0.00	0.00	0.00	0.00	0.00	39,861,900.00
rwnormisl	Normandy Isle Neighborhood Improv	14,493,003.00	0.00	0.00	0.00	0.00	0.00	0.00	14,493,003.00
rwnormshr	Normandy Shores Neighborhood Imp	16,967,260.00	0.00	0.00	0.00	0.00	0.00	0.00	16,967,260.00
rwnorthsh	North Shore Neighborhood Improvem	9,343,373.00	7,877,972.00	0.00	0.00	0.00	0.00	0.00	17,221,345.00
rwmoceanft	Oceanfront Neighborhood Improvem	10,331,881.00	795,293.00	0.00	0.00	0.00	0.00	0.00	11,127,174.00
rwslslands	Palm & Hibiscus Island Enhancemen	1,257,563.00	340,000.00	9,439,998.00	0.00	0.00	0.00	0.00	11,037,561.00
rwssprdap1	S Pointe Improvements - Ph I	10,888,110.00	0.00	0.00	0.00	0.00	0.00	0.00	10,888,110.00
rwssprdaii	S Pointe Improvements - Ph II	12,025,067.00	0.00	0.00	0.00	0.00	0.00	0.00	12,025,067.00
rwssprdaiv	S Pointe Improvements - Ph III-V	20,603,389.00	228,027.00	0.00	0.00	0.00	0.00	0.00	20,831,416.00
rwslstarisl	Star Island Enhancements	578,098.00	1,549,842.00	0.00	0.00	0.00	0.00	0.00	2,127,940.00
rwsvencswy	Venetian Neigh - Causeway (Bid D)	2,827,000.00	0.00	0.00	0.00	0.00	0.00	0.00	2,827,000.00
rwsvenebpc	Venetian Neigh - Venetian Islands	10,074,366.00	2,223,337.00	0.00	0.00	0.00	0.00	0.00	12,297,703.00
rwsvenebpb	Venetian Neighborhood - Belle Isle	8,876,397.00	0.00	0.00	0.00	0.00	0.00	0.00	8,876,397.00
rwswashave	Washington Avenue Streetscape	17,112,249.00	0.00	0.00	0.00	0.00	0.00	0.00	17,112,249.00
		<b>268,986,151</b>	<b>62,390,192</b>	<b>9,439,998</b>	<b>0</b>	<b>0</b>	<b>20,000,000</b>	<b>17,000,000</b>	<b>377,816,341</b>

280



**CITY OF MIAMI BEACH  
2011-2015 CAPITAL IMPROVEMENT PLAN BY PROGRAM**

PROJECT	PROGRAM	Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
rwnatubar	Natural Baskets - Arthur Godfrey Rd	110,113.92	0.00	0.00	0.00	0.00	0.00	0.00	110,113.92
pkctreeph2	RestorativeTreeWell-2A 71St-Collins,	130,918.00	0.00	0.00	0.00	0.00	0.00	0.00	130,918.00
pkctreeph2b	RestorativeTreeWell-2B-Collins/64-71	183,068.00	0.00	0.00	0.00	0.00	0.00	0.00	183,068.00
pkctreeph2c	RestorativeTreeWell-2C-71St Bay D/	0.00	0.00	85,432.00	0.00	0.00	0.00	0.00	85,432.00
pkctreeph3	RestorativeTreeWell-PH 3-Washingt	0.00	0.00	0.00	689,997.00	0.00	0.00	0.00	689,997.00
pkctreeph4	RestorativeTreeWell-PH 4-Ocean Dr	0.00	0.00	0.00	0.00	689,997.00	0.00	0.00	689,997.00
pkctreeph5	RestorativeTreeWell-PH 5-41st St	0.00	0.00	0.00	0.00	0.00	488,546.00	0.00	488,546.00
pkctreeph6	RestorativeTreeWell-PH 6-5 St Alton,	0.00	202,987.00	0.00	0.00	0.00	0.00	0.00	202,987.00
		<b>241,032</b>	<b>386,055</b>	<b>85,432</b>	<b>689,997</b>	<b>689,997</b>	<b>488,546</b>	<b>0</b>	<b>2,581,059</b>

**Parks & Recreation**

74stcolave	74 St from Collins to Carlyle Ave	85,000.00	0.00	0.00	0.00	0.00	0.00	0.00	85,000.00
75stcolave	75th St from Collins Ave to Dickens A	85,000.00	0.00	0.00	0.00	0.00	0.00	0.00	85,000.00
76stcolave	76th St from Collins Ave to Dickens A	85,000.00	0.00	0.00	0.00	0.00	0.00	0.00	85,000.00
rwsalleywy	Alleyway Restoration Program Ph I	2,360,000.00	0.00	0.00	0.00	0.00	0.00	0.00	2,360,000.00
rwcalleph2	Alleyway Restoration Program Ph II	330,000.00	0.00	0.00	0.00	0.00	0.00	0.00	330,000.00
rwncolhard	Collins Ave, Harding Ave, Sidewalks	56,784.00	0.00	0.00	0.00	0.00	0.00	0.00	56,784.00
pwcdhotspt	Drainage Hot Spots	0.00	1,300,000.00	0.00	0.00	0.00	0.00	0.00	1,300,000.00
rwsflambpa	Flamingo Neighborhood - Bid Pack A	11,368,709.00	904,817.00	19,846,883.00	0.00	0.00	0.00	0.00	1,300,000.00
rwsflambpc	Flamingo Neighborhood - Bid Pack C	5,511,261.00	750,000.00	22,863,068.00	0.00	0.00	0.00	0.00	32,120,409.00
rwnlagpave	LaGorce Island (Street Pavement)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	29,124,329.00
rwnlighttre	LaGorce Island - Lighting, Trees, Mis	66,376.00	0.00	0.00	0.00	0.00	0.00	0.00	66,376.00
utmlagnigt	LaGorce Neighborhood Lighting-49 S	100,000.00	0.00	0.00	0.00	0.00	0.00	0.00	100,000.00
rwsimplinc	Lincoln Rd Between Lennox & Alton	6,319,926.00	0.00	0.00	0.00	0.00	0.00	0.00	6,319,926.00
utmrtoicken	Milling & Resurf Dickens Ave 71 to 8.	742,983.95	0.00	0.00	0.00	0.00	0.00	0.00	742,983.95
utmrindcd	Milling & Resurf Indian Creek 69-71 S	365,000.00	0.00	0.00	0.00	0.00	0.00	0.00	365,000.00
utmrbyron	Milling & Resurf-Byron Ave-71St to 8.	294,397.95	0.00	0.00	0.00	0.00	0.00	0.00	294,397.95
rwsstightw	Replace 5,000 Volt Direct Burial	680,000.00	0.00	0.00	0.00	0.00	0.00	0.00	680,000.00
rwcrowimp1	ROW Improvement Project	3,229,810.00	430,000.00	430,000.00	0.00	0.00	0.00	0.00	4,519,810.00
rwnmprarea	ROW Improvements on Prairie Aveni	377,000.00	0.00	0.00	0.00	0.00	0.00	0.00	377,000.00
rwcrowimp2	ROW Maintenance Project	1,585,000.00	0.00	0.00	0.00	0.00	0.00	0.00	1,585,000.00
rwsrestph2	Sidewalk Restoration - Phase II	150,000.00	0.00	0.00	0.00	0.00	0.00	0.00	150,000.00
rwcstreetr	Street Pavement Restoration	400,000.00	0.00	0.00	0.00	0.00	0.00	0.00	400,000.00
rwsunsisle	Sunset Islands 3&4 Entryway Improv.	0.00	465,599.00	0.00	0.00	0.00	0.00	0.00	465,599.00
rwsuplight	Uplighting-5th Street (Lenox to Ocea	400,000.00	0.00	0.00	0.00	0.00	0.00	0.00	400,000.00
pwcschlight	Washington Ave Cobra Head Lighting	0.00	0.00	0.00	0.00	0.00	0.00	40,000.00	40,000.00
rwswashsp	Washington Ave South Pointe Dr Imp	0.00	594,675.00	0.00	0.00	0.00	0.00	0.00	594,675.00
rwswestrow	West Avenue/Bay Road Improvemen	4,096,234.00	478,465.00	22,287,993.00	0.00	0.00	0.00	0.00	26,862,692.00
		<b>38,688,482</b>	<b>4,923,556</b>	<b>65,427,944</b>	<b>430,000</b>	<b>1,119,997</b>	<b>689,997</b>	<b>0</b>	<b>109,859,982</b>
		<b>307,915,665</b>	<b>67,699,803</b>	<b>74,953,374</b>	<b>1,119,997</b>	<b>689,997</b>	<b>20,488,546</b>	<b>17,390,000</b>	<b>490,257,382</b>

**Transit / Transportation**

**Planning**



# CITY OF MIAMI BEACH

## 2011-2015 CAPITAL IMPROVEMENT PLAN BY PROGRAM

PROJECT	PROGRAM	Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
trnbtownc	North Beach Town Center Complete	0.00	272,000.00	0.00	0.00	0.00	0.00	0.00	272,000.00
		<b>0</b>	<b>272,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>272,000</b>
<b>Public Works</b>									
trs16stops	16th St. Operational Improv/Enhance	1,776,570.00	4,949,524.00	0.00	0.00	0.00	0.00	2,679,387.00	9,405,481.00
rwn71dicke	71st St & Dickens Intersection Impro	99,878.00	335,000.00	0.00	0.00	0.00	0.00	0.00	434,878.00
enbcaywalk	Baywalk	370,500.00	0.00	0.00	0.00	0.00	0.00	8,307,619.00	8,678,119.00
enbchwalk2	Beachwalk II	4,736,731.00	0.00	0.00	0.00	0.00	0.00	0.00	4,736,731.00
enbch21ste	Beachwalk North Expansion	525,000.00	0.00	0.00	0.00	0.00	0.00	0.00	525,000.00
pgcbikeprk	Bicycle Parking - Phase I	162,900.00	0.00	0.00	0.00	0.00	0.00	0.00	162,900.00
pkcbicpph2	Bicycle Parking Phase II	140,000.00	0.00	0.00	0.00	0.00	0.00	0.00	140,000.00
rwbicpepr	Bicycle Pedestrian Projects Citywide	2,516,131.00	0.00	0.00	0.00	0.00	0.00	0.00	2,516,131.00
rwbkntsgn	Bikeways Network Signage	400,000.00	0.00	0.00	0.00	0.00	0.00	0.00	400,000.00
rwccitywcr	City W Curb Ramp Installation/Maint	166,000.00	10,000.00	10,000.00	10,000.00	10,000.00	0.00	0.00	206,000.00
trcwayfind	Citywide Wayfinding Signage Systerr	2,012,481.00	0.00	0.00	0.00	0.00	0.00	0.00	2,012,481.00
trccoascom	Coastal Communities Transportation	525,000.00	0.00	0.00	0.00	0.00	0.00	0.00	525,000.00
rwscollin6	Collins Ave and 6th St Improvements	46,853.00	0.00	0.00	0.00	0.00	0.00	0.00	46,853.00
rwccrosswa	Crosswalks	462,119.00	200,000.00	0.00	0.00	0.00	0.00	0.00	662,119.00
rwccrospii	Crosswalks - Phase II	0.00	200,000.00	125,000.00	100,000.00	100,000.00	0.00	0.00	525,000.00
rwnharaveg	Harding Avenue Gateway	95,000.00	0.00	0.00	0.00	0.00	0.00	0.00	95,000.00
rwmjuliab	Julia Tuttle Baywalk	24,838.00	0.00	0.00	0.00	0.00	0.00	0.00	24,838.00
rwsmacagas	MacArthur Causeway Gateway Sign	482,000.00	0.00	0.00	0.00	0.00	0.00	0.00	482,000.00
trcmbinter	Miami Beach Intermodal Center-Nortl	0.00	0.00	1,070,000.00	0.00	0.00	0.00	0.00	1,070,000.00
enmbchwlk1	Middle Beach Rec Corridor Ph I	1,063,553.00	0.00	0.00	0.00	0.00	0.00	0.00	1,063,553.00
enmbchwlk2	Middle Beach Rec Corridor Ph II	570,000.00	0.00	4,000,000.00	4,000,000.00	4,000,000.00	703,119.00	12,703,119.00	25,976,238.00
enmbchwlk3	Middle Beach Rec Corridor Ph III	0.00	0.00	0.00	0.00	0.00	0.00	12,094,466.00	12,094,466.00
pwcmastarm	Miscellaneous Mast Arm Painting	300,000.00	100,000.00	100,000.00	100,000.00	0.00	0.00	0.00	600,000.00
ennnbrece	North Beach Rec Corridor Ext 79th S	187,700.00	0.00	0.00	0.00	0.00	0.00	0.00	187,700.00
ennbchrecr	North Beach Recreational Corridor	6,234,505.92	0.00	0.00	0.00	0.00	0.00	0.00	6,234,505.92
pknparkvbt	Park View Is Waterway Ped/Bicycle	33,026.00	0.00	0.00	0.00	0.00	0.00	0.00	33,026.00
rwepedcsii	Pedestrian Countdown Signals - Pha	0.00	100,000.00	0.00	0.00	0.00	0.00	0.00	100,000.00
rwpedscosi	Pedestrian Countdown Signals Ph I	496,000.00	0.00	0.00	0.00	0.00	0.00	0.00	496,000.00
eqcsplimit	Speed Limit Radar Unit	56,000.00	0.00	0.00	0.00	0.00	0.00	0.00	56,000.00
encsunplaz	Sunrise Plaza Pedestrian Connection	0.00	799,000.00	0.00	0.00	0.00	0.00	0.00	799,000.00
rwctrafcal	Traffic Calming Program	180,000.00	300,000.00	80,000.00	0.00	0.00	0.00	0.00	560,000.00
		<b>23,662,786</b>	<b>6,993,524</b>	<b>5,385,000</b>	<b>4,210,000</b>	<b>4,110,000</b>	<b>703,119</b>	<b>35,784,591</b>	<b>80,849,020</b>
		<b>23,662,786</b>	<b>7,265,524</b>	<b>5,385,000</b>	<b>4,210,000</b>	<b>4,110,000</b>	<b>703,119</b>	<b>35,784,591</b>	<b>81,121,020</b>

**Utilities**

<b>CIP</b>									
rwubelleou	Belle Isle Outfall Pipes Replacement	45,000.00	328,070.00	0.00	0.00	0.00	0.00	0.00	373,070.00
		<b>45,000</b>	<b>328,070</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>373,070</b>

<b>CIP Office</b>									
utcpumplan	Citywide Wste Wtr Pump Station-Lan	1,438,099.00	-232,000.00	0.00	0.00	0.00	0.00	0.00	1,206,099.00

282



# CITY OF MIAMI BEACH

## 2011-2015 CAPITAL IMPROVEMENT PLAN BY PROGRAM

PROJECT	PROGRAM	Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
utsspwmbs	Coast Guard Booster Pump Station-5	24,431,280.71	0.00	0.00	0.00	0.00	0.00	0.00	24,431,280.71
utmindcree	Indian Creek 28th to 41st	2,000,411.00	0.00	0.00	0.00	0.00	0.00	0.00	2,000,411.00
utcwtrsyst	Upsizing Undr Cap Wstr Wtr IC 25-4	2,500,000.00	0.00	0.00	0.00	0.00	0.00	0.00	2,500,000.00
utcwtrmain	Upsizing Undr Cap Wtr Mn IC 25-41 :	2,700,000.00	0.00	0.00	0.00	0.00	0.00	0.00	2,700,000.00
		<b>33,069,791</b>	<b>(232,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>32,837,791</b>
<b>Public Works</b>									
utmwmicola	12" DIP Water Improv Collins Ave 41	603,733.00	0.00	0.00	0.00	0.00	0.00	0.00	603,733.00
utswmialtn	12" DIP Water Main Improv 5 Alton &	0.00	900,000.00	0.00	0.00	0.00	0.00	0.00	900,000.00
utc20water	20-Inch Water Line Replacement	0.00	0.00	0.00	0.00	0.00	0.00	2,296,000.00	2,296,000.00
utssijave	24" PVC Sanitary Sewer Imp	646,031.00	0.00	0.00	0.00	0.00	0.00	0.00	646,031.00
utmoutfall	48" Outfall at Easement 4180-4200 C	0.00	198,962.00	0.00	0.00	0.00	0.00	0.00	198,962.00
uts5stalmi	5th Street Alton to Michigan	124,200.00	-124,200.00	0.00	0.00	0.00	0.00	0.00	0.00
utsbrpstao	Bay Road Pump Station Outfall	0.00	318,000.00	0.00	0.00	0.00	0.00	0.00	318,000.00
utccstmasp	Citywide Stormwater Master Plan	0.00	600,000.00	0.00	0.00	0.00	0.00	0.00	600,000.00
utsubmain	Citywide Sub- Acqueous Feasibility S	360,000.00	0.00	0.00	0.00	0.00	0.00	0.00	360,000.00
utccollmai	Collins Ave Main: SP Drive-72nd Stre	185,000.00	1,215,000.00	0.00	0.00	0.00	0.00	0.00	1,400,000.00
pwmwatpump	Convert Old Water Pump Station-PW	0.00	0.00	0.00	0.00	0.00	0.00	130,000.00	130,000.00
utswashspd	Drainage Imp- Washington & So Poir	405,000.00	0.00	0.00	0.00	0.00	0.00	0.00	405,000.00
utmw44strp	Drainage Improv W 44 St & Royal Pa	650,000.00	0.00	0.00	0.00	0.00	0.00	0.00	650,000.00
utmdinb56s	Drainage Improv- North Bay & 56 St	0.00	187,292.00	0.00	0.00	0.00	0.00	0.00	187,292.00
utchydrant	Fire Hydrant Relocation and Manhole	100,000.00	0.00	0.00	0.00	0.00	0.00	0.00	100,000.00
utmindianx	Indian Creek Dr. Water & Fire Line E:	292,000.00	0.00	0.00	0.00	0.00	0.00	0.00	292,000.00
utcinfilfl	Infiltration & Inflow Program Phase I	7,700,009.00	0.00	0.00	0.00	0.00	0.00	0.00	7,700,009.00
pwnmidnbrd	Middle North Bay Road Drainage Imp	0.00	0.00	0.00	0.00	0.00	0.00	7,280,000.00	7,280,000.00
utcmiscupg	Misc. Wastewater and Water Upgrad	1,000,000.00	0.00	0.00	0.00	0.00	0.00	0.00	1,000,000.00
utcmiscpp	Miscellaneous Water & Sewer Capita	338,763.00	2,632,000.00	0.00	0.00	0.00	0.00	0.00	2,970,763.00
utnnorthsh	No.2: North Shore Neighborhood	350,000.00	0.00	0.00	0.00	0.00	0.00	0.00	350,000.00
pwpeakflw	Peak Flow Management Study	500,000.00	0.00	0.00	0.00	0.00	0.00	0.00	500,000.00
utpsgrino	Pump Station #28 Grinder Replacem:	0.00	150,000.00	0.00	0.00	0.00	0.00	0.00	150,000.00
utcpumprep	Repairs for Pump Station Pump Motc	200,000.00	0.00	0.00	0.00	0.00	0.00	0.00	200,000.00
utcmanhole	Sanitary Sewer Manhole (CW) Rehat	0.00	500,000.00	500,000.00	0.00	0.00	0.00	0.00	1,000,000.00
utstormrp	Stormwater Pipe - Repairs	0.00	250,000.00	0.00	0.00	0.00	0.00	0.00	250,000.00
utsspraira	Stormwater System Prairie Avenue	2,000,000.00	0.00	0.00	0.00	0.00	0.00	0.00	2,000,000.00
utssunsubq	Sunset & Venetian Island Force Main	369,124.00	2,500,000.00	0.00	0.00	0.00	0.00	0.00	2,869,124.00
utm20&sunh	Sunset Harbor & 20st Storm Wtr Imp	550,000.00	0.00	0.00	0.00	0.00	0.00	0.00	550,000.00
pwmSunpsu	Sunset Harbor Pump Station Upgrad:	0.00	520,000.00	0.00	0.00	0.00	0.00	0.00	520,000.00
utwtrctvly	Water System Pressure Control Valv	200,000.00	0.00	0.00	0.00	0.00	0.00	0.00	200,000.00
		<b>16,573,860</b>	<b>9,847,054</b>	<b>500,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9,706,000</b>	<b>36,626,914</b>
		<b>49,688,651</b>	<b>9,943,124</b>	<b>500,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9,706,000</b>	<b>69,837,775</b>
<b>Grand Total:</b>		<b>726,775,764</b>	<b>144,280,191</b>	<b>85,895,441</b>	<b>10,559,765</b>	<b>29,799,997</b>	<b>22,400,327</b>	<b>309,431,732</b>	<b>1,329,143,217</b>

283



# CITY OF MIAMI BEACH

## 2011-2015 CAPITAL IMPROVEMENT PLAN BY PROGRAM

PROJECT	PROGRAM	Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
<b>Parks &amp; Recreation</b>									
rwmatubar	Natural Baskets - Arthur Godfrey Rd	110,113.92	0.00	0.00	0.00	0.00	0.00	0.00	110,113.92
pkctreeph2	RestorativeTreeWell-2A 71St-Collins	130,918.00	0.00	0.00	0.00	0.00	0.00	0.00	130,918.00
pkctreeph2b	RestorativeTreeWell-2B-Collins/64-71	0.00	183,068.00	0.00	0.00	0.00	0.00	0.00	183,068.00
pkctreeph2c	RestorativeTreeWell-2C-71St Bay D/	0.00	0.00	85,432.00	0.00	0.00	0.00	0.00	85,432.00
pkctreeph3	RestorativeTreeWell-PH 3-Washingt	0.00	0.00	0.00	689,997.00	0.00	0.00	0.00	689,997.00
pkctreeph4	RestorativeTreeWell-PH 4-Ocean Dri	0.00	0.00	0.00	0.00	689,997.00	0.00	0.00	689,997.00
pkctreeph5	RestorativeTreeWell-PH 5-41st St	0.00	0.00	0.00	0.00	0.00	488,546.00	0.00	488,546.00
pkctreeph6	RestorativeTreeWell-PH 6-5 St Alton	0.00	202,987.00	0.00	0.00	0.00	0.00	0.00	202,987.00
		<b>241,032</b>	<b>386,055</b>	<b>85,432</b>	<b>689,997</b>	<b>689,997</b>	<b>488,546</b>	<b>0</b>	<b>2,581,059</b>
<b>Public Works</b>									
74stcolave	74 St from Collins to Carlyle Ave	85,000.00	0.00	0.00	0.00	0.00	0.00	0.00	85,000.00
75stcolave	75th St from Collins Ave to Dickens A	85,000.00	0.00	0.00	0.00	0.00	0.00	0.00	85,000.00
76stcolave	76th St from Collins Ave to Dickens A	85,000.00	0.00	0.00	0.00	0.00	0.00	0.00	85,000.00
rwsalleywy	Alleyway Restoration Program Ph I	2,360,000.00	0.00	0.00	0.00	0.00	0.00	0.00	2,360,000.00
rwcallep2	Alleyway Restoration Program Ph II	330,000.00	0.00	0.00	0.00	0.00	0.00	0.00	330,000.00
rwncolhard	Collins Ave. Harding Ave. Sidewalks	56,784.00	0.00	0.00	0.00	0.00	0.00	0.00	56,784.00
pwcdhotspt	Drainage Hot Spots	0.00	1,300,000.00	0.00	0.00	0.00	0.00	0.00	1,300,000.00
rwsflambpa	Flamingo Neighborhood - Bid Pack A	11,368,709.00	904,817.00	19,846,883.00	0.00	0.00	0.00	0.00	32,120,409.00
rwsflambpc	Flamingo Neighborhood - Bid Pack C	5,511,261.00	750,000.00	22,863,068.00	0.00	0.00	0.00	0.00	29,124,329.00
rwmलगpave	LaGorce Island (Street Pavement)	0.00	0.00	0.00	0.00	0.00	0.00	350,000.00	350,000.00
rwmlightre	LaGorce Island - Lighting, Trees, Mis	66,376.00	0.00	0.00	0.00	0.00	0.00	0.00	66,376.00
utmlagnlgt	LaGorce Neighborhood Lighting-49 S	100,000.00	0.00	0.00	0.00	0.00	0.00	0.00	100,000.00
rwsimplinc	Lincoln Rd Between Lennox & Alton	6,319,926.00	0.00	0.00	0.00	0.00	0.00	0.00	6,319,926.00
utmroicken	Milling & Resurf Dickens Ave 71 to 8'	742,983.95	0.00	0.00	0.00	0.00	0.00	0.00	742,983.95
utnmrindcd	Milling & Resurf Indian Creek 69-71 S	365,000.00	0.00	0.00	0.00	0.00	0.00	0.00	365,000.00
utnmrbyron	Milling & Resurf-Byron Ave-71St to 8'	294,397.95	0.00	0.00	0.00	0.00	0.00	0.00	294,397.95
rwsstghtw	Replace 5,000 Volt Direct Burial	680,000.00	0.00	0.00	0.00	0.00	0.00	0.00	680,000.00
rwcrowimp1	ROW Improvement Project	3,229,810.00	430,000.00	430,000.00	430,000.00	0.00	0.00	0.00	4,519,810.00
rwmprariea	ROW Improvements on Prairie Avenu	377,000.00	0.00	0.00	0.00	0.00	0.00	0.00	377,000.00
rwcrowimp2	ROW Maintenance Project	1,585,000.00	0.00	0.00	0.00	0.00	0.00	0.00	1,585,000.00
wsrestph2	Sidewalk Restoration - Phase II	150,000.00	0.00	0.00	0.00	0.00	0.00	0.00	150,000.00
rwstreetr	Street Pavement Restoration	400,000.00	0.00	0.00	0.00	0.00	0.00	0.00	400,000.00
rwsunisle	Sunset Islands 3&4 Entryway Improv	0.00	465,599.00	0.00	0.00	0.00	0.00	0.00	465,599.00
rwsuplight	Uplighting-5th Street (Lenox to Ocea	400,000.00	0.00	0.00	0.00	0.00	0.00	0.00	400,000.00
pwchlight	Washington Ave Cobra Head Lighting	0.00	0.00	0.00	0.00	0.00	0.00	40,000.00	40,000.00
rwswashspd	Washington Ave South Pointe Dr Imp	0.00	594,675.00	0.00	0.00	0.00	0.00	0.00	594,675.00
rwswestrow	West Avenue/Bay Road Improvemen	4,096,234.00	478,465.00	22,287,993.00	0.00	0.00	0.00	0.00	26,862,692.00
		<b>38,688,482</b>	<b>4,923,556</b>	<b>65,427,944</b>	<b>430,000</b>	<b>0</b>	<b>0</b>	<b>390,000</b>	<b>109,859,982</b>
		<b>307,915,665</b>	<b>67,699,803</b>	<b>74,953,374</b>	<b>1,119,997</b>	<b>689,997</b>	<b>20,488,546</b>	<b>17,390,000</b>	<b>490,257,382</b>

**Transit / Transportation**

**Planning**

284



# CITY OF MIAMI BEACH

## 2011-2015 CAPITAL IMPROVEMENT PLAN BY PROGRAM

PROJECT	PROGRAM	Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
trnbnbtownc	North Beach Town Center Complete	0.00	272,000.00	0.00	0.00	0.00	0.00	0.00	272,000.00
		<b>0</b>	<b>272,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>272,000</b>
<b>Public Works</b>									
trs16stops	16th St. Operational Improv/Enhance	1,776,570.00	4,949,524.00	0.00	0.00	0.00	0.00	2,679,387.00	9,405,481.00
rwn71dicke	71st St & Dickens Intersection Improv	99,878.00	335,000.00	0.00	0.00	0.00	0.00	0.00	434,878.00
encbaywalk	Baywalk	370,500.00	0.00	0.00	0.00	0.00	0.00	8,307,619.00	8,678,119.00
enbchwalk2	Beachwalk II	4,736,731.00	0.00	0.00	0.00	0.00	0.00	0.00	4,736,731.00
enbch21ste	Beachwalk North Expansion	525,000.00	0.00	0.00	0.00	0.00	0.00	0.00	525,000.00
pgcbikeprk	Bicycle Parking - Phase I	162,900.00	0.00	0.00	0.00	0.00	0.00	0.00	162,900.00
pkcbicpph2	Bicycle Parking Phase II	140,000.00	0.00	0.00	0.00	0.00	0.00	0.00	140,000.00
rwcbicpepr	Bicycle Pedestrian Projects Citywide	2,516,131.00	0.00	0.00	0.00	0.00	0.00	0.00	2,516,131.00
rwcbkntsgn	Bikeways Network Signage	400,000.00	0.00	0.00	0.00	0.00	0.00	0.00	400,000.00
rwccitywcr	City W Curb Ramp Installation/Maint	166,000.00	10,000.00	10,000.00	10,000.00	10,000.00	0.00	0.00	206,000.00
trcwayfind	Citywide Wayfinding Signage System	2,012,481.00	0.00	0.00	0.00	0.00	0.00	0.00	2,012,481.00
trccoascom	Coastal Communities Transportation	525,000.00	0.00	0.00	0.00	0.00	0.00	0.00	525,000.00
rwscollin6	Collins Ave and 6th St Improvements	46,853.00	0.00	0.00	0.00	0.00	0.00	0.00	46,853.00
rwccrosswa	Crosswalks	462,119.00	200,000.00	0.00	0.00	0.00	0.00	0.00	662,119.00
rwccrospii	Crosswalks - Phase II	0.00	200,000.00	125,000.00	100,000.00	100,000.00	0.00	0.00	525,000.00
rwnharaveg	Harding Avenue Gateway	95,000.00	0.00	0.00	0.00	0.00	0.00	0.00	95,000.00
rwmjuliab	Julia Tuttle Baywalk	24,838.00	0.00	0.00	0.00	0.00	0.00	0.00	24,838.00
rwsmacagas	MacArthur Causeway Gateway Sign	482,000.00	0.00	0.00	0.00	0.00	0.00	0.00	482,000.00
trcmbinter	Miami Beach Intermodal Center-Nortl	0.00	0.00	1,070,000.00	0.00	0.00	0.00	0.00	1,070,000.00
enmbchwk1	Middle Beach Rec Corridor Ph I	1,063,553.00	0.00	0.00	0.00	0.00	0.00	0.00	1,063,553.00
enmbchwk2	Middle Beach Rec Corridor Ph II	570,000.00	0.00	4,000,000.00	4,000,000.00	4,000,000.00	703,119.00	12,703,119.00	25,976,238.00
enmbchwk3	Middle Beach Rec Corridor Ph III	0.00	0.00	0.00	0.00	0.00	0.00	12,094,466.00	12,094,466.00
pwcmafarm	Miscellaneous Mast Arm Painting	300,000.00	100,000.00	100,000.00	100,000.00	0.00	0.00	0.00	600,000.00
ennnbrece	North Beach Rec Corridor Ext 79th S	187,700.00	0.00	0.00	0.00	0.00	0.00	0.00	187,700.00
ennbchrecr	North Beach Recreational Corridor	6,234,505.92	0.00	0.00	0.00	0.00	0.00	0.00	6,234,505.92
pknparkvbt	Park View Is Waterway Ped/Bicycle	33,026.00	0.00	0.00	0.00	0.00	0.00	0.00	33,026.00
pwepedcsii	Pedestrian Countdown Signals - Pha	0.00	100,000.00	0.00	0.00	0.00	0.00	0.00	100,000.00
rwpedscosi	Pedestrian Countdown Signals Ph I	496,000.00	0.00	0.00	0.00	0.00	0.00	0.00	496,000.00
eqcsplimit	Speed Limit Radar Unit	56,000.00	0.00	0.00	0.00	0.00	0.00	0.00	56,000.00
encsunplaz	Sunrise Plaza Pedestrian Connection	0.00	799,000.00	0.00	0.00	0.00	0.00	0.00	799,000.00
rwctrafcal	Traffic Calming Program	180,000.00	300,000.00	80,000.00	0.00	0.00	0.00	0.00	560,000.00
		<b>23,662,786</b>	<b>6,993,524</b>	<b>5,385,000</b>	<b>4,240,000</b>	<b>4,110,000</b>	<b>703,119</b>	<b>35,784,591</b>	<b>80,849,020</b>
		<b>23,662,786</b>	<b>7,265,524</b>	<b>5,385,000</b>	<b>4,240,000</b>	<b>4,110,000</b>	<b>703,119</b>	<b>35,784,591</b>	<b>81,121,020</b>

<b>Utilities</b>									
<b>GIP</b>									
rwubelleou	Belle Isle Outfall Pipes Replacement	45,000.00	328,070.00	0.00	0.00	0.00	0.00	0.00	373,070.00
		<b>45,000</b>	<b>328,070</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>373,070</b>

<b>GIP Office</b>									
utcpumplan	Citywide Wste Wtr Pump Station-Lan	1,438,099.00	-232,000.00	0.00	0.00	0.00	0.00	0.00	1,206,099.00

285



**CITY OF MIAMI BEACH  
2011-2015 CAPITAL IMPROVEMENT PLAN BY PROGRAM**

PROJECT	PROGRAM	Previous Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
utsspwwbpps	Coast Guard Booster Pump Station-5	24,431,280.71	0.00	0.00	0.00	0.00	0.00	0.00	24,431,280.71
umndecree	Indian Creek 28th to 41st	2,000,411.00	0.00	0.00	0.00	0.00	0.00	0.00	2,000,411.00
utcwtrsynt	Upsizing Undr Cap Waste Wtr IC 25-4	2,500,000.00	0.00	0.00	0.00	0.00	0.00	0.00	2,500,000.00
utcwtrmain	Upsizing Undr Cap Wtr Mn IC 25-41 :	2,700,000.00	0.00	0.00	0.00	0.00	0.00	0.00	2,700,000.00
<b>Public Works</b>		<b>33,069,791</b>	<b>(232,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>32,837,791</b>
utmwmicola	12" DIP Water Improv Collins Ave 41	603,733.00	0.00	0.00	0.00	0.00	0.00	0.00	603,733.00
utswmialtn	12" DIP Water Main Improv 5 Alton &	900,000.00	0.00	0.00	0.00	0.00	0.00	0.00	900,000.00
utcwwater	20-inch Water Line Replacement	0.00	0.00	0.00	0.00	0.00	0.00	2,296,000.00	2,296,000.00
utssjave	24" PVC Sanitary Sewer Imp	646,031.00	0.00	0.00	0.00	0.00	0.00	0.00	646,031.00
utmnoutfall	48" Outfall at Easement 4180-4200 C	0.00	198,962.00	0.00	0.00	0.00	0.00	0.00	198,962.00
utssstalmi	5th Street Alton to Michigan	124,200.00	-124,200.00	0.00	0.00	0.00	0.00	0.00	0.00
utsbprstao	Bay Road Pump Station Outfall	0.00	318,000.00	0.00	0.00	0.00	0.00	0.00	318,000.00
utccstmasp	Citywide Stormwater Master Plan	0.00	600,000.00	0.00	0.00	0.00	0.00	0.00	600,000.00
utcsbmain	Citywide Sub-Aqueous Feasibility S	360,000.00	0.00	0.00	0.00	0.00	0.00	0.00	360,000.00
utccollmal	Collins Ave Main: SP Drive-72nd Stre	185,000.00	185,000.00	0.00	0.00	0.00	0.00	0.00	1,400,000.00
utswatpump	Convert Old Water Pump Station-PV	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,400,000.00
utswashspd	Drainage Imp -Washington & So Polr	405,000.00	0.00	0.00	0.00	0.00	0.00	0.00	130,000.00
utmw44stpr	Drainage Improv W 44 St & Royal Pa	650,000.00	0.00	0.00	0.00	0.00	0.00	0.00	650,000.00
utmdnb56s	Drainage Improv -North Bay & 56 St	0.00	187,292.00	0.00	0.00	0.00	0.00	0.00	187,292.00
utrchdrant	Fire Hydrant Relocation and Manhole	100,000.00	0.00	0.00	0.00	0.00	0.00	0.00	100,000.00
utmnindianx	Indian Creek Dr. Water & Fire Line E:	292,000.00	0.00	0.00	0.00	0.00	0.00	0.00	292,000.00
utclnfill	Infiltration & Inflow Program Phase I	7,700,009.00	0.00	0.00	0.00	0.00	0.00	0.00	7,700,009.00
utmnindbrd	Middle North Bay Road Drainage Imp	0.00	0.00	0.00	0.00	0.00	0.00	7,280,000.00	7,280,000.00
utcmiscupg	Misc. Wastewater and Water Upgrad	1,000,000.00	0.00	0.00	0.00	0.00	0.00	0.00	1,000,000.00
utcmiscscp	Miscellaneous Water & Sewer Capita	338,763.00	2,632,000.00	0.00	0.00	0.00	0.00	0.00	2,970,763.00
utnnorthsh	No.2: North Shore Neighborhood	350,000.00	0.00	0.00	0.00	0.00	0.00	0.00	350,000.00
utwpeakflw	Peak Flow Management Study	500,000.00	0.00	0.00	0.00	0.00	0.00	0.00	500,000.00
utspgrino	Pump Station #28 Grinder Replacem:	0.00	150,000.00	0.00	0.00	0.00	0.00	0.00	150,000.00
utcpumprep	Repairs for Pump Station Pump Motc	200,000.00	0.00	0.00	0.00	0.00	0.00	0.00	200,000.00
utcmnanhole	Sanitary Sewer Manhole (CW) Rehat	0.00	500,000.00	500,000.00	0.00	0.00	0.00	0.00	1,000,000.00
utssstormrp	Stormwater Pipe - Repairs	0.00	250,000.00	0.00	0.00	0.00	0.00	0.00	250,000.00
utsspratra	Stormwater System Frairie Avenue	2,000,000.00	0.00	0.00	0.00	0.00	0.00	0.00	2,000,000.00
utssunsubq	Sunset & Venetian Island Force Main	369,124.00	2,500,000.00	0.00	0.00	0.00	0.00	0.00	2,869,124.00
utmn2&sunh	Sunset Harbor & 20st Storm Wtr Imp	550,000.00	0.00	0.00	0.00	0.00	0.00	0.00	550,000.00
utmnunspss	Sunset Harbor Pump Station Upgrad	0.00	520,000.00	0.00	0.00	0.00	0.00	0.00	520,000.00
utwtrctvly	Water System Pressure Control Valv	200,000.00	0.00	0.00	0.00	0.00	0.00	0.00	200,000.00
<b>Grand Total:</b>		<b>726,775,764</b>	<b>144,280,191</b>	<b>85,895,441</b>	<b>10,559,765</b>	<b>29,799,997</b>	<b>22,400,327</b>	<b>309,431,732</b>	<b>1,329,143,217</b>

**RESOLUTION TO BE SUBMITTED**

THIS PAGE INTENTIONALLY LEFT BLANK

**Condensed Title:**

A resolution of the Mayor and City Commission of the City Of Miami Beach, Florida, adopting the Fiscal Year (FY) 2010/11 budgets for Special Revenue funds for Resort Tax; 7<sup>th</sup> Street Garage Operations; City's Share of the Shortfall Contribution Requirements for the 5<sup>th</sup> and Alton Parking Garage Operations; Art in Public Places (AiPP); and the Information and Communications Technology Fund – Debt Service.

**Key Intended Outcome Supported:**

Ensure expenditure trends are sustainable over the long term  
 Improve the City's overall financial Health and maintain overall bond rating  
 Increase Community Satisfaction with City Services

**Supporting Data (Surveys, Environmental Scan, etc.):** Based on the 2009 community survey, quality of life in the City is rated highly, the City is seen as an 'excellent' or 'good' place to live, work, play or visit, and over ¾'s of residents would recommend it to others as a place to live. Impressively, 31 of the residential tracking questions from 2007 experienced increases in each of the areas measured by an overall average of approximately 7.0%; and 28 of 32 business tracking questions experienced increases measured by an overall average of approximately 8.8%. Relevant findings were: arts and culture was one of services identified that the city should strive not to reduce; and availability of public parking was one of the services identified as key drivers of overall satisfaction levels.

**Issue:**

Shall the Mayor and City Commission adopt the attached resolution which adopts the FY 2010/11 budgets for Special Revenue funds for Resort Tax; 7<sup>th</sup> Street Garage Operations; City's Share of the Shortfall Contribution Requirements for the 5<sup>th</sup> and Alton Parking Garage Operations; Art in Public Places (AiPP); and the Information and Communications Technology Fund – Debt Service?

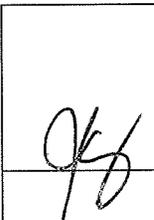
**Item Summary/Recommendation:**

The Administration recommends adopting the attached resolution which adopts the FY 2010/11 budgets for Special Revenue funds for Resort Tax; 7<sup>th</sup> Street Garage Operations; City's Share of the Shortfall Contribution Requirements for the 5<sup>th</sup> and Alton Parking Garage Operations; Art in Public Places (AiPP); and the Information and Communications Technology Fund – Debt Service.

**Advisory Board Recommendation:**

\_\_\_\_\_

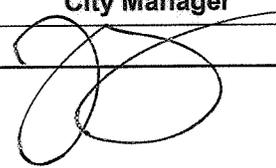
**Financial Information:**

Source of Funds:	Amount	Account	Approved
 OBPI	1	\$41,278,981	Resort Tax
	2	2,300,000	7 <sup>th</sup> Street Garage Operations
	3	186,760	5 <sup>th</sup> & Alton Garage-City's Share of Shortfall Contribution Requirement
	4	2,350,304	Art in Public Places
	5	586,593	Information & Communications Technology Fund-Debt Service
	<b>Total</b>	<b>\$46,702,638</b>	

**City Clerk's Office Legislative Tracking:**

\_\_\_\_\_

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez  
City Manager

DATE: September 20, 2010

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING FISCAL YEAR (FY) 2010/11 BUDGETS FOR SPECIAL REVENUE FUNDS FOR RESORT TAX; THE 7<sup>th</sup> STREET PARKING GARAGE OPERATIONS; CITY'S SHARE OF THE SHORTFALL CONTRIBUTION REQUIREMENT FOR THE 5<sup>th</sup> AND ALTON PARKING GARAGE OPERATIONS; ART IN PUBLIC PLACES (AIPP), AND THE INFORMATION AND COMMUNICATIONS TECHNOLOGY FUND – DEBT SERVICE.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution

### ANALYSIS

The City currently offers certain programs and activities not supported through the general operating budget, but by outside agency grants and self-supporting user fee programs. Funding from these sources will be utilized as follows:

#### **Resort Tax - \$41,278,981**

This fund accounts for the collection of the special tax levied citywide on food, beverage and room rents used to support tourism related activities. This function, which operates under the direction of the Finance Department and the Office of Internal Audit, is responsible for ensuring that hotels, restaurants, bars and other establishments which serve food and beverages for consumption on its premises, comply with Section 5.03 of the City Charter, as amended, as it related to the reporting, and collection of resort taxes to the City.

An allocation for "operations" provides for all collection and audit expenses associated with administering the Resort Tax function and are charged directly to this Special Revenue Fund. Included in this allocation is funding for 7.5 FTEs positions and associated operating support totaling approximately \$1.1 million.

The allocation to the General Fund for Fiscal Year 2010/11 of approximately \$24.5 million pays for tourist related services and costs provided or managed by General Fund Departments. This funding supports public safety programs including our ocean rescue, police services on Lincoln Road, Ocean Drive/Lummas Park, Collins Avenue, Washington Avenue, ATV officers, Boardwalk security, special traffic enforcement and special event staffing; and fire rescue units in tourist and visitor areas as well as special event support services. The funding also supports code compliance services to respond to evening entertainment areas and for special events; provides for a portion of the operational costs of the Tourism and Cultural Development Department; Memorial Day; and provides a contribution to the Cultural Arts Council beyond their annual interest allocation from the investment of City funds.

The Fiscal Year 2010/11 budget also includes an allocation to the Greater Miami Convention and Visitors Bureau (GMCVB) of approximately \$5.1 million, \$1.2 million for debt service, \$1.6 million to the Miami Beach Visitor and Convention Center (VCA), \$200,000 for a local Miami Beach marketing campaign, to be augmented with funds from the GMCVB, the VCA, and the Cultural Arts Council (CAC), and a \$400,730 contingency for other Resort Tax eligible expenses such as: special events, protocol, and festivals.

The proceeds of the additional one percent (1%) tax are used as follows. Fifty percent of the amount earned is committed to the payment of a portion of the debt service on the Miami Beach Redevelopment Agency – City Center/Historic Convention Village Bonds. These bonds were used for the development, improvement and construction of certain public areas including a portion of the Cultural Center facilities located within the City Center District.

The 1% budget also reflects the revised allocation method for the Quality of Life funding, which includes the arts, approved by the Finance and Citywide Projects Committee on February 18, 2004. The remaining fifty percent is used to fund Quality of Life capital projects in North Beach, Middle Beach and South Beach as well as various art and cultural programs or the maintenance and enhancement of Miami Beach’s tourist related areas. Please see Attachment “A” for the revenue and expenditure detail budget.

**7<sup>th</sup> Street Garage - \$2,300,000**

The Parking Department is responsible for the collection of the revenues in this garage which will be used to pay associated operating expenses and debt service. The operating budget is required to cover operating expenses, debt service, and reserve for replacement. In the event of any shortfall in projected revenues, the difference shall be made up by funds from excess parking revenues.

Operating Expenses	\$1,113,849
Debt Service	792,200
Reserve - Renewal & Replacement	393,951
<b>Total</b>	<b>\$2,300,000</b>

**5<sup>th</sup> and Alton Garage - \$186,760**

The 5<sup>th</sup> and Alton Garage is a joint venture development between the City of Miami Beach (City) and Potamkin/Berkowitz (Developer) where a condominium was established wherein the City and Developer contribute 46% and 54%, respectively, to the operating expenses of the parking garage and also share profits and losses consistent with the aforementioned distribution. The Parking Department is responsible for the collection of the revenues in this garage. In the event of any shortfall, the City's portion shall be made up by funds from excess parking revenues.

<u>Revenues</u>	
Transfer from FY 2009/10 Parking Operations Budget	\$186,760
 <u>Expenses</u>	
City's Share of Shortfall Contribution Requirement	\$186,760

**Art in Public Places (AiPP) - \$2,350,304**

The Art in Public Places (AiPP) Ordinance (Ordinance No. 95-2985) was adopted in 1995. The ordinance was created to "enhance the aesthetic environment of the City of Miami Beach by including works of art on public property within the City and in City construction projects." The AiPP Ordinance was amended in May 2004 to clarify the definition of terms for eligible construction projects for funding as well as the policy and procedures for appropriations. The AiPP Guidelines were also adopted by the City Commission at that time.

The AiPP program is funded by 1 ½ % of all hard costs of City projects, including new construction, additions, and costs for construction of joint private/public projects. The fund is used for the commission or acquisition of works of art; conservation and maintenance of works of art; research and evaluation of works of art; printing and distribution of related materials; and administration.

<u>Revenue</u>	
Prior Year Capital Appropriation Balance	\$2,328,920
Transfer from FY 2010/11 Capital Budget Appropriation	<u>21,384</u>
<b>Total</b>	<b>\$2,350,304</b>
 <u>Expenses</u>	
Administration	\$115,860
Reserve for AiPP Projects	<u>2,234,444</u>
<b>Total</b>	<b>\$2,350,304</b>

**Information and Communications Technology Fund - Debt Service - \$586,593**

The City's General Fund budget includes a transfer of \$715,000 to the Information and Communications Technology Fund. Of this amount, \$586,593 is for debt service and the balance of \$128,407 is appropriated in the FY 2010/11 Capital budget. The annual debt service payment of \$586,593 is for the following projects: City's WiFi - \$332,306; Storage Area Network (SAN) - \$135,651; Enterprise Uninterrupted Power Supply (UPS) and Generator - \$26,814; and Public Safety Voice Over IP (VOIP) - \$91,822.

In addition, \$128,407 is appropriated in the FY 2010/11 Capital Budget for the following projects: AVL Tracking System for City Vehicles - \$21,942; Building Development Process Enterprise System - \$100,000 (funded from \$100,000 prior year appropriation for the Permitting System Replacement project); RecWare Recreation Software - \$29,550; Symantec Enterprise Vault for Network Storage - \$41,150; Upgrade Laserfische - \$31,320; and Info & Tech Contingency - \$4,445.

**CONCLUSION**

The attached Resolution adopting funding for FY 2010/11 budgets from these sources is vital to the continuation of these projects and activities provided by the City.

JMG:KGB:JC



CITY OF MIAMI BEACH  
PROPOSED FISCAL YEAR 2010/11 RESORT TAX FUND BUDGET

	Actual FY 2007/08	Actual FY 2008/09	Adopted FY 2009/10	Proposed FY 2010/11	Prop 11-Adp 10 Variance	% Diff
<b>2% Revenues:</b>						
Resort Tax	\$ 31,177,551	\$ 30,850,261	\$ 31,180,000	\$ 33,323,146	\$ 2,143,146	6.9%
Special Assessment-North Shore	292,584	376,405	253,000	255,215	2,215	0.9%
Special Assessment-Lincoln Road	596,033	370,862	335,000	344,486	9,486	2.8%
Interest Income	203,860	213,163	200,000	200,000	0	0.0%
Registration Fees, Filing Fees & Misc.	10,955	12,324	0	0	0	0.0%
Total 2% Revenue	\$ 32,280,983	\$ 31,823,015	\$ 31,968,000	\$ 34,122,847	\$ 2,154,847	6.7%
<b>2% Expenditures:</b>						
<u>Personnel Costs:</u>						
Salaries & Wages	\$ 167,668	\$ 215,914	\$ 241,689	\$ 272,363	\$ 30,674	12.7%
Health, Life & Dental Insurance	7,289	11,332	11,219	13,649	2,430	21.7%
Pension Contributions & Other Benefits	72,940	76,152	85,879	58,946	(26,933)	-31.4%
Total Personnel Costs	\$ 247,897	\$ 303,398	\$ 338,787	\$ 344,958	\$ 6,171	1.8%
<u>Operating Costs:</u>						
Professional Services	\$ 2,274	\$ 5,385	\$ 10,000	\$ 2,500	\$ (7,500)	-75%
Internal Audit/Resort Tax Auditors' Exp.	642,578	662,817	706,632	650,171	(56,461)	-8%
Telephone	1,136	909	1,500	1,500	0	0%
Postage	20	0	7,300	7,300	0	0%
Administrative Fees	26,450	26,450	26,450	31,483	5,033	19%
Rent-Building & Equipment	230	1,148	3,600	3,600	0	0%
Printing	1,345	725	100	100	0	0%
Office Supplies	651	1,175	750	750	0	0%
Other Operating Expenditures	7,301	8,472	1,000	1,000	0	0%
Travel	3,500	0	0	0	0	0%
Local Mileage	0	0	50	50	0	0%
Training	0	0	1,000	1,000	0	0%
Internal Service - Central Service	12,959	5,298	12,529	12,529	0	0%
Internal Service - Property Management	6,022	995	1,802	3,588	1,786	99%
Internal Service - Communications	4,280	4,738	11,120	7,052	(4,068)	-37%
Internal Service - Self Insurance	13,640	16,463	14,898	20,405	5,507	37%
Internal Service - Computers	10,327	11,132	13,299	10,304	(2,995)	-23%
Internal Service - Prop. Mgmt/Electrical	2,389	1,608	2,418	2,476	58	2%
Total Operating Costs	\$ 735,102	\$ 747,315	\$ 814,448	\$ 755,808	\$ (58,640)	-7%
Total 2% Operating Expenditures	\$ 982,999	\$ 1,050,713	\$ 1,153,235	\$ 1,100,766	\$ (52,469)	-5%
<b>2% Other Uses:</b>						
Contribution to VCA	\$ 1,476,900	\$ 1,512,843	\$ 1,496,640	\$ 1,599,511	\$ 102,871	7%
Contribution to Bureau	5,405,377	5,567,539	5,000,000	5,135,000	135,000	3%
Marketing	126,467	116,406	100,000	200,000	100,000	100%
Super Bowl	0	0	100,000	0	(100,000)	-100%
Debt Service - North Shore	975,100	975,100	1,014,000	669,000	(345,000)	-34%
Debt Service - Gulf Breeze	553,000	553,000	553,000	552,400	(600)	0%
Contingency	0	525,000	85,685	400,730	315,045	368%
Transfer to Capital Projects	264,030	0	0	0	0	0%
General Fund Contribution	20,696,310	21,865,440	22,465,440	24,465,440	2,000,000	9%
Total 2% Other Uses	\$ 29,497,184	\$ 31,115,328	\$ 30,814,765	\$ 33,022,081	\$ 2,207,316	7%
Net 2%	\$ 1,800,800	\$ (343,026)	\$ 0	\$ (0)	\$ (0)	0%
<b>1% Revenues:</b>						
Resort Tax	\$ 6,922,709	\$ 6,562,030	\$ 6,920,000	\$ 7,156,134	\$ 236,134	3.4%
Total 1% Revenue	\$ 6,922,709	\$ 6,562,030	\$ 6,920,000	\$ 7,156,134	\$ 236,134	3.4%
<b>1% Expenditures:</b>						
<u>Other Designated Expenditures</u>						
South Beach - Quality of Life Capital	\$ 865,339	\$ 820,254	\$ 865,000	\$ 894,517	\$ 29,517	3%
Middle Beach - Quality of Life Capital	865,339	820,254	865,000	894,517	29,517	3%
North Beach - Quality of Life Capital	865,339	820,254	865,000	894,517	29,517	3%
Arts	865,339	820,254	865,000	894,517	29,517	3%
Total 1% Other Uses	\$ 3,461,355	\$ 3,281,015	\$ 3,460,000	\$ 3,578,067	\$ 118,067	3%
Debt Service - TIF Bonds	\$ 3,461,355	\$ 3,281,015	\$ 3,460,000	\$ 3,578,067	\$ 118,067	3%
Total 1% Expenditures	\$ 6,922,709	\$ 6,562,030	\$ 6,920,000	\$ 7,156,134	\$ 236,134	3%
Net 1%	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	0%
Total Resort Tax Revenues:	\$ 39,203,692	\$ 38,385,045	\$ 38,888,000	\$ 41,278,981	\$ 2,390,981	6%
Total Resort Tax Expenditures:	\$ 37,402,892	\$ 38,728,071	\$ 38,888,000	\$ 41,278,981	\$ 2,390,981	6%
Net	\$ 1,800,800	\$ (343,026)	\$ 0	\$ (0)	\$ (0)	0%

**RESOLUTION TO BE SUBMITTED**

THIS PAGE INTENTIONALLY LEFT BLANK

**Condensed Title:**

A Resolution of the Mayor and City Commission amending the Parking Flat Rate at certain attended Municipal Surface Lots for FY 2010/2011.

**Key Intended Outcome Supported:**

Improve Parking Availability; Maintain Financial Health and Overall Bond Rating.

**Supporting Data (Surveys, Environmental Scan, etc.):**

77.2% of respondents rate the availability of parking across the City as too little. Availability of parking was one of the changes residents identified to Make Miami Beach better to live, work or play.

**Issue:**

Whether to amend the Parking Flat Rate.

**Item Summary/Recommendation:**

The City Code allows the City Manager or his designee the authority to establish a flat parking rate during the City's annual budget process.

On September 15, 2010 the City Commission approved at First Reading an increase in the hourly meter rate in the South Beach Parking Zone (metered parking south of 23rd Street). The event flat rate is calculated based on the current hourly rate. Therefore, the Administration recommends that the event flat rate, currently established at \$18 for non-residents be increased as follows:

- \$20 from October 1, 2010 through February 28, 2011
- \$25 from March 1, 2011 through May 31, 2011
- \$20 from June 1, 2011 through September 30, 2011

The current resident rate of \$6.00 shall remain the same.

This rate structure would address the peak periods of Spring break and Memorial Day Weekend which require an increase in resources to maintain appropriate levels of service.

**Advisory Board Recommendation:**

N/A

**Financial Information:**

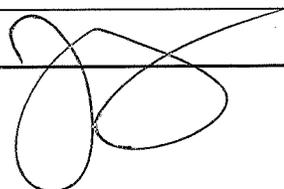
Source of Funds:		Amount	Account	Approved
	1			
	2			
OBPI	Total			

Financial Impact Summary:

**City Clerk's Office Legislative Tracking:**

Saul Frances, Parking Director

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2010\September 20\PkgEventRate2010.sum.docx





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE PARKING FLAT RATE AT CERTAIN ATTENDED MUNICIPAL SURFACE LOTS FOR FY 2010/2011.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### ANALYSIS

From time to time, there are events in the City which attract large crowds. These large crowds create nuisances such as noise, litter, illegal parking, etc. which adversely impact our residents' quality of life. Municipal parking facilities support a myriad of commercial, residential, and/or recreational activities.

There are a number of initiatives and operational enhancements underway by Police, Sanitation; Code Enforcement; and the Parking Department to address the parking, litter, and noise violations. A key initiative by which to address these violations is to establish the referenced flat parking rates for non-residents and residents.

The City Code allows the City Manager or his designee the authority to establish a flat parking rate during the City's annual budget process.

As per Chapter 106, entitled "Traffic and Vehicles," Article II, entitled "Metered Parking," Division 1, entitled "Generally," Section 106-55, entitled "Parking Rates, Fees, And Penalties;" Section (I) entitled "Exceptions":

(1) Flat Parking Rate. A flat rate parking rate for non-residents and for residents of the city (photo identification required) may be established during the city's annual budget process, as recommended by the city manager and approved by the city commission, at certain attended municipal garages and surface lots which have been identified by the city manager to be in the best interest of the community's health, safety, and welfare.

On September 15, 2010 the City Commission approved at First Reading an increase in the hourly meter rate in the South Beach Parking Zone (metered parking south of 23<sup>rd</sup> Street). The event flat rate is calculated based on the current hourly rate. Therefore, the Administration recommends that the event flat rate, currently established at \$18 for non-

residents be increased as follows:

\$20 from October 1, 2010 through February 28, 2011  
\$25 from March 1, 2011 through May 31, 2011  
\$20 from June 1, 2011 through September 30, 2011

The current resident rate of \$6.00 shall remain the same.

This rate structure would address the peak periods of Spring break and Memorial Day Weekend which require an increase in resources to maintain appropriate levels of service.

### **CONCLUSION**

The Administration recommends that the Mayor and City Commission adopt the resolution amending the parking special event flat rate at certain attended municipal garages and surface lots for FY2010/2011.

JMG/JCG/SF/rar

t:\agenda\2010\september 20\pkgeventrate2010.mem.docx

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE PARKING FLAT RATE AT CERTAIN ATTENDED MUNICIPAL SURFACE LOTS FOR FY 2010/2011.**

**WHEREAS**, Section 106-55(1) of the City Code provides that a "flat rate parking rate for non-residents and for residents of the city (photo identification required) may be established during the city's annual budget process, as recommended by the city manager and approved by the city commission, at certain attended municipal garages and surface lots which have been identified by the city manager to be in the best interest of the community's health, safety, and welfare"; and

**WHEREAS**, on September 15, 2010, the City Commission approved on First Reading an increase in the hourly meter rate in the South Beach Parking Zone (metered parking south of 23<sup>rd</sup> Street) from \$1.25 to \$1.50; and

**WHEREAS**, the event flat rate is calculated based on the current hourly rate, therefore, the Administration recommends that the event flat rate, currently established at \$18 for non-residents, be increased as follows for non-residents:

\$20 from October 1, 2010 through February 28, 2011  
\$25 from March 1, 2011 through May 31, 2011  
\$20 from June 1, 2011 through September 30, 2011; and

**WHEREAS**, the current resident flat rate of \$6.00 for event parking shall remain the same; and

**WHEREAS**, this amended rate structure would address the peak periods of Spring Break and Memorial Day Weekend which require an increase in resources to maintain appropriate levels of service.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby amend the parking flat rate at certain attended municipal surface lots for FY 2010/2011 as set forth herein.

**PASSED and ADOPTED** this \_\_\_\_\_ day of September, 2010.

**ATTEST:**

\_\_\_\_\_  
MAYOR MATTI HERRERA BOWER

\_\_\_\_\_  
ROBERT PARCER, CITY CLERK

JMG/JGG/SF/rar  
t:\agenda\2010\september 20\pkgeventrate2010.res.docx

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION  
  
CITY ATTORNEY  
9/3/10  
DATE

**Condensed Title:**

A Resolution Reaffirming The New Living Wage Rates Effective October 1, 2010, Pursuant To Living Wage Ordinance No. 2010-3682, And Authorizing The City Manager Or Designee, To Execute Amendments To All Covered Services Contracts, As Listed In Exhibit 1 Attached Hereto.

**Key Intended Outcome Supported:**

International Center for Innovation in Culture, Recreation and Business.  
**Supporting Data (Surveys, Environmental Scan, etc.):** 17% of business responding felt that Miami Beach was the best place to run a business, 25% felt that it was an above average place to run a business and 41% felt that it was an average to run a business. Also, 62% of business respondents would recommend Miami Beach to others as a place to run a business.

**Issue:**

Shall the City Commission Adopt the Resolution?

**Item Summary/Recommendation:**

At its June 9, 2010 meeting, the Mayor and City Commission passed and adopted Ordinance No. 2010-3682, which amended the City's Living Wage Ordinance, Sections 2-407 thru 2-410 of the Miami Beach City Code, herein referred to as the "Ordinance".

The current Ordinance applies to 17 contracts, awarded to 31 contractors which provide the City with general services and employ over 640 employees.

As a result of the recently adopted Living Wage rates effective October 1, 2010, the aforementioned contracts must be amended to increase the total contract value through adjustments to billing rates equal to the direct cost to increase employees' wages to the adjusted Living Wage rate plus FICA and MICA on that increase to the proposed rates over the next three years, and incorporate the requirements set forth in the Ordinance, as it applies to the term of each contract.

Attached as Exhibit 1 are the current Living Wage contracts with the corresponding contractors, separated by type of contract.

The Administration recommends that the Mayor and City Commission adopt the attached Resolution, which reaffirms the new living wage rates pursuant to Living Wage Ordinance No.2010-3682, and authorizes the City Manager or designee, to execute amendment to all covered service contracts listed in the attached Exhibit 1.

**ADOPT THE RESOLUTION.**

**Advisory Board Recommendation:**

**Financial Information:**

Source of Funds:	Amount	Account	Approved
1			
2			
3			
<b>Total</b>			

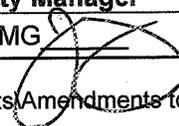
OBPI

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Gus Lopez ext. 6641

**Sign-Offs:**

Department/Director	Assistant City Manager	City Manager
GL 	PDW _____	JMG 

T:\AGENDA\2010\September 20\Consent\Procurement-Amendment to Living Wage Contracts, Amendments to Living Wage-Summary.doc





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REAFFIRMING NEW LIVING WAGE RATES, EFFECTIVE OCTOBER 1, 2010 AS FOLLOWS: \$10.16 PER HOUR WITH CONTRIBUTIONS TOWARDS HEALTH BENEFITS OF AT LEAST \$1.25 PER HOUR, AND \$11.41 PER HOUR WITHOUT BENEFITS; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE, AND THE CITY CLERK TO EXECUTE AMENDMENTS TO ALL COVERED SERVICES CONTRACTS, AS LISTED IN EXHIBIT 1 ATTACHED HERETO, TO REFLECT THE NEW LIVING WAGE RATES AND REQUIREMENTS, PURSUANT TO ORDINANCE NO. 2010-3682.**

### ADMINISTRATION RECOMMENDATION

Approve the Amendments.

### BACKGROUND

At its June 9, 2010 meeting, the Mayor and City Commission passed and adopted Ordinance No. 2010-3682, which amended the City's Living Wage Ordinance, Sections 2-407 thru 2-410 of the Miami Beach City Code, herein referred to as the "Ordinance".

Adopted as part of the amendment, effective October 1, 2010, service contractors as defined in the Ordinance, shall be required to pay all employees, pursuant to Living Wage Ordinance No. 2010-3682, the new Living Wage rates of \$10.16/hr. with health benefits of at least \$1.25/hr, and \$11.41/hr without benefits.

### ORDINANCE IMPLEMENTATION

As part of implementing the requirements set forth in the Ordinance, the Administration conducted the following:

1. On June 14, 2010, a letter was issued to all service contractors advising them of the Amendment to the Living Wage Ordinance with a summary of the significant changes and Living Wage increases.
2. Two (2) training sessions were provided to City of Miami Beach staff, service contractors affected by the Living Wage Ordinance, and prospective bidders which would be subject to the Ordinance. Training sessions were scheduled on two separate dates, June 21 and June 22, 2010. Training was offered to discuss the new requirements of the Ordinance. A Living Wage Guide, a revised Living Wage Certification, and a Notice to be posted at each job site with the new wages were provided to the contractors that attended the training sessions.

3. On July 26, 2010, service contractors were reminded that all contracts subject to the Living Wage Ordinance would have to be amended to include the new requirements. Contractors were requested to provide a list of employee(s) with their corresponding wage rates and hours for the most recent year of work performed at the City of Miami Beach service contract. Information provided will be used to execute all necessary amendments.

### **ANALYSIS**

Meetings were conducted with service contractors to discuss the amendment to their contracts. All service contractors were notified via email, of the City's position relative to any increase in cost. All service contractors were informed that the City would allow for an increase to their billing rate equal to the direct cost to increase employees' wages to the adjusted Living Wage rate plus Federal Insurance Contributions Act (FICA) tax at 6.20%, and Medicare Insurance Contribution Act (MICA) 1.45% on that increase.

During negotiations, some contractors wanted to include the following:

- tax increases (i.e. - Federal Unemployment Tax Act (FUTA), State Unemployment Tax Act (SUTA), Worker's Compensation, and Liability Insurance);
- increase in overhead and profit;
- payroll compression (i.e. a similar percentage or dollar per hour increase for employees who currently earn in excess of the proposed Living Wage rates); and
- increase to employee benefits, recruiting, drug and screening costs.

All of the above requests were denied. Most vendors were agreeable to limit any increase in cost to employees' wages by the new Living Wage rates, plus FICA and MICA. However, the following vendors would not agree to limit their increase to the employees' increased wages, plus FICA and MICA. Therefore, the City will not renew their existing agreements, but will elect to re-bid on an "as needed" basis.

**Westaff:** Westaff is a temporary personnel agency who has not agreed to limit its cost increase to employee's wages plus FICA and MICA, but since there are nine (9) other temporary service agencies under contract, there is no need to procure additional temporary service vendors at this time.

**Everglades Environmental:** Everglades Environmental stated that they can not absorb the additional cost and would like to propose a \$50,000 annual contract to replace their current contract of \$29,999.75, for services with the Living Wage rates included in the cost. The proposed \$50,000 annual contract also includes overhead, profit, FUTA, SUTA, fuel, dump fees, and equipment use for Grounds Maintenance services on Alton Road.

Everglades' request was denied, therefore, their contract will terminate at the end of October 2010, and this project will be re-bid.

**Security Alliance:** Security Alliance stated that they can not accept the proposed price increase because it does not consider the real costs of FUTA, SUTA and Workers' Compensation Insurance that are all directly tied to payroll. For Security Alliance, these 3 factors (FUTA, SUTA and Work Comp) cost them about 6%. However, Security Alliance will pay the security guards the new Living Wage rates effective October 1, 2010. Security Alliance's contract is on a month-to-month basis until such time that a new contract is awarded.

All other contractors have accepted the City's position even though not all costs (i.e.- FUTA, SUTA, Worker's Compensation, etc.) were going to be a "pass through" to the City.

### **CONTRACTS TO BE AMENDED**

The current Ordinance applies to 17 contracts, awarded to 30 contractors which provide the City with general services and employ over 640 employees.

As a result of the recently adopted Living Wage rates effective October 1, 2010, the aforementioned contracts must be amended to increase the total contract value through adjustments to billing rates equal to the direct cost to increase employees' wages to the adjusted Living Wage rate plus FICA and MICA on that increase to the proposed rates over the next three years, and incorporate the requirements set forth in the Ordinance, as it applies to the term of each contract.

Attached as Exhibit 1 are the current Living Wage contracts with the corresponding contractors, separated by type of contract.

### **CONCLUSION**

The Administration recommends that the Mayor and City Commission adopt the attached Resolution that reaffirms the new living wage rates effective October 1, 2010, and authorizes the City Manager or designee, to execute amendments to all covered service contracts listed in the attached Exhibit 1.

JMG/PDW/GL

T:\AGENDA\2010\September 20\Consent\Procurement-Amendment to Living Wage Contracts\Amendment to Living Wage Contracts - Memo (1).doc

**EXHIBIT 1**

<b>CITY OF MIAMI BEACH SERVICE CONTRACTS</b>	
<b>1</b>	<b>RFP 22-09/10 TEMPORARY PERSONNEL SERVICES</b>
1	A1A Employment of Miami
2	Union Temporary Services
3	Creative Staffing, inc.
4	GDKN
5	Adecco
6	Juristaff, Inc.
7	ADTS
8	Snelling Staffing Services
9	Able Body Labor
<b>2</b>	<b>RFP 34-05/06 UNARMED SECURITY GUARD SERVICES</b>
10	Security Alliance of Florida
<b>3</b>	<b>RFP 17-05/06 PARKING METER COLLECTION SERVICES</b>
11	Standard Parking
<b>4</b>	<b>RFP 11-07/08 PARKING CASHIERS, ATTENDANTS, AND SUPERVISORS</b>
12	Impark (Imperial Parking)
<b>5</b>	<b>RFP 04-07/08 CITYWIDE JANITORIAL SERVICES</b>
13	Vista Building Maintenance Services
14	Diamond Contract Service
15	Omarcio Cleaning Services
<b>6</b>	<b>RFP 34-08/09 GROUNDS MAINTENANCE CAUSEWAY, ISLANDS &amp; OTHER</b>
16	SFM Services
17	Superior Landscaping
18	Country Bill's
19	Vila & Son Landscaping Corporation
20	Everglades Environmental Care, Inc.
21	Elan Lawn
<b>7</b>	<b>ITB 19-08/09 GROUNDS MAINTENANCE - SOUTH POINTE PARK</b>
	Superior Landscaping
<b>8</b>	<b>ITB 20-09/10 GROUNDS MAINTENANCE FOR NORTH SHORE/WASHINGTON AVE.</b>
	Vila & Son Landscaping Corporation
<b>9</b>	<b>ITB 57-08/09 PARKING LOT GROUNDS MAINTENANCE</b>
	SFM Services
<b>10</b>	<b>ITB 08-04/05 LANDSCAPE MAINTENANCE: BEACH, BOARDWALK, SPOIL AREAS</b>
22	Florida Lawn Services, Inc.
23	Neighborhood Maintenance, Inc.
<b>11</b>	<b>ITB 33-07/08 HOLIDAY DECORATIONS</b>
24	Christmas Designers, Inc
<b>12</b>	<b>RFP 20-07/08 MANAGEMENT OF CONVENTION CENTER</b>
25	Global Spectrum
<b>13</b>	<b>RFP 60-08/09 COLLECTION AND DISPOSAL OF WASTE</b>
26	Choice Environmental Services of Miami, Inc.
<b>14</b>	<b>ITB 10-06/07 ELECTRIC MOTOR REWIND AND REPAIR SERVICES</b>
27	Condo Electric
<b>15</b>	<b>ITB 35-08/09 REMOVAL AND DISPOSAL OF CONSTRUCTION DEBRIS</b>
28	Metro Trucking
<b>16</b>	<b>ITB 45-06/07 PRINTING OF CITY OF MIAMI BEACH MAGAZINES</b>
29	Solo Printing, Inc.
<b>17</b>	<b>RFP 47-08/09 BUILDING INSPECTION, PLANS REVIEW AND PERMIT CLERK SERVICES</b>
30	M.T. Causley, Inc.

**RESOLUTION TO BE SUBMITTED**

**Condensed Title:**

A Resolution Authorizing the Appropriation of \$600,000 from FY 2009/10 People's Transportation Plan (PTP) Funds, \$600,000 from FY 2010/11 PTP Funds, and \$30,000 from FY 2010/11 Concurrency Mitigation Funds to Fund the Operating Budget for Local Circulators; and Further Appropriating \$235,000 from FY 2009/10 PTP Funds for Administrative and Technical Operating Expenditures.

**Key Intended Outcome Supported:**

Improve or maintain traffic flow.

**Supporting Data (Surveys, Environmental Scan, etc.):** According to the 2009 Customer Satisfaction Survey, more than half of all respondents, 51.5% reported a willingness to use "local bus circulators" as an alternative to taking a car.

**Issue:**

Shall the Mayor and City Commission approve the Resolution?

**Item Summary/Recommendation:**

Resolution No. 2005-25934, dated June 8, 2005, approved an Interlocal Agreement (ILA) between the County and the City for the operation of the South Beach Local (SBL), a bi-directional bus circulator in South Beach. Because the SBL expires on October 11, 2010, the City has conducted negotiations with the County on the terms of a new ILA for the past few months. The County has not agreed to the current financial terms of the ILA in which the cost share of the operating costs are 34% City and 66% County. The County insists on a 50/50% share of the operating costs. In addition the County wants an annual increase indexed to the net operating expenses instead of the current term of the annual increase being limited to the South Florida Consumer Price Index or 3%, whichever is less. The City has reached out to County Commissioners requesting that the financial terms of the new ILA remain the same as the original ILA. Awaiting resolution of the new ILA financial terms, the Administration proposes to appropriate the same level of funding for FY 2010/11 as appropriated for FY 2009/10, as follows:

- \$ 600,000 FY 2009/10 PTP Funds
- \$ 600,000 FY 2010/11 PTP Funds
- \$ 30,000 FY 2010/11 South Beach Concurrency Mitigation Funds
- \$1,230,000 FY 2010/11 Miami Beach Share**

Five percent (5%) of PTP funds received may be appropriated for administrative and technical assistance. Administrative and technical operating PTP funding for FY 2010/11 is recommended as follows:

Salaries and Benefits:	\$112,480
Professional Services:	\$122,520
<b>FY2010/11</b>	<b>Total: \$235,000</b>

In order to improve the management and administration of PTP Funds, City staff is recommending the appropriation of PTP Funds in advance of their receipt, budgeted at 95% of the County's surtax projections. This requires the City to appropriate FY 2009/10 and FY 2010/11 PTP funds in the FY 2010/11 Operating Budget. The total amount of PTP funds to be appropriated in FY 2010/11 is \$5,244,644, of which \$1,435,000 is for operating expenses and \$3,809,644 is for capital projects. The total amount of Concurrency Mitigation Funds to be appropriated in FY 2010/11 is \$3,837,000, of which \$30,000 is for operating expenses and \$3,807,000 is for capital projects.

**THE ADMINISTRATION RECOMMENDS ADOPTING THE RESOLUTION.**

**Advisory Board Recommendation:**

None.

**Financial Information:**

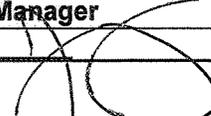
Source of Funds:	Amount	Account
1	\$ 600,000	187.8000.312910 (FY 2009/10 PTP)
2	\$ 600,000	187.8000.312910 (FY 2010/11 PTP)
3	\$ 30,000	158.6217.000335 (CMF/S.Beach)
4	\$ 235,000	187.8000.312910 (FY 2009/10 PTP)
<b>Total</b>	<b>\$1,465,000</b>	

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Fernando Vázquez, ext. 6399

**Sign-Offs:**

<b>Department Director</b> FHB 	<b>Assistant City Manager</b> JGG 	<b>City Manager</b> JMG 
---	--	--

T:\AGENDA\2010\September\2010\Present\PTP Operating Funds SUMM-rev2.doc





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OF \$600,000 FROM THE FISCAL YEAR (FY) 2009/10 PEOPLE'S TRANSPORTATION PLAN (PTP) FUNDS, \$600,000 IN FY 2010/11 PTP FUNDS, AND \$30,000 FROM THE FY 2010/11 CONCURRENCY MITIGATION SOUTH BEACH FUNDS TO FUND THE OPERATING BUDGET FOR THE LOCAL CIRCULATORS IN MIAMI BEACH; AND FURTHER APPROPRIATING \$235,000 FROM FY 2009/10 PTP FUNDS FOR ADMINISTRATIVE AND TECHNICAL OPERATING EXPENDITURES, AS PART OF THE FIVE PERCENT (5%) OF ADMINISTRATIVE ASSISTANCE AND TECHNICAL ASSISTANCE ALLOWABLE FOR PTP EXPENDITURES.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### FUNDING

Funding to be appropriated for the FY 2010/11 operating budget for the local circulators in Miami Beach in the amount of \$1,230,000 as follows: FY 2009/10 PTP Funds in the amount of \$600,000, FY 2010/11 PTP Funds in the amount of \$600,000, and FY 2010/11 South Beach Concurrency Mitigation Funds in the amount of \$30,000. Funding to be appropriated for FY 2010/11 administrative and technical assistance in the amount of \$235,000 from FY 2009/10 PTP Funds.

### BACKGROUND

On November 5, 2002, Miami-Dade County (County) voters approved the levying of a one half of one percent discretionary surtax on transactions occurring in the County that are subject to the state tax imposed on sales. Twenty (20) percent of the proceeds of this surtax are to be distributed directly to municipalities on a pro rata basis and are known as People's Transportation Plan (PTP) Funds for use on local transportation and transit projects.

The City entered into an Interlocal Agreement (ILA) with the County on August 13th, 2003 in order to receive their share of PTP Funds. Since 2003, the City generally had been appropriating PTP Funds after they were received. In order to improve the management and administration of PTP Funds, City staff is recommending the appropriation of PTP Funds in advance of their receipt, budgeted at 95% of the County's surtax projections. Implementing this new method of appropriating PTP Funds requires the City to appropriate both FY 2009/10 and FY 2010/11 PTP funds in the FY 2010/11 Operating Budget.

## **ANALYSIS**

### **South Beach Local Operating Budget**

The City Commission adopted Resolution No. 2005-25934, dated June 8, 2005, which executed an ILA with the County for Miami-Dade Transit (MDT) to operate a bi-directional transit circulator route service in Miami Beach known as the "South Beach Local" (SBL). Service commenced on September 25, 2005 and the SBL replaced both the City's Electrowave Shuttle Service and MDT's Route W, serving the entire South Beach community.

The SBL ILA expires on October 11, 2010 and City staff has been conducting negotiations with the County for a new agreement. On April 20, 2010, City staff met with MDT senior staff to discuss the terms of the new SBL ILA. At this meeting, the City and County were able to reach an agreement on the majority of terms of the new SBL ILA, with the exception of the financial terms. The original ILA stipulates that the contribution from the City would be approximately 34% of the operating cost for the SBL, and the County's contribution would be approximately 66%. In addition the current ILA limits annual increases to South Florida Consumer Price Index (CPI) or 3%, whichever is less. The County insisted upon revising the SBL ILA so that both the County and the City contribute 50% of the net operating cost of the SBL, including any future annual increases. This would require both the County and the City to contribute \$1,713,324.50 in FY 2010/11, which would result in a \$515,515 cost increase to the City.

On May 5, 2010, City staff met with MDT's Director to further discuss the financial terms of the new SBL ILA. At the meeting, MDT insisted on a 50/50 split of the net operating costs and an annual increase indexed to MDT's net operating cost. Subsequently, the City has reached out to County Commissioner Barreiro, requesting his support in ensuring that the financial terms of the contract would remain as stipulated in the original SBL ILA. Awaiting resolution of the new ILA financial terms, the Administration proposes to budget for the SBL services at the 34% City, 66% County share of the net operating costs and an annual increase limited to the South Florida CPI or 3%, whichever is less. In addition, the City recommends to budget \$30,000 for other operating expenses for the SBL, such as an annual on-board transit survey and SBL informational signs at its bus stops.

Based on the above, FY 2010/11 funding for the City's local circulators is recommended as follows:

\$ 600,000	FY 2009/10 PTP Funds
\$ 600,000	FY 2010/11 PTP Funds
\$ 30,000	FY 2010/11 South Beach Concurrency Mitigation Funds
<u>\$1,230,000</u>	<u>FY 2010/11 Miami Beach Share</u>

### **South Beach Local Service and Ridership**

In response to residents' requests, on March 10, 2010 the City Commission approved the following realignments to the SBL, which MDT implemented on June 27, 2010:

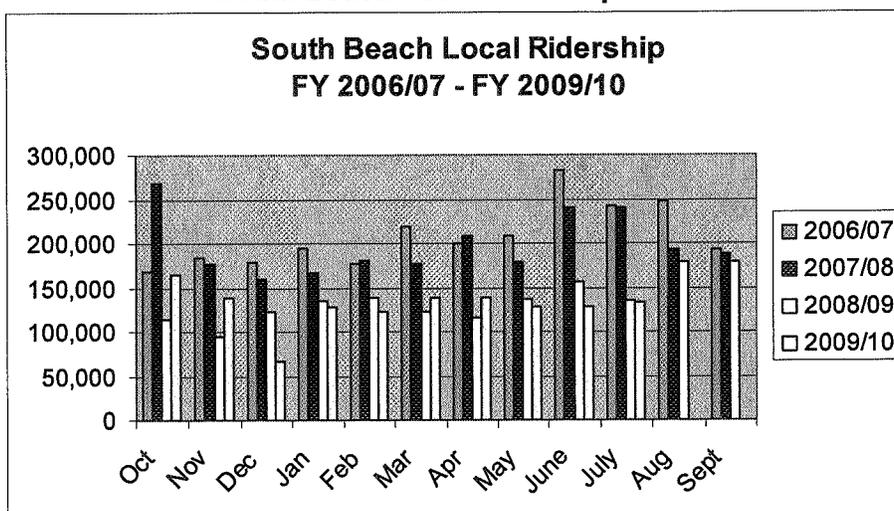
1. Belle Isle: The realignment provides direct service between Belle Isle and Collins Park, with an added stop at the Social Security Office.
2. Collins Park: The realignment provides service to Collins Avenue and 23<sup>rd</sup> Street.
3. 5<sup>th</sup> Street at Alton Road: The realignment added a new stop on the southeast corner of Alton Road and 6<sup>th</sup> Street, which required the SBL to continue north on Alton Road to 9<sup>th</sup> Street. This eliminated the existing stops on West Avenue at 6<sup>th</sup> and 8<sup>th</sup> Streets.

The realignments have increased travel times as well as headways, or frequency of bus service, for the SBL. During peak hours, the headways were changed from every 12 minutes to every 13 minutes. City staff has been monitoring ridership in coordination with MDT.

Annual ridership for the SBL in FY 2007/08 decreased 4.8%, compared to ridership in FY 2006/07. FY 2008/09 ridership decreased 31% relative to FY 2007/2008. To date, monthly ridership in FY 2009/10 has generally sustained ridership figures from FY 2008/09, with the exception of a decline in December 2009. The overall decrease in ridership can be attributed to numerous factors including a change in the method for collecting ridership data, changes in the economy, and changes in transit service. Additionally, the County experienced a system-wide decrease in transit ridership of approximately 10% when comparing Summer 2008 ridership data with Summer 2009 data. In spite of the ridership decreases, the South Beach Local is MDT's most successful operating bus circulator.

Ridership data for the SBL for FY 2007, FY 2008, FY 2009, and FY 2010 is provided below.

**South Beach Local Ridership Data:**



Source: Ridership Technical Reports, MDT

**PTP Administrative and Technical Assistance**

Pursuant to Miami-Dade County Ordinance 02-116, 5% of PTP funds received may be appropriated for administrative assistance and an unlimited amount may be appropriated for technical assistance (See Attachment 1. Ordinance 02-116).

Administrative and technical operating expenditures to be paid for with PTP funding in the amount of \$235,000 are recommended in Attachment 2. "PTP Operating Expenditure Chart".

A percentage of the salaries of the Public Works Transportation Division staff qualify as administrative and technical assistance. Administrative assistance by the Transportation Manager includes but is not limited to the following responsibilities: overall management of PTP funding; deciding the allocation of PTP funding to the various projects; capital budget preparation; review of all PTP documents; and attendance to PTP workshops and meetings at Miami-Dade County. Technical assistance by the Transportation Manager includes but is not limited to the following responsibilities: overall management of all PTP projects including 16<sup>th</sup> Street Roadway Improvement Project, Coastal Communities Transportation and Transit Master Plans, the Bicycle Program, and Pedestrian Improvement Projects; review of plans and other documents on all PTP funded projects; coordination with various state, county and local

agencies on all PTP funded projects; development of design plans for PTP funded projects.

Administrative assistance by the Transportation Coordinator includes but is not limited to the following responsibilities: assists the Transportation Manager with managing PTP funding; prepares all PTP documents, including the Five Year PTP Plan, Quarterly Reports, Commission items, internal memos, Letters to the Commission, and correspondence to Miami-Dade County; assists with Miami-Dade County's audit of PTP funds; tracks all PTP fund expenditures; tracks PTP revenue on a monthly and yearly basis; and prepares reconciliations of PTP funds. Technical assistance by the Transportation Coordinator includes but is not limited to the following responsibilities: assists the Transportation Manager with managing PTP funded projects; review of plans and other documents on all PTP funded projects; coordination with various state, county, and local agencies on all PTP funded projects. The salary figures and percentages indicated in the PTP Operating Expenditure Chart are directly in support of the program.

### **FY 2010/11 PTP and Concurrency Mitigation Fund Appropriations**

The total projected amount of PTP funds to be appropriated in FY 2010/11 is \$5,244,644, of which \$1,435,000 is for operating expenses and \$3,809,644 is for capital projects. The total amount of Concurrency Mitigation Funds to be appropriated in FY 2010/11 is \$3,837,000, of which \$30,000 is for operating expenses and \$3,807,000 is for capital projects. These appropriations are provided in the following tables:

#### **Total FY 2010/11 PTP Appropriation:**

\$1,200,000	Local Circulator Operating Expenses
\$ 235,000	Administrative and Technical Expenses
<u>\$3,809,644</u>	<u>Capital Projects</u>
<b>\$5,244,644</b>	<b>Total FY 2010/11 Appropriation</b>

#### **Total FY 2010/11 Concurrency Mitigation Fund Appropriation:**

\$ 30,000	Local Circulator Operating Expenses
<u>\$3,807,000</u>	<u>Capital Projects</u>
<b>\$3,837,000</b>	<b>Total FY 2010/11 Appropriation</b>

### **CONCLUSION**

The Administration recommends that the Mayor and City Commission adopt the resolution approving the appropriation of \$600,000 from FY 2009/10 PTP funds, \$600,000 in FY 2010/11 PTP funds, and \$30,000 from the FY 2010/11 Concurrency Mitigation South Beach funds to fund the operating budget for the local circulators in Miami Beach; and further appropriating \$235,000 from FY 2009/10 PTP funds for administrative and technical operating expenditures, as part of the five percent (5%) of administrative assistance and technical assistance allowable for PTP expenditures.

#### **Attachments:**

1. Ordinance 02-116
2. PTP Operating Expenditure Chart

JMG/JGG/FHB/FV

T:\AGENDA\2010\September 20\Consent\PTP Operating Funds MEMO-rev2.doc

## Attachment 1

### ARTICLE XVI. ONE HALF OF ONE PERCENT CHARTER COUNTY TRANSIT SYSTEM SALES SURTAX AUTHORIZED BY SECTION 212.055(1) FLORIDA STATUTES (2001)

#### Sec. 29-121. Sales surtax levied.

There is hereby levied and imposed a one half of one percent discretionary sales surtax authorized by Section 212.055(1), Florida Statutes (2001) on all transactions occurring in Miami-Dade County which transactions are subject to the state tax imposed on sales, use, rentals, admissions and other transactions by Chapter 212, Florida Statutes (2001).  
(Ord. No. 02-116, § 1, 7-9-02)

#### Sec. 29-122. Surtax rate, limitations.

The surtax rate shall be one-half of one percent on the amount of taxable sales and taxable purchases representing such transactions. The limitations, conditions and provisions contained in Section 212.054, Florida Statutes (2001) as the same may be amended and supplemented from time to time are hereby incorporated herein.  
(Ord. No. 02-116, § 1, 7-9-02)

#### Sec. 29-122.1. Exemption from Sales Surtax.

All exemptions applicable to the discretionary sales surtax contained in Chapter 212, Florida Statutes are hereby incorporated herein as the same may be amended and supplemented from time to time including, but not limited to, the following:

1. The sales amount above \$5,000 on any item of tangible personal property shall not be subject to the surtax. However, charges for prepaid calling arrangements, as defined in Section 212.05(1)(e)1.a. Fla. Stats., shall be subject to the surtax. For purposes of administering the \$5,000 limitation of an item of tangible personal property, if two or more taxable items of tangible personal property are sold to the same purchaser at the same time and, under generally accepted business practice or industry standards or usage, are normally sold in bulk or are items that, when assembled, comprise a working unit or part of a working unit, such items must be considered a single item for purposes of the \$5,000 limitation when supported by a charge ticket, sale slip, invoice, or other tangible evidence of a single sale or rental.

2. The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the sales surtax imposed by this article.

(1) *Exemptions; General Groceries.*

(a) Food products for human consumption are exempt from the sales surtax imposed by this article.

(b) For the purpose of this article, as used in this subsection, the term "food products" means edible commodities, whether processed, cooked, raw, canned, or in any other form, which are generally regarded as food. This includes, but is not limited to, all of the following:

1. Cereals and cereal products, baked goods, oleomargarine, meat and meat products, fish and seafood products, frozen foods and dinners, poultry, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices, salt, sugar and sugar products, milk and dairy products, and products intended to be mixed with milk.

2. Natural fruit or vegetable juices or their concentrates or reconstituted natural concentrated fruit or vegetable juices, whether frozen or unfrozen, dehydrated, powdered, granulated, sweetened or unsweetened, seasoned with salt or spice, or unseasoned; coffee, coffee substitutes, or cocoa; and tea, unless it is sold in a liquid form.

3. Bakery products sold by bakeries, pastry shops, or like establishments that do not have eating facilities.

(c) The exemption provided by this subsection does not apply:

1. When the food products are sold as meals for consumption on or off the premises of the dealer.

2. When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware, whether provided by the dealer or by a person with whom the dealer contracts to furnish, prepare, or serve food products to others.

3. When the food products are ordinarily sold for immediate consumption on the seller's premises or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "take out" or "to go" order and are actually packaged or wrapped and taken from the premises of the dealer.

4. To sandwiches sold ready for immediate consumption on or off the seller's premises.

5. When the food products are sold ready for immediate consumption within a place, the entrance to which is subject to an admission charge.

6. When the food products are sold as hot prepared food products.

7. To soft drinks, which include, but are not limited to, any nonalcoholic beverage, any preparation or beverage commonly referred to as a "soft drink," or any noncarbonated drink made from milk derivatives or tea, when sold in cans or similar containers.

8. To ice cream, frozen yogurt, and similar frozen dairy or nondairy products in cones, small cups, or pints, popsicles, frozen fruit bars, or other novelty items, whether or not sold separately.

9. To food prepared, whether on or off the premises, and sold for immediate consumption. This does not apply to food prepared off the premises and sold in the original sealed container, or the slicing of products into smaller portions.

10. When the food products are sold through a vending machine, pushcart, motor vehicle, or any other form of vehicle.

11. To candy and any similar product regarded as candy or confection, based on its normal use, as indicated on the label or advertising thereof.

12. To bakery products sold by bakeries, pastry shops, or like establishments that have eating facilities, except when sold for consumption off the seller's premises.

13. When food products are served, prepared, or sold in or by restaurants, lunch counters, cafeterias, hotels, taverns, or other like places of business.

(d) As used in this subsection (1), the term:

1. "For consumption off the seller's premises" means that the food or drink is intended by the customer to be consumed at a place away from the dealer's premises.

2. "For consumption on the seller's premises" means that the food or drink sold may be immediately consumed on the premises where the dealer conducts his or her business. In determining whether an item of food is sold for immediate consumption, there shall be considered the customary consumption practices prevailing at the selling facility.

3. "Premises" shall be construed broadly, and means, but is not limited to, the lobby, aisle, or auditorium of a theater; the seating, aisle, or parking area of an arena, rink, or stadium; or the parking area of a drive-in or outdoor theater. The premises of a caterer with respect to catered meals or beverages shall be the place where such meals or beverages are served.

4. "Hot prepared food products" means those products, items, or components which have been prepared for sale in a heated condition and which are sold at any temperature that is higher than the air temperature of the room or place where they are sold. "Hot prepared food products," for the purposes of this subsection, includes a combination of hot and cold food items or components where a single price has been established for the combination and the food products are sold in such combination, such as a hot meal, a hot specialty dish or serving, or a hot sandwich or hot pizza, including cold components or side items.

(e) 1. Food or drinks not exempt under paragraphs (a), (b), (c), and (d) shall be exempt, notwithstanding those paragraphs, when purchased with food coupons or Special Supplemental Food Program for Women, Infants, and Children vouchers issued under authority of federal law.

2. This paragraph (e) is effective only while federal law prohibits a state's participation in the federal food coupon program or Special Supplemental Food Program for Women, Infants, and Children if there is an official determination that state or local sales taxes are collected within that state on purchases of food or drinks with such coupons.

3. This paragraph (e) shall not apply to any food or drinks on which federal law shall permit sales taxes without penalty, such as termination of the state's participation.

(2) *Exemptions medical.*

(a) There shall be exempt from the sales surtax imposed by this article any medical products and supplies or medicine dispensed according to an individual prescription or prescriptions written by a prescriber authorized by law to prescribe medicinal drugs; hypodermic needles;

hypodermic syringes; chemical compounds and test kits used for the diagnosis or treatment of human disease, illness, or injury; and common household remedies recommended and generally sold for internal and external use in the cure, mitigation, treatment, or prevention of illness or disease in human beings, but not including cosmetics or toilet articles, notwithstanding the presence of medicinal ingredients therein, according to a list prescribed and approved by the Department of Health, which list shall be certified to the Department of Revenue from time to time and included in the rules promulgated by the Department of Revenue. There shall also be exempt from the sales surtax imposed by this article artificial eyes and limbs; orthopedic shoes; prescription eyeglasses and items incidental thereto or which become a part thereof; dentures; hearing aids; crutches; prosthetic and orthopedic appliances; and funerals. In addition, any items intended for one-time use which transfer essential optical characteristics to contact lenses shall be exempt from the sales surtax imposed by this article, however, this exemption shall apply only after \$100,000 of the sales surtax imposed by this article on such items has been paid in any calendar year by a taxpayer who claims the exemption in such year. Funeral directors shall pay tax on all tangible personal property used by them in their business.

(b) For the purposes of this subsection (2):

1. "Prosthetic and orthopedic appliances" means any apparatus, instrument, device, or equipment used to replace or substitute for any missing part of the body, to alleviate the malfunction of any part of the body, or to assist any disabled person in leading a normal life by facilitating such person's mobility. Such apparatus, instrument, device, or equipment shall be exempted according to an individual prescription or prescriptions written by a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466, Florida Statutes, or according to a list prescribed and approved by the Department of Health, which list shall be certified to the Department of Revenue from time to time and included in the rules promulgated by the Department of Revenue.

2. "Cosmetics" means articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for cleaning, beautifying, promoting attractiveness, or altering the appearance and also means articles intended for use as a compound of any such articles, including, but not limited to, cold creams, suntan lotions, makeup, and body lotions.

3. "Toilet articles" means any article advertised or held out for sale for grooming purposes and those articles that are customarily used for grooming purposes, regardless of the name by which they may be known, including, but not limited to, soap, toothpaste, hair spray, shaving products, colognes, perfumes, shampoo, deodorant, and mouthwash.

4. "Prescription" includes any order for drugs or medicinal supplies written or transmitted by any means of communication by a duly licensed practitioner authorized by the laws of the state to prescribe such drugs or medicinal supplies and intended to be dispensed by a pharmacist. The term also includes an orally transmitted order by the lawfully designated agent of such practitioner. The term also includes an order written or transmitted by a practitioner licensed to practice in a jurisdiction other than this state, but only if the pharmacist called upon to dispense such order determines, in the exercise of his or her professional judgment, that the order is valid and necessary for the treatment of a chronic or recurrent illness. The term also includes a pharmacist's order for a product selected from the formulary created pursuant to Sec. 465.186 Fla. Stats. A prescription may be retained in written form, or the pharmacist may cause it to be recorded in a data processing system, provided that such order can be produced in printed form upon lawful request.

(c) Chlorine shall not be exempt from the tax imposed by this article when used for the treatment of water in swimming pools.

(d) Lithotripters are exempt.

(e) Human organs are exempt.

(f) Sales of drugs to or by physicians, dentists, veterinarians, and hospitals in connection with medical treatment are exempt.

(g) Medical products and supplies used in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity which are temporarily or permanently incorporated into a patient or client by a practitioner of the healing arts licensed in the state are exempt.

(h) The purchase by a veterinarian of commonly recognized substances possessing curative or remedial properties which are ordered and dispensed as treatment for a diagnosed health disorder by or on the prescription of a duly licensed veterinarian, and which are applied to or consumed by animals for alleviation of pain or the cure or prevention of sickness, disease, or suffering are exempt. Also exempt are the purchase by a veterinarian of antiseptics, absorbent cotton, gauze for bandages, lotions, vitamins, and worm remedies.

(i) X-ray opaques, also known as opaque drugs and radiopaque, such as the various opaque dyes and barium sulphate, when used in connection with medical X rays for treatment of bodies of humans and animals, are exempt.

(j) Parts, special attachments, special lettering, and other like items that are added to or attached to tangible personal property so that a handicapped person can use them are exempt when such items are purchased by a person pursuant to an individual prescription.

(k) This subsection (2) shall be strictly construed and enforced.

(Ord. No. 02-116, § 1, 7-9-02)

### **Sec. 29-123. Administration, collection and enforcement.**

The Florida Department of Revenue shall administer, collect and enforce the surtax levied hereunder pursuant to the procedures specified in Sec. 212.054(4) Fla. Stats. (2001) as the same may be amended or renumbered from time to time.

(Ord. No. 02-116, § 1, 7-9-02)

### **Sec. 29-124. Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust.**

The surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be expended for the transportation and transit projects (including operation and maintenance thereof) set forth in Exhibit 1 to this article (including those projects referenced in the ballot question presented to the electors to approve this levy), subject to any amendments thereto made in accordance with the MPO process or made in accordance with the procedures specified in subsection (d) of this Section.

Expenditure of surtax proceeds shall be subject to the following limitations:

(a) Surtax proceeds shall be applied to expand the Golden Passport Program to all persons (regardless of income level who are over the age of 65 or are drawing Social Security benefits, and to provide fare-free public transportation service on Metromover, including extensions.

(b) Surtax proceeds may only be expended for the transportation and transit purposes specified in Section 212.055(1)(d)1--3 Fla. Stats. (2001).

(c) The County shall not expend more than five percent of the County's share of surtax proceeds on administrative costs, exclusive of project management and oversight for projects funded by the surtax.

(d) The County Commission shall not delete or materially change any County project contained in the list attached as Exhibit 1 to this article nor add any project to the list except in accordance with the procedures set forth in this subsection (d). A proposed deletion, material change or addition of a County project shall be initially reviewed by the Citizens' Independent Transportation Trust ("Trust"), which shall forward a recommendation thereon to the County Commission. The County Commission may either accept or reject the Trust's recommendation. If the County Commission rejects the recommendation, the matter shall be referred back to the Trust for its reconsideration and issuance of a reconsidered recommendation to the County Commission. The County Commission may approve, change or reject the Trust's reconsidered recommendation. A two-thirds vote of the Commission membership shall be required to take action other than as contained in the reconsidered recommendation of the Trust. The foregoing notwithstanding, the list of County projects contained in Exhibit 1 may be changed as a result of the MPO process as mandated by federal and state law.

(e) No surtax proceeds may be used to pay the costs of a contract awarded by action of the County Commission until such action has become final (either by expiration of ten days after such action without veto by the Mayor, or by Commission override of a veto) and either: i) the Trust has approved same; or, ii) in response to the Trust's disapproval, the County Commission re-affirms

its award by two-thirds ( 2/3) vote of the Commission's membership. The bid documents for all County contracts funded in whole or in part with surtax proceeds shall provide that no award shall be effective and no contractual relationship shall arise with the County unless and until approved by the Trust or re-affirmed by the County Commission as provided in this subsection.

(f) Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of November 5, 2002 that meet the following conditions:

(i) That continue to provide the same level of general fund support for transportation that is in their FY 2001-2002 budget in subsequent Fiscal Years. Any surtax proceeds received shall be applied to supplement, not replace a city's general fund support for transportation;

(ii) That apply 20 percent of any surtax proceeds received to transit uses in the nature of circulator buses, bus shelters, bus pullout bays or other transit-related infrastructure. Any city that cannot apply the 20 percent portion of surtax proceeds it receives as provided in the preceding sentence, may contract with the County for the County to apply such proceeds on a County project that enhances traffic mobility within that city and immediately adjacent areas. If the city cannot expend such proceeds in accordance with either of the preceding sentences, then such proceeds shall carry over and be added to the overall portion of surtax proceeds to be distributed to the cities in the ensuing year and shall be utilized solely for the transit uses enumerated in this subsection (ii); and

(iii) Surtax proceeds distributed amongst the existing cities shall be distributed on a pro rata basis based on the ratio such city's population bears to the total population in all such cities (as adjusted annually in accordance with the Estimates of Population prepared by the Bureau of Economic and Business Research of the University of Florida) annually to those cities that continue to meet the foregoing conditions. For purposes of the foregoing, whenever an annexation occurs in an existing city, the number of persons residing in such annexed area at the time it is annexed shall be excluded from all calculations. Increases in population in areas annexed over and above the population in such area at the time of annexation which occur after annexation shall be included in subsequent years' calculations.

(iv) that do not expend more than 5% of its municipal share of surtax proceeds on administrative costs, exclusive of project management and oversight for projects funded by the surtax. Administrative costs shall be defined as overhead expenses which are not readily attributable to any one particular project funded in whole or in part by transit surtax funds.

(g) Newly incorporated municipalities shall have the right to negotiate with the County for a pro rata share of the sales surtax, taking into consideration the neighborhood and municipal projects identified in Exhibit 1, as amended, within the boundaries of the new municipalities. The preceding sentence shall not affect the twenty (20) percent share provided herein for municipalities existing on November 5, 2002.

(Ord. No. 02-116, § 1, 7-9-02; Ord. No. 06-138, § 1, 9-26-06)

Attachment 2

PTP Operating Expenditure Chart

<b>PTP Administrative Support - Eligible expense NTE 5%</b>	
	<b>FY 2011 Budget</b>
Transportation Coordinator	
Salary (50%)	37,373
Pension (50%)	3,013
Health Ins. (50%)	3,713
Social Security Medicare (50%)	510
Sub-Total	44,609
Transportation Manager	
Health Ins. (15%)	1,100
Social Security Medicare (15%)	201
Sub-Total	15,178
Total - PTP Administrative Support	59,787
<b>PTP Technical Support - Eligible expense NTE 4%</b>	
Transportation Coordinator	
Salary (25%)	18,687
Pension (25%)	1,552
Health Ins. (25%)	1,913
Social Security Medicare (25%)	263
Sub-Total	22,414
Professional Services	122,520
Transportation Manager	
Salary (30%)	27,753
Health Ins. (30%)	2,135
Social Security Medicare (30%)	390
Sub-Total	30,279
Total - PTP Technical Support	175,213
<b>GRAND TOTAL</b>	<b>235,000</b>

**Transportation Division- Professional Services**

<b>Previous Projects</b>	<b>Cost</b>
71st & Dickens Intersection Study	\$ 24,982
71st St. at Bonita Drive - Exclusive Right-turn Study	\$ 11,330
Collins Ave, 63rd to 72nd St. Study	\$ 19,465
Update of TIS Methodology	\$ 18,848
16th St. at Alton Rd. Intersection Study	\$ 9,295
South of 5th Street Study	\$ 17,690
Dade Blvd Traffic Counts	\$ 2,220
Sheridan Ave Traffic Study	\$ 6,232
Traffic Counts -West Ave and 5th Street	\$ 7,100
I-95 HOT Lanes Study	\$ 11,000
Port of Miami Tunnel- Technical Review	\$ 24,999
FTA Bus Livability Grant Application Preparation	\$ 8,000
SBL Customer Survey	\$ 1,840
Bike Parking Locations	\$ 9,240
South Beach Local Bus Decals	\$ 20,136
Indian Creek Drive/Dickens/Byron - Safety Study	\$ 18,500
Flamingo Traffic Study	\$ 6,154
<b>Totals</b>	<b>\$ 180,719</b>

<b>Potential Projects</b>	<b>Estimated Cost</b>
Conversion of Pennsylvania Ave to a Local Road	\$ 25,000
Alton Road TDLC Study	\$ 20,000
17th Street Ped Improvements (Palm View District)	\$ 20,000
Normandy/71st Pedestrian Improvements	\$ 25,000
Traffic studies for Commissioner/Resident requests	\$ 25,000
Traffic counts on an as-needed basis	\$ 10,000
Technical reviews of FDOT/County Projects	\$ 25,000
Traffic studies related to FDOT/County Projects	\$ 25,000
<b>Totals</b>	<b>\$ 175,000</b>

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OF \$600,000 FROM THE FISCAL YEAR (FY) 2009/10 PEOPLE'S TRANSPORTATION PLAN (PTP) FUNDS, \$600,000 IN FY 2010/11 PTP FUNDS, AND \$30,000 FROM THE FY 2010/11 CONCURRENCY MITIGATION SOUTH BEACH FUNDS TO FUND THE OPERATING BUDGET FOR THE LOCAL CIRCULATORS IN MIAMI BEACH; AND FURTHER APPROPRIATING \$235,000 FROM FY 2009/10 PTP FUNDS FOR ADMINISTRATIVE AND TECHNICAL OPERATING EXPENDITURES, AS PART OF THE FIVE PERCENT (5%) OF ADMINISTRATIVE ASSISTANCE AND TECHNICAL ASSISTANCE ALLOWABLE FOR PTP EXPENDITURES.**

**WHEREAS**, Resolution No. 2005-25934, dated June 8, 2005, authorized the execution of an Interlocal Agreement (ILA) between the City of Miami Beach (City) and Miami-Dade County (County) for the operation, by Miami-Dade Transit (MDT), of a new bi-directional transit circulator service in Miami Beach known as the South Beach Local (SBL); and

**WHEREAS**, Resolution No. 2005-25934 also approved the City's contribution to the first five (5) years of cost for the SBL; and

**WHEREAS**, the SBL is scheduled to expire on October 11, 2010, and the City has conducted negotiations with the County on the terms of a new ILA for the past few months; and

**WHEREAS**, the County has not agreed to the current financial terms set forth in the ILA, which identifies the operating costs for the SBL as 34% paid by the City and 66% paid by the County, and annual increases being limited to the South Florida Consumer Price Index (CPI) or 3%, whichever is less; and

**WHEREAS**, the County insists on a 50/50% share of the net operating costs and an annual increase indexed to the net operating expenses, so the City has reached out to County Commissioners requesting that the financial terms of the new ILA remain the same as the original ILA; and

**WHEREAS**, the Administration proposes to budget for the SBL services at the 34% paid by the City and 66% paid by the County share of the net operating costs and an annual increase limited to the South Florida CPI or 3%, whichever is less; and

**WHEREAS**, Miami-Dade County Ordinance 02-116 authorizes five percent (5%) of PTP funds received to be appropriated for administrative assistance, and an unlimited amount for technical assistance; and

**WHEREAS**, the Transportation Division employs positions whose job responsibilities would qualify as administrative and technical assistance, and a percentage of their salaries can be paid with PTP funds; and

**WHEREAS**, the City has generally been appropriating PTP funds after they were received by the City, and to improve the management and administration of PTP Funds, City staff is recommending the appropriation of PTP Funds in advance of their receipt, budgeted at 95% of the County's surtax projections; and

**WHEREAS**, implementing this new method of appropriating PTP funds requires the City to appropriate both FY 2009/10 and FY 2010/11 PTP funds in the FY 2010/11 Operating Budget; and

**WHEREAS**, \$600,000 in FY 2009/10 PTP funds, \$600,000 in FY 2010/11 PTP funds, and \$30,000 from FY 2010/11 Concurrency Mitigation funds have been set aside for the FY 2010/11 operating costs of local circulators in Miami Beach; and \$235,000 in FY 2009/10 PTP funds have been set aside for FY 2010/11 administrative and technical operating expenditures.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby authorize the appropriation of \$600,000 from Fiscal Year (FY) 2009/10 People's Transportation Plan (PTP) funds, \$600,000 in FY 2010/11 PTP funds, and \$30,000 from the FY 2010/11 Concurrency Mitigation South Beach funds to fund the operating budget for the local circulators in Miami Beach; and further appropriating \$235,000 from FY 2009/10 PTP funds for administrative and technical operating expenditures, as part of the five percent (5%) of administrative assistance and technical assistance allowable for PTP expenditures.

**PASSED AND ADOPTED** this \_\_\_\_ day of September, 2010.

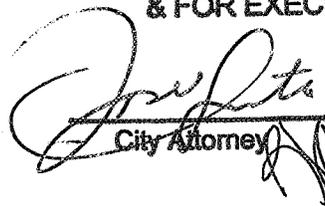
**ATTEST:**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY CLERK**

T:\AGENDA\2010\September 20\Consent\PTP Operating Funds RESO.DOC

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney

9/17/10  
Date

**Condensed Title:**

A resolution of the Mayor and City Commission of the City of Miami Beach, Florida, adopting the Miami Beach Cultural Arts Council's Fiscal Year 2010/11 budget in the amount of \$1,153,000.

**Key Intended Outcome Supported:**

Increase community rating of cultural activities.

**Supporting Data (Surveys, Environmental Scan, etc.):** According to the 2009 Survey, on average, residents attended cultural activities 10.61 times per month and family friendly activities 7.19 times per month. Additionally, 24.2 % of residents said the City should strive not to reduce arts and culture.

**Issue:**

Shall the City adopt the Miami Beach Cultural Arts Council's Fiscal Year 2010/11 budget in the amount of \$1,153,000?

**Item Summary/Recommendation:**

The Cultural Arts Council (CAC) 2010/11 Budget is proposed to be allocated as follows:

**Cultural Arts Grant Programs** - The CAC's annual grants program represents 54% of their annual budget, which equals \$627,676. A companion item is included in today's agenda that provides additional information on the grants process and the recommended awards.

**Marketing** - This funding is utilized to promote the City of Miami Beach as the region's preeminent cultural destination and help market the programs of the City's constituent arts groups. This represents 15% of the CAC budget, which equals \$165,044.

**Cultural Endowment** - The CAC's budget does not include a contribution towards the City's Cultural Endowment for Fiscal Year 2010/11 due to budget constraints.

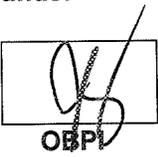
**Administration** - Administrative and operating expenses represent 31% of the CAC's annual budget or \$360,280. The administrative budget includes an allocation of \$75,000 for a curriculum-based arts education program for City of Miami Beach Schools.

It is recommended that the City Commission adopt the CAC budget for FY 10/11 as indicated.

**Advisory Board Recommendation:**

The Cultural Arts Council approved the proposed budget at their meeting on May 6, 2010.

**Financial Information:**

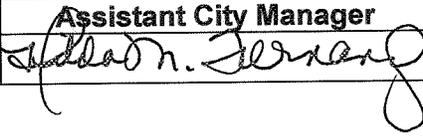
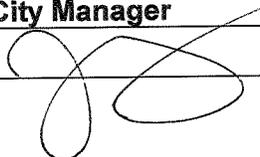
Source of Funds:	Amount	Account	Approved
 OBPI	1	\$1,153,000	140.6080 Cultural Arts Council Fund
	2		
	3		
	Total		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

\_\_\_\_\_

**Sign-Offs:**

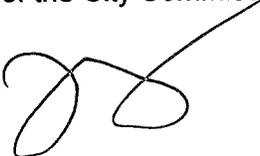
Department Director	Assistant City Manager	City Manager
		





## COMMISSION MEMORANDUM

TO: Mayor Matti Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: September 20, 2010

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE MIAMI BEACH CULTURAL ARTS COUNCIL'S FISCAL YEAR 2010/11 BUDGET IN THE AMOUNT OF \$1,153,000**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### BACKGROUND

The Cultural Arts Council's (CAC) mission is to develop, coordinate, and promote the visual and performing arts in Miami Beach for the enjoyment, education, cultural enrichment, and benefit of residents and visitors. In 1997, the original nine-member volunteer board conducted town meetings with arts groups to evaluate their needs. It then developed a cultural arts master plan identifying programs to assist local arts groups: grants, marketing, facilities, revenue development, and advocacy/planning. The Mayor and City Commission adopted the master plan on June 3, 1998. Since that time the City has awarded in excess of \$8 million in cultural arts grants, supporting thousands of performances, exhibits, and other cultural activities in Miami Beach. The CAC continually evaluates its programs and effectiveness based on comments from its constituent arts groups, advisers, grants panelists, community groups, elected officials, City administrators, and others. The positive economic impact of the City's cultural efforts is evident throughout the community as is its effect on our quality of life.

In Fiscal Year 2004/05, the City Commission authorized equally allocating 50% of the 1% Resort Tax to North Beach, Middle Beach, and South Beach, and Tourism & Cultural Development for Cultural Affairs. This commitment of funding for arts and culture provided a new permanent funding source that sustains cultural programming long term.

### ANALYSIS

The proposed FY 2010/11 CAC Budget is broken down as follows:

#### ***Cultural Arts Grants***

The City Administration is recommending grants to 52 not-for-profit organizations for cultural events in Miami Beach between October 1, 2010 and September 30, 2011. The CAC's recommended annual budget for grants is \$627,676, or approximately 54% of the total CAC budget. Included in this figure is the joint CAC/VCA program for Cultural Tourism grants that support cultural events with documented tourism benefits. The VCA provides \$30,000 and the CAC provides \$30,000 to fund this program and the applications are reviewed and recommended jointly by the VCA and CAC; the grant awards range from \$5,671 to \$24,101. A total of \$1,025,000 was requested by 52 grant applicants this year. There is a corresponding item in today's agenda detailing the recommended grant awards to cultural organizations for Fiscal Year 2010/11.

#### ***Marketing***

This year, the CAC has recommended allocating \$165,044 (approximately 15% of its annual budget) to be utilized to promote the City of Miami Beach as the region's preeminent cultural destination. Last

year's efforts continued the momentum initially generated by the marketing initiative from FY 2004/05, developed by the CAC's Marketing and Communications Task Force to better promote the arts in our community and market the programs of the City's constituent arts groups. The CAC will use these funds to further cultural marketing efforts for Fiscal Year 2010/11, new initiatives include the launch of a redesigned, interactive "Mbculture" website that will feature an extensive cultural calendar and will allow the CAC's constituent groups to post advertisements and press releases about their events. An accompanying multimedia ad campaign, similar to the campaign for sleeplessnight.org, will drive visitors to the site. The CAC is also continuing efforts to create a centralized ticketing service and web-based box office for all cultural events in the area, and is expanding international marketing efforts for its signature Sleepless Night event, which returns November 5, 2011.

### ***Endowment***

From 1998 through 2001 the City contributed \$200,000 towards the CAC's Cultural Endowment, 8% of the CAC's annual budget. In fiscal years 2001/02 and 2002/03, due to a decrease in funding sources, the City contributed \$160,000, 15% of the CAC's annual budget. Due to significant decreases in resort tax revenue and interest income, the City did not contribute to the CAC's Cultural Endowment for 2003/04. However, in fiscal years 2004/05, 2005/06 and 2006/07, the City contributed \$100,000 each year. By the end of Fiscal Year 2006/07 the Cultural Endowment totaled \$1,220,000. Last year however, due to significant decreases in interest income and property tax cuts, the City did not contribute towards the CAC's Cultural Endowment. The City Administration is recommending against a contribution in 2010/11.

### ***Administration***

The CAC's annual budget also includes \$360,280 or 31% to be utilized for administrative and operating expenses. This includes salaries and benefits for two full-time employees, professional services, operating accounts supporting the CAC's programs and City internal service charges.

The CAC Administrative budget also includes an allocation of \$75,000 to continue and strengthen curriculum-based arts education programs in City of Miami Beach schools, and after-school arts classes at school, park and youth center locations. The City began contracting for these services in 2005/06, following several years of CAC grant support for these programs. The programs are designed to increase arts and cultural activities for Beach artists, youth and their families at City facilities and within the City schools. An established evaluative process and constant feedback assist the Cultural Affairs Program staff in monitoring the high quality and continued success of these programs, which receive supplemental funding of \$30,000 from the Tourism & Cultural Development General Fund Budget, bringing the total program costs to \$105,000. There is a companion item in today's agenda recommending that the City enter into professional service agreements to continue these valuable programs.

### **CONCLUSION**

It is recommended that the Mayor and City Commission adopt the Miami Beach Cultural Arts Council's Fiscal Year 2010/11 budget in the amount of \$1,153,000.

JMG/HF/MAS/GF/MH

F:\info\ALL\Mary\Commission Docs\FY10-11\CAC Budget Memo and Resolution 1011.doc

**CAC - FY 2010/11 PROPOSED BUDGET**

140-6080

	Adopted Budget FY 2009/10	FY 2010/11 Dept Req	Variance Req 2011/ Bud 10	% of Change
<b>REVENUES</b>				
<b>GMCVB</b>	\$ 50,000	\$ 50,000	\$ 0	0.0%
<b>Interest**</b>	39,300	45,000	5,700	14.5%
<b>Resort Tax</b>	152,000	152,000	0	0.0%
<b>Quality of Life</b>	865,000	906,000	41,000	4.7%
<b>Fund Balance</b>	0	0	0	0.0%
<b>Total</b>	<b>\$ 1,106,300</b>	<b>\$ 1,153,000</b>	<b>\$ 46,700</b>	<b>4.2%</b>
<b>EXPENDITURES</b>				
<b>Salaries</b>	\$ 145,928	\$ 146,432	\$ 504	0.3%
<b>Pension - 401A</b>	4,529	4,529	0	0.0%
<b>Pension - City Contribution</b>	14,075	32,464	18,389	130.7%
<b>Insurance</b>	11,029	11,029	0	0.0%
<b>Other Fringe Benefits</b>	2,300	2,300	0	0.0%
<b>Professional Services</b>	80,000	80,000	0	0.0%
<b>Telephones</b>	1,440	1,440	0	0.0%
<b>Operating Expenses</b>	8,898	7,979	(919)	-10.3%
<b>Training &amp; Awards</b>	5,950	5,950	0	0.0%
<b>Internal Services</b>	62,269	68,157	5,888	9.5%
<b>Capital</b>	0	0	0	0.0%
<b>Contingency</b>	0	0	0	0.0%
<b>Total</b>	<b>\$ 336,418</b>	<b>\$ 360,280</b>	<b>\$ 23,862</b>	<b>7.1%</b>
<b>Marketing 345</b>	\$ 139,882	\$ 165,044	\$ 25,162	18.0%
<b>Endowment * 346</b>	0	0	0	0.0%
<b>Grants 349</b>	630,000	627,676	(2,324)	-0.4%
<b>Total</b>	<b>\$ 769,882</b>	<b>\$ 792,720</b>	<b>\$ 22,838</b>	<b>3.0%</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 1,106,300</b>	<b>\$ 1,153,000</b>	<b>\$ 46,700</b>	<b>4.2%</b>
<b>Surplus/(Deficit)</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	
<b>Budgeted Positions</b>	<b>2</b>	<b>2</b>		

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE MIAMI BEACH CULTURAL ARTS COUNCIL'S FISCAL YEAR 2010/11 BUDGET IN THE AMOUNT OF \$1,153,000.**

**WHEREAS**, the Miami Beach Cultural Arts Council (CAC) was established by the Mayor and City Commission on March 5, 1997; and

**WHEREAS**, the mission of the CAC is to develop, coordinate, and promote the visual and performing arts in the City of Miami Beach for the enjoyment, education, cultural enrichment and benefit of the residents of, and visitors to, Miami Beach; and

**WHEREAS**, the Mayor and City Commission adopted the Cultural Arts Master Plan on June 3, 1998, identifying the following program areas for the CAC: cultural arts grants; marketing; facilities; advocacy and planning; and revenue development; and

**WHEREAS**, pursuant to its enabling legislation, the CAC's budget for each fiscal year shall be adopted by the Mayor and City Commission; and

**WHEREAS**, accordingly, the CAC recommends a \$1,153,000 budget allocation for Fiscal Year 2010/11 to continue implementation of its programs.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby adopt the Miami Beach Cultural Arts Council's Fiscal Year 2010/11 budget, in the amount of \$1,153,000.

**PASSED and ADOPTED THIS** \_\_\_\_\_ **day of** \_\_\_\_\_ **2010.**

ATTEST:

\_\_\_\_\_

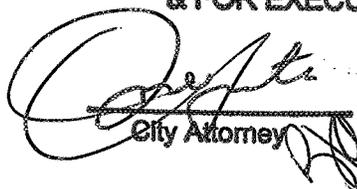
CITY CLERK

\_\_\_\_\_

MAYOR

F:\info\ALL\Mary\Commission Docs\FY10-11\CAC Budget Memo and Resolution 1011.doc

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney

9/8/10  
\_\_\_\_\_  
Date

THIS PAGE INTENTIONALLY LEFT BLANK

**Condensed Title:**

A resolution of the Mayor and City Commission of the City of Miami Beach, Florida, authorizing the City Manager to approve the Cultural Arts Council's funding recommendations and awarding \$627,676 in said grants, for Fiscal Year 2010/11, as identified in the attached Exhibit "A"; and further authorizing the Mayor and City Clerk to execute said grant agreements, and make the award of said grant monies subject to and contingent upon the approval of the Cultural Arts Council's budget for the Fiscal Year 2010/11.

**Key Intended Outcome Supported:**

Increase community rating of cultural activities.

**Supporting Data (Surveys, Environmental Scan, etc.):** According to the 2009 Survey, on average, residents attended cultural activities 10.61 times per month and family friendly activities 7.19 times per month.

**Issue:**

Shall the City approve and accept the grant award recommendations and award \$627,676 in said Cultural Arts Grants for Fiscal Year 2010/11?

**Item Summary/Recommendation:**

Between January and June 2010, the Cultural Affairs Program Staff and CAC conducted an application and review process for its Fiscal Year 2010/11 Cultural Arts Grant Programs. This process included the 11 member CAC who served as the grants panelists to evaluate 52 applications, requesting a total of \$1,025,000. The recommendations were reviewed by the CAC at their July 1 meeting, where the CAC unanimously supported them. *The number of applications reviewed and dollar figures include submissions from the joint program with the Miami Beach VCA.*

Adopt the resolution and approve, accept, and award the Fiscal Year 2010/11 Cultural Arts Council grant recommendations in the amount of \$627,676.

**Advisory Board Recommendation:**

The Cultural Arts Council reviewed the grant panel recommendations at their July 1 meeting and supports the recommended awards as reflected in the fourth column of Exhibit "A".

**Financial Information:**

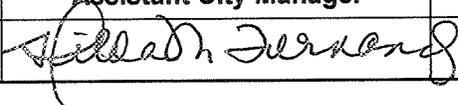
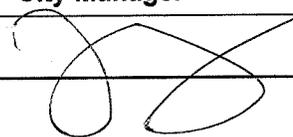
Source of Funds:	Amount	Account	Approved
 OBPI	1	\$627,676	140.6080 Cultural Arts Council Fund
	2		
	3		
	4		
	<b>Total</b>		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

\_\_\_\_\_

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		





## COMMISSION MEMORANDUM

TO: Mayor Matti Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

SUBJECT: **RESOLUTION ACCEPTING THE CITY MANAGER'S RECOMMENDATION, AND APPROVING THE CULTURAL ARTS COUNCIL'S FUNDING RECOMMENDATIONS, AND AWARDING \$627,676 IN CULTURAL GRANTS, FOR FISCAL YEAR 2010/11, AS IDENTIFIED IN THE ATTACHED EXHIBIT "A"; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID GRANT AGREEMENTS, AND MAKE THE AWARD OF SAID GRANT MONIES SUBJECT TO AND CONTINGENT UPON THE APPROVAL OF THE CULTURAL ARTS COUNCIL'S BUDGET FOR THE FISCAL YEAR 2010/11.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### FUNDING

Funding is available from the Cultural Arts Council's (CAC) budget for Fiscal Year 2010/11.

### BACKGROUND

The Mayor and City Commission passed an Ordinance in 1997 establishing the Cultural Arts Council to support the visual and performing arts in Miami Beach. The cultural arts grants program, a central component of the Council's master plan, provides funding to not-for-profits arts organizations through a competitive application and review process. This funding annually results in hundreds of performances, exhibits, and other cultural events throughout the City of Miami Beach.

In 1998, a competitive process was established to review grant applications and assess the cultural community's needs. The grant categories and their objectives are listed below.

**Cultural Anchors** – Provides grants to the major preeminent arts institutions physically based in the City of Miami Beach, whose primary mission is year-round artistic and cultural programming that contributes significantly to the cultural life of the City of Miami Beach. Organizations must have minimum organizational budget levels of \$750,000. Grants may be used towards operational expenses in association with the annual cultural programming described in the application. The seven organizations are: ArtCenter/South Florida, Bass Museum of Art, Jewish Museum of Florida, Miami City Ballet, Miami Design Preservation League, New World Symphony, and Wolfsonian-FIU.

Two years ago the CAC approved the addition of three Miami Beach based cultural organizations into the Cultural Anchors category. These organizations meet all the above listed objectives but have organizational budget levels below \$750,000, and are called "Junior" Cultural Anchors. These

organizations include Arts at St. John's, Miami Beach Film Society, Miami Contemporary Dance Company. At the January 8, 2008 CAC meeting, the Miami Beach Garden Conservancy (Miami Beach Botanical Gardens) was added as a "Junior" Cultural Anchor, and on October 1, 2009, both SoBe Institute of the Arts and Friends of the Miami-Dade Public Library were added as "Junior" Anchors by the CAC.

**Cultural Heritage** - Provides project-specific grants for arts programming to not-for-profit 501(c)(3) Miami Beach-based institutions devoted to promoting and protecting the diverse heritage, traditions and culture of Miami Beach. Grants may be used for presentations of visual and performing arts, arts programs and workshops, and other projects which emphasize the artistic experience and are accessible to a broad audience. Grant funds may not be used to support projects that are primarily recreational, therapeutic, vocational or rehabilitative, or for religious services or programs designed solely for practitioners of a specific religion.

**Artistic Disciplines – Dance, Film, Music, Theater and Visual Arts**

Funding is limited to arts and cultural organizations whose primary mission is to create and present work in one of the following artistic disciplines; Dance, Music Theater, Film and Visual Arts. Proposed projects should be for work that is new or has never before been presented in Miami Beach. Organizations receiving an Artistic Discipline Grant are chosen based on demonstrated artistic talent and potential and the vision for the proposed project, in relation to their overall artistic goals.

**Cultural Presenters** - Provides grants to organizations whose primary mission is to produce and present cultural and artistic productions.

**Cultural Tourism (funding shared by the CAC & VCA)** – Provides grants to support major cultural arts performances, festivals, and events which attract a significant number of tourists to the City of Miami Beach. The CAC partnered with the VCA for Cultural Tourism grants that support cultural events with documented tourism benefits. The VCA provided \$30,000 and the CAC provided \$30,000 to fund this program in Fiscal Year 2010/11. Similar to the CAC grants panel process, three (3) members of the VCA and three (3) members of the CAC jointly convened a Cultural Tourism Panel on July 7, 2010, to review and recommend funding for this category. Please refer to Exhibit B for a detailed list of all the review panel members. The Cultural Tourism Program awards totaled \$60,000.

**Cultural Ignition** – Provides grants for organizations never before funded by the City of Miami Beach, encouraging new and smaller cultural organizations to participate in the grants process. Maximum award in this program is \$5,000. No one has applied to date.

**ANALYSIS**

Each year the CAC assesses its grants programs and practices, and adopts changes to improve the process and to better serve the public. Following a public meeting which included both grantees and unfunded applicants, it was determined that in order to maintain incentives for programming in North Beach, a **Byron Bonus** of up to \$2,000 will be given to grant recipients utilizing the Byron Carlyle Theatre. This covers the Theatre's rental fee and related production costs for the purpose of increasing the amount of cultural activities in Miami Beach's North Beach community. Fourteen (14) applicant groups qualified for the Byron Bonus for FY 2010/11.

All CAC grant applications, guidelines, and instructions were offered in English and Spanish. Applications were made available through the Department of Tourism and Cultural Development

and electronically on both the City of Miami Beach's ([www.miamibeachfl.gov](http://www.miamibeachfl.gov)) and the Cultural Affairs Program's ([www.mbculture.org](http://www.mbculture.org)) websites. Additionally, the grant programs were publicized in English and Spanish media and via electronic mail.

Between January and April 2010, Cultural Affairs staff met individually with applicants to determine eligibility, program category, and offer guidance regarding application preparation. Final grant applications deadlines varied depending upon Program category with the earliest deadline of February 1, 2010 for Cultural Anchors and the latest deadline of May 3, 2010, for Cultural Presenters and Cultural Ignition programs. The application process, including the Cultural Tourism program, yielded 52 viable applications for cultural programming in Fiscal Year 2010/11, with requests totaling \$1,025,000, including the VCA/CAC joint Cultural Tourism Program applicants. This far exceeded available funding.

This year, the eleven CAC members again comprised the CAC grants panels exclusively; please refer to exhibit B for a listing of CAC members. The Cultural Affairs Program Manager led the CAC members in a grant panel orientation during the CAC's regular meeting on February 4, 2010. The CAC grants panels convened at public meetings in City Hall on March 4, April 1, May 6, and June 3, 2010. The Cultural Tourism grant panel convened at a public meeting on July 7, 2010, at 555 17<sup>th</sup> Street, Miami Beach. The panelists reviewed applications in alphabetical order. Applicants were allowed to address specific questions from the panelists. The applications were scored using evaluation forms based on criteria listed in the application, then averaged dropping the highest and lowest scores.

In a public meeting held on July 1, 2010, the CAC members reviewed the final scores ranked highest to lowest from all the panel meetings combined. As per CAC approved Fiscal Year 2010/11 grant guidelines, an application must have scored a minimum average of 80% with a maximum possible score of 100 points, to be eligible to receive funding. The attached Exhibit "A" lists the fifty-two (52) organizations recommended for funding.

### **CONCLUSION**

The projects and organizations proposed for funding in FY 10/11 will provide a wide variety of programming that will benefit our residents, as well as promote our City as a cultural destination.

It is recommended that the Mayor and City Commission adopt the City Administration's proposed cultural grants, as detailed above and as reflected in the fourth column of Exhibit "A", titled "City Administration Recommendation."

JMG/HF/MAS/GF/MH

F:\info\ALL\Mary\Commission Docs\FY10-11\CAC Grants Memo and Resolution 1011.doc

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE CITY MANAGER'S RECOMMENDATION, AND APPROVING THE CULTURAL ARTS COUNCIL'S FUNDING RECOMMENDATIONS, AND AWARDING \$627,676 IN SAID GRANTS, FOR FISCAL YEAR 2010/11, AS IDENTIFIED IN THE ATTACHED EXHIBIT "A"; AND FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID GRANT AGREEMENTS, AND MAKE THE AWARD OF SAID GRANT MONIES SUBJECT TO AND CONTINGENT UPON THE APPROVAL OF THE CULTURAL ARTS COUNCIL'S BUDGET FOR FISCAL YEAR 2010/11.**

**WHEREAS**, the Miami Beach Cultural Arts Council (CAC) was created to develop, coordinate, and promote the performing and visual arts of the City of Miami Beach for the enjoyment, education, cultural enrichment, and benefit of the residents of and visitors to the City; and

**WHEREAS**, from January through June 2010, the Cultural Affairs staff and CAC conducted its application and review process for its Fiscal Year 2010/11 Cultural Arts Grant Programs; and

**WHEREAS**, grants panelists, comprised of the CAC members for CAC grant programs and both VCA and CAC members for the joint Cultural Tourism grant program, evaluated 52 applications, requesting a total of \$1,025,000; and

**WHEREAS**, the CAC, at its regular meeting on July 1, 2010, reviewed their recommendations and unanimously supported the recommended Cultural Arts awards for Fiscal Year 2010/11 as more specifically identified in column four of Exhibit "A", attached hereto.

**WHEREAS**, the City Manager has reviewed the recommendations and concurs with same.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission accept the City Manager's recommendations and hereby approves the award of \$627,676 in CAC grants for Fiscal Year 2010/11, as identified in column four of the attached Exhibit "A" titled, "City Administration Recommendation"; and further authorize the Mayor and City Clerk to execute said Grant Agreements, making the award of said grants subject to and contingent upon the approval of the CAC's budget for Fiscal Year 2010/11.

**PASSED and ADOPTED THIS** \_\_\_\_\_ **day of** \_\_\_\_\_ **2010.**

ATTEST:

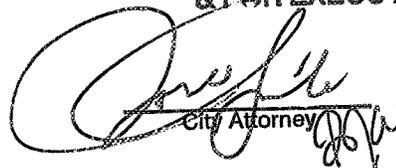
\_\_\_\_\_

CITY CLERK

\_\_\_\_\_

MAYOR

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

9/2/10  
\_\_\_\_\_  
Date

**Exhibit A**

	<b>Program/Applicant</b>	<b>Score Average</b>	<b>Award Request</b>	<b>2010-2011 City Administration Recommendation</b>	
	<b>ANCHORS</b>				
1	New World Symphony	99.800	\$ 35,000.00	\$	24,101.70
2	Wolfsonian - FIU	96.000	\$ 35,000.00	\$	23,184.00
3	Friends of Miami-Dade Public Library	95.800	\$ 25,000.00	\$	16,525.50
4	Arts at St. John's	94.000	\$ 25,000.00	\$	16,215.00
5	Miami Beach Garden Conservancy	93.667	\$ 25,000.00	\$	16,157.56
6	ArtCenter/South Florida	93.600	\$ 30,000.00	\$	19,375.20
7	Miami Beach Film Society	93.400	\$ 25,000.00	\$	16,111.50
8	Friends of the Bass Museum	92.750	\$ 30,000.00	\$	19,199.25
9	Miami City Ballet	92.400	\$ 35,000.00	\$	22,314.60
10	SoBe Institute of the Arts	91.800	\$ 25,000.00	\$	15,835.50
11	Jewish Museum of Florida	91.250	\$ 30,000.00	\$	18,888.75
12	Miami Design Preservation League	87.750	\$ 30,000.00	\$	18,164.25
13	Miami Contemporary Dance Company	84.400	\$ 25,000.00	\$	14,559.00
	<b>CULTURAL PRESENTERS</b>				
14	Tigertail Productions, Inc.	91.800	\$ 20,000.00	\$	14,668.40
15	Patrons of Exceptional Artists	91.000	\$ 20,000.00	\$	12,558.00
16	Miami Dance Futures, Inc.	88.400	\$ 10,000.00	\$	6,099.60
17	Florida Dance Association	88.000	\$ 20,000.00	\$	14,144.00
18	Italian Film Festival	87.000	\$ 10,000.00	\$	6,003.00
19	Miami Light Project	87.000	\$ 10,000.00	\$	6,003.00
20	Miami-Dade College	86.800	\$ 20,000.00	\$	13,978.40
21	Rhythm Foundation	86.800	\$ 20,000.00	\$	11,978.40
22	Romance in a Can	86.750	\$ 20,000.00	\$	13,971.50
23	Center for the Advancement of Jewish Education	85.800	\$ 20,000.00	\$	11,840.40
24	FUNDarte	83.800	\$ 20,000.00	\$	13,564.40
25	Community Arts and Culture	82.200	\$ 10,000.00	\$	5,671.80
26	Creative Arts Enterprises	81.200	\$ 10,000.00	\$	7,602.80
	<b>CULTURAL HERITAGE</b>				
27	Temple Beth Shalom	90.500	\$ 10,000.00	\$	6,244.50
	<b>ARTISTIC DISCIPLINES - DANCE</b>				
28	Karen Peterson & Dancers	94.667	\$ 10,000.00	\$	8,532.02
29	Dance Now! Ensemble	92.333	\$ 20,000.00	\$	14,741.95
30	Cuban Classical Ballet of Miami	90.333	\$ 20,000.00	\$	12,465.95
31	Clarita Filgueiras - Flamenco Puro, Inc.	88.000	\$ 10,000.00	\$	6,072.00
32	Miami Momentum Dance Co.	87.667	\$ 10,000.00	\$	8,049.02
33	Brazz Dance Theater	86.000	\$ 10,000.00	\$	5,934.00
34	Sempre Flamenco, Inc.	85.333	\$ 10,000.00	\$	7,887.98
	<b>ARTISTIC DISCIPLINES - MUSIC</b>				
35	Seraphic Fire	94.000	\$ 20,000.00	\$	12,972.00
36	Florida Grand Opera	93.500	\$ 10,000.00	\$	6,451.50
37	South Beach Chamber Ensemble	90.625	\$ 10,000.00	\$	6,253.13
38	Miami Children's Chorus	90.571	\$ 10,000.00	\$	8,249.40
39	South Florida Composer's Alliance	89.857	\$ 10,000.00	\$	6,200.13
40	Miami Symphony Orchestra	88.714	\$ 20,000.00	\$	12,242.53
41	Ars Flores Symphony Orchestra	87.875	\$ 20,000.00	\$	12,126.75
42	Greater Miami Youth Symphony	87.875	\$ 10,000.00	\$	8,063.38
43	Miami Gay Men's Chorus	85.857	\$ 20,000.00	\$	13,848.27
	<b>ARTISTIC DISCIPLINES - THEATER</b>				
44	Ground Up and Rising	94.000	\$ 20,000.00	\$	14,972.00
45	Miami Lyric Opera	94.000	\$ 20,000.00	\$	12,972.00
46	City Theatre	89.000	\$ 20,000.00	\$	14,282.00
47	The Playground Theatre	88.667	\$ 10,000.00	\$	6,118.02
	<b>ARTISTIC DISCIPLINES - FILM</b>				
48	amplifyme	89.000	\$ 20,000.00	\$	14,282.00
	<b>CULTURAL TOURISM GRANT PROGRAM</b>			<b>CAC Contribution</b>	<b>TOTAL Awarded</b>
49	15 <sup>th</sup> Brazilian Film Festival of Miami - Infinito Art & Cultural Foundation, Inc.	n/a	\$ 30,000.00	\$ 9,000.00	\$ 18,000.00
50	XVI International Ballet Festival of Miami - Miami Hispanic Ballet Corp.	n/a	\$ 30,000.00	\$ 9,000.00	\$ 18,000.00
51	13th Annual Miami Gay & Lesbian Film Festival in Miami Beach - Miami Gay & Lesbian Film Festival	n/a	\$ 30,000.00	\$ 9,000.00	\$ 18,000.00
52	VI Sicilian Film Festival - The Sicilian Cultural and Film Festival, Inc.	n/a	\$ 30,000.00	\$ 3,000.00	\$ 6,000.00

Receiving Byron Bonus (\$2000 included in award amount)

<b>TOTAL</b>	<b>\$ 1,025,000.00</b>	<b>\$ 627,676.04</b>
--------------	------------------------	----------------------



# MIAMIBEACH

**Miami Beach Cultural Arts Council**  
**Department of Tourism & Cultural Development**  
Office: 1755 Meridian Avenue, Suite 500  
Mail: 1700 Convention Center Dr., Miami Beach 33139-1819  
305 673 7577 / fax 305 673 7262 / [www.mbculture.org](http://www.mbculture.org)

## Cultural Arts Council Members

\*Ileana M. Bravo

Chair

Current term ends: 12/31/11

Zoila Datorre

Current term ends: 12/31/11

\*Nina Duval

Current term ends: 12/31/10

Solomon B. Genet

Vice-Chair

Current term ends: 12/31/10

Isadore H. (Izzy) Havenick

Current term ends: 12/31/10

Beatrice Hornstein

Current term ends: 12/31/12

Gregory Melvin

Current term ends: 12/31/11

Daniel Novela

Current term ends: 12/31/12

Marjorie O'Neill-Butler

Current Term ends: 12/31/12

Israel Sands

Current term ends: 12/31/10

\*Eda Valero-Figueira

Current term ends: 12/31/11

George Neary, *Honorary Member*

\*July 7, 2010 Cultural Tourism Panelist

MIAMI BEACH VISITOR & CONVENTION AUTHORITY BOARD

Ms. Elsie Sterling Howard, *Chair*

Mr. Jeff Lehman, *Vice Chair*

\*Ms. Micky Ross Steinberg

\*Ms. Jacque Hertz

\*Mr. Steve Adkins

Ms. Deborah Castillo

Mr. Keith Menin

---

\* July 7, 2010 Cultural Tourism Panelist

**Condensed Title:**

A resolution adopting and approving the Miami Beach Visitor and Convention Authority (VCA) FY 2010/2011 budget in the amount of \$1,774,511

**Key Intended Outcome Supported:**

Increase community ratings of cultural activities.

**Supporting Data (Surveys, Environmental Scan, etc.):** According to the 2009 Survey, High satisfaction levels (those providing "excellent" or "good" rating) were recorded for each of the following City destinations/attractions by those respondents suggesting annual use: "City park/recreational facilities" (84.1%), "beaches" (81.9%) and "recreation programs/family friendly activities" (81.6%).

**Issue:**

Shall the Mayor and Commission approve the Miami Beach Visitor and Convention Authority (VCA) FY 2010/2011 budget in the amount of \$1,774,511.

**Item Summary/Recommendation:**

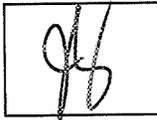
This budget allows the VCA to continue its mission to support, maintain and develop quality programs, by strategically focusing its investments which generate, satisfy and enhance the year-round tourist attractiveness of Miami Beach. The VCA's budget funds programs and special events designed to promote the destination.

The VCA is committed to a careful, long-term plan for allocation of resources to build the uniqueness of Miami Beach as one of the world's greatest communities and tourist destinations.

**Advisory Board Recommendation:**

The Miami Beach Visitor and Convention Authority (VCA) board unanimously approved the FY 2010/2011 budget.

**Financial Information:**

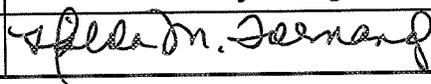
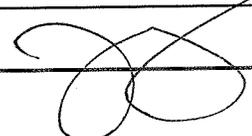
Source of Funds:	Amount	Account	Approved
 OBPI	1	\$1,599,511	2% Resort Tax Revenue
	2	\$175,000	Rollover from prior year
	3		
	4		
	<b>Total</b>	<b>\$1,774,511</b>	

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Grisette Roque Marcos

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2010\September 20\VCA Budget Comm Summary.doc





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING AND APPROVING THE MIAMI BEACH VISITOR AND CONVENTION AUTHORITY (VCA) FY 2010/11 BUDGET IN THE AMOUNT OF \$ 1,774,511.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### BACKGROUND

The Miami Beach Visitor and Convention Authority (VCA) was created and exists pursuant to Chapter 67-930 of the Laws of Florida and Sections 102-246 through, and including 102-254 of the Code of the City of Miami Beach. The VCA is a seven-member authority. Each member is appointed by the City of Miami Beach Commission, with the goal of encouraging, developing and promoting the image of Miami Beach locally, nationally and internationally as a vibrant community and tourist destination. To this end, the VCA strategically focuses its funding investments in a balanced manner, fostering outstanding existing programs, stimulating new activities, and encouraging partnerships. The VCA is committed to a careful, long-term plan for allocation of resources to build the uniqueness of Miami Beach as one of the world's greatest communities and tourism destinations.

### ANALYSIS

The following program of work is proposed for FY 2010/11, and as reflected in the attached Exhibit A:

#### *FY 2009/2010 Review/Tourism Advancement Program*

The VCA Tourism Advancement Program (TAP) helps promote Miami Beach as a sophisticated tourist destination through the allocation of grant funds to events or programs that enhance tourist attractiveness. In fiscal year 2009/2010, the program allocated funds in one of nine categories, including: Cultural Tourism, Development Opportunities, Film Incentive, Initiatives, Major One Time Special Event, Special Events Recurring, Special Projects, Special Projects Recurring, and the Tourism Partnership Category.

The TAP awarded **\$1,042,800** in FY 2009/2010, compared to **\$1,117,500** in FY 2008/2009. The decrease in awards within the TAP is reflective of a decrease in the number of applicants in fiscal year 2009/2010. The TAP funds helped maintain worthwhile tourism programs such as the South Beach Wine & Food Festival and Art Basel Miami Beach.

#### *FY 2010/2011 Tourism Advancement Program*

The VCA has budgeted **\$1,463,000** for FY 2010/2011 for its Tourism Advancement Program. This grant funding reflects an approximate **16% increase**, or a total of **\$202,400** from FY 2009/2010. The increase in funds is reflective of a revised declining scale in the TAP program. This new scale has a smaller annual percentage decrease. The monies will be awarded in our Tourism Advancement Program in nine categories, including: Cultural Tourism, Development Opportunities, Film Incentive, Initiatives, Major One Time Special Event, Special Events Recurring, Special Projects, Special Projects Recurring and Tourism Partnerships. The grant application was again reviewed and revised for FY 2010/2011. The maximum

amount requested was maintained at \$50,000. In addition, the Special Projects grant category maximum request remained at \$100,000. Minimum criterion was reviewed for the Major One Time Special Event, Special Events Recurring and Development Opportunities grant categories and the criterion remained the same as in FY 2009/2010 (e.g. specifying the requirements in place for hotel room nights, impressions and/or viewership numbers; providing a clearer picture of the VCA's grant program eligibility requirements).

The Special Projects Recurring category is budgeted at **\$486,400**. Anticipated applicants include Art Basel Miami Beach; Orange Bowl Marketing Campaign; South Beach Comedy Festival; ING Miami Marathon and Half Marathon & Tropical 5k; the South Beach Wine and Food Festival; the Miami International Film Festival; and FUNKSHION Fashion Week Miami Beach.

In FY 2009/2010, the Major One Time Special Event Category was budgeted at **\$215,000**. In FY 2010/2011 the category is funded at **\$240,000**.

The Special Events Recurring Category has been calculated at **\$456,000** for FY 2010/2011 based on the established declining scale and the number of applicants anticipated to return.

Tourism Partnerships has been budgeted for FY 2010/2011 at **\$62,600** considering three applicants at the maximum request cap of \$30,000. Up to three applications are anticipated to return.

For FY 2010/2011, the Development Opportunities category is budgeted at **\$48,000**. The maximum award for one applicant is \$30,000. A minimum of two applications are anticipated, but may not be funded at the requested amount.

As in previous years, the VCA funds a portion of the Cultural Tourism grant program, with the balance funded by the City's Cultural Arts Council. Representatives from both boards jointly review and recommend funding to applicants.

#### Destination Marketing

The destination marketing allocation reflects a **21% decrease** from FY 2009/2010. This allocation includes the VCA portion of production costs for the Miami Spice Restaurant Month Program Banners. The banners add a festive atmosphere and help publicize the 8<sup>th</sup> Annual Miami Spice Restaurant Month and position the City of Miami Beach as a destination with excellent restaurants. Other project may include initiatives developed as a result of the Mayor's Blue Ribbon Task Force on Tourism.

#### Initiatives

The VCA expects to support new initiatives in FY 2010/2011 at the request of partners and community and resort leaders. Strategic plans, goals and initiatives will be developed after consulting with all partners and as the result of ongoing communications. Some of these initiatives include the implementation of summer long events on Miami Beach, including – but not limited to – supporting a food and wine festival, television origination projects and a Miami Beach based film festival. The VCA is also taking a leadership role in encouraging events of mass appeal to take place in Miami Beach. Strategic goals and initiatives will be developed through consultation with partners and continued outreach.

#### Projected Cash Flow Reserve

The VCA has budgeted **\$2,000** in the cash flow reserve for FY 2010/2011. The **\$2,000** cash flow reserve reflects a **60% decrease** from FY 2009/2010. The City of Miami Beach allots resort tax payments to the VCA a month after its collection; therefore, the VCA has built in a **\$2,000** projected cash flow reserve to its budget to ensure that all grants awarded will have the necessary funds to be reimbursed upon proper request and documentation.

FY 2010/2011 Administration and Overhead

The VCA's administrative and overhead costs are budgeted at **\$247,000** for the FY 2010/2011. The **\$247,000** administration and overhead allocation reflects an approximate **8% increase** from FY 2009/2010. The **8% increase** is attributed to completed office relocation. This figure is also inclusive of the maintenance of the office space and equipment, and a fully staffed VCA administrative office.

FY 2009/2010 Rollover

A total of **\$175,000** will be rolled over from FY 2009/2010 into the FY 2010/2011 VCA budget. This rollover of funds is primarily from the Destination Marketing and Research and Development categories where the total monies allocated were not used during the FY 2009/2010. These monies also include grants that were not awarded and/or rescinded.

**CONCLUSION:**

It is recommended that the Mayor and Commission adopt and approve the proposed Miami Beach Visitor and Convention Authority budget for FY 2010/11 in the amount of \$1,774,511, as reflected in Exhibit A.

## Miami Beach Visitor and Convention Authority FY 2010/11 BUDGET

	BUDGET FY 09/10	BUDGET WORKSHEET FY 10/11	VARIANCE
<b>REVENUES</b>			
2% Rollover from prior year	\$ 100,000.00	\$ 175,000.00	\$ 75,000.00
Resort Tax Revenue	\$ 1,496,640.00	\$ 1,599,511.00	\$ 102,871.00
<b>Total Revenues</b>	<b>\$ 1,596,640.00</b>	<b>\$ 1,774,511.00</b>	<b>\$ 177,871.00</b>
<b>EXPENDITURES</b>			
<b>ADMINISTRATION</b>			
Administration & Benefits	\$ 186,680.00	\$ 200,000.00	\$ 200,000.00
Operating Expenses	\$ 40,000.00	\$ 45,000.00	\$ 45,000.00
Capital	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
<b>Total Administration</b>	<b>\$ 228,680.00</b>	<b>\$ 247,000.00</b>	<b>\$ 18,320.00</b>
<b>GRANTS PROGRAM</b>			
<b>Tourism Advancement Program</b>			
Tourism Partnerships	\$ 70,550.00	\$ 62,600.00	\$ (7,950.00)
Cultural Tourism	\$ 42,500.00	\$ 30,000.00	\$ (12,500.00)
Major Events	\$ 215,000.00	\$ 240,000.00	\$ 25,000.00
Special Events Recurring	\$ 444,850.00	\$ 456,000.00	\$ 11,150.00
Development Opportunities	\$ 25,500.00	\$ 48,000.00	\$ 22,500.00
Special Projects	\$ 85,000.00	\$ 80,000.00	\$ (5,000.00)
Special Projects Recurring	\$ 377,200.00	\$ 486,400.00	\$ 109,200.00
Film Incentive	\$ -	\$ 60,000.00	\$ 60,000.00
<b>Total Tourism Adv. Program</b>	<b>\$ 1,260,600.00</b>	<b>\$ 1,463,000.00</b>	<b>\$ 202,400.00</b>
<b>Other</b>			
Destination Marketing	\$ 42,360.00	\$ 33,511.00	\$ (8,849.00)
R & D	\$ 60,000.00	\$ 5,000.00	\$ (55,000.00)
Initiatives	\$ -	\$ 24,000.00	\$ 24,000.00
Projected Cash Flow Reserve	\$ 5,000.00	\$ 2,000.00	\$ (3,000.00)
<b>Total Other</b>	<b>\$ 107,360.00</b>	<b>\$ 64,511.00</b>	<b>\$ (42,849.00)</b>
<b>TOTAL EXPENDITURES:</b>	<b>\$ 1,596,640.00</b>	<b>\$ 1,774,511.00</b>	<b>\$ 177,871.00</b>

**RESOLUTION TO BE SUBMITTED**

**Condensed Title:**

A Resolution increasing the fire rescue transport fees; revising the "special events requirements and guidelines," by amending the section entitled "weddings and ceremonies," and amending the special event fee schedule; increasing the special master hearing and appeal fee; amending various recreation fees; and further authorizing the city manager the flexibility to establish a lesser rate for tennis tournaments; promotions and daily play rates .

**Key Intended Outcome Supported:**

Improve the City's overall financial health and maintain overall bond rating

**Supporting Data (Surveys, Environmental Scan, etc.):**

This year, as part of a budget process that needed to identify ways to address an estimated budget gap of approximately \$30 million and still maintain services, the City has evaluated all components of the budget including employee salaries and benefits, potential efficiencies, and revenue enhancements.

**Issue:**

Shall the Mayor and City Commission adopt the resolution?

**Item Summary/Recommendation:**

The proposed FY 2010/11 General Fund Operating Budget includes the following fee increases :

- The proposed annual budget for the Rescue Division for Fiscal Year (FY) 2010/11 is \$16.2 million. Revenue for Rescue Transports is projected to be \$1.75 million at the current fees as set by the City Commission. By amending Resolution 2010-27326, the City will be able to further offset the operating costs of the Rescue Division.
- The proposed recreation fee increases include amending fees for admissions to swimming pools for non-residents, resident and non-resident annual memberships and hourly rates charged at the city's tennis centers, the activity fee for all after school and summer camp programs, and eliminating the non-resident sibling discount provision. It should be noted that the scholarships, resident sibling discounts, resident priority registration and free or substantially reduced fees for recreation programs, activities and facilities rentals and admissions will continue to be available as benefits of being a Miami Beach resident participating in Parks and Recreation offerings.
- A City of Miami Beach Permit is required for special events, which is defined as a temporary use on public or private property that would not be permitted generally or without restriction throughout a particular zoning district, but would be permitted if controlled with special review. Weddings/ceremonies are currently handled with an informal permitting process. Based on an annual average of 250 wedding/ceremony permits being issued, the City's spends \$123 per permit. Additionally, the Administration recommended the implementation of late fees for special event permits. Additionally, approximately one quarter of all special event permit applications are either submitted late or requirements are submitted past required deadlines.
- This resolution is a companion item to a second reading ordinance that uniformly and globally amends the special master hearing procedures to provide for a special master fee as approved by a resolution of the City Commission. The special master fee was set in 1992 at \$75 and the fee has not increased in eighteen (18) years. The estimated cost of this function is \$150 versus the proposed fee of \$100.

**Advisory Board Recommendation:**

Discussed at the July 6 & 7 Finance and Citywide Projects Committee (FCWPC); recommended by the FCWPC on August 25, 2010.

**Financial Information:**

Source of Funds:		Amount	Account
OBPI	1		
	2		
	<b>Total</b>		

**Financial Impact Summary:**  
 The estimated additional revenues are as follows: Fire Recue Transport Fees: \$190,000. The proposed special event permit fees are estimated to generate additional revenue of \$31,250 in wedding/ceremony permit fees and \$17,500 in late fees. The increase in special master fees is estimated to generate \$43,333. Assuming the same recreation program participation levels remain at FY 2009 levels, these modifications represent additional revenues of approximately \$166,334.

**City Clerk's Office Legislative Tracking:**

Kathie Brooks, Office of Budget and Performance Improvement

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
EY__MS__RP__KS__	<i>[Signature]</i>	JMG <i>[Signature]</i>

T:\AGENDA\2010\September 20\Various Fees Modification Amendment F.Y. 2010 - Summary.doc





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

**SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING RESOLUTION 2010-27326, INCREASING THE PRESENT FIRE RESCUE TRANSPORT FEES FROM \$358.67 TO \$500.00 FOR BASIC LIFE SUPPORT, FROM \$425.93 TO \$600.00 FOR ADVANCED LIFE SUPPORT 1, AND FROM \$616.47 TO \$800.00 FOR ADVANCED LIFE SUPPORT 2, AND MAINTAINING THE CURRENT FEES FOR ALL EXPENDABLE MEDICAL SUPPLIES, WITH SERVICES NOT TO BE WITHHELD DUE TO A PERSON'S INABILITY TO PAY; REVISING THE "SPECIAL EVENTS REQUIREMENTS AND GUIDELINES," BY AMENDING THE SECTION ENTITLED "WEDDINGS AND CEREMONIES," AND AMENDING THE SPECIAL EVENT FEE SCHEDULE; APPROVING THE SPECIAL MASTER HEARING AND APPEAL FEE, AS PROVIDED PURSUANT TO VARIOUS PROVISIONS THROUGHOUT THE CITY CODE, AND INCREASING THE FEE FROM \$75 TO \$100 EFFECTIVE OCTOBER 1, 2010; AMENDING RESOLUTION NO. 2003-25306 WHICH ESTABLISHED THE CURRENT SCHEDULE OF USER FEES FOR VARIOUS PARKS AND RECREATION PROGRAMS AND SERVICES, FACILITY ADMISSIONS AND RENTALS AND OTHER RELATED ACTIVITIES, BY MODIFYING SPECIFIC FEES FOR ADMISSIONS TO SWIMMING POOLS FOR NON-RESIDENTS, RESIDENT AND NON-RESIDENT ANNUAL MEMBERSHIPS AND HOURLY RATES CHARGED AT THE CITY'S TENNIS CENTERS, THE ACTIVITY FEE FOR ALL AFTER SCHOOL AND SUMMER CAMP PROGRAM, AND ELIMINATING THE NON-RESIDENT SIBLING DISCOUNT PROVISION; FURTHER AUTHORIZING THE CITY MANAGER THE FLEXIBILITY TO ESTABLISH A LESSER RATE FOR TENNIS TOURNAMENTS; PROMOTIONS AND DAILY PLAY RATES WHEN HE DEEMS IT NECESSARY FOR THE EFFICIENT AND FINANCIALLY PRUDENT OPERATION OF THE TENNIS CENTERS, AS SET FORTH IN THIS RESOLUTION;**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### BACKGROUND

This year, as part of a budget process that needed to identify ways to address an estimated budget gap of approximately \$30 million and still maintain services, the City has evaluated all components of the budget including employee salaries and benefits, potential efficiencies, and revenue enhancements. Several revenue enhancement options were presented by the Administration to the members of the Finance and Citywide Projects Committee (FCWPC) at meetings held on July 6th and 7<sup>th</sup> and August 25,

2010. At the July 7<sup>th</sup>, 2010 FCWPC meeting, the FCWPC endorsed various fee increases to generate approximately \$1 million in revenues enhancements, including increases to fire-rescue transport fees; special event late fees; wedding permit fees; special master hearing fees, parks and recreation pool fees, activity fees; the elimination of the sibling discount for non-residents participation in the City's parks and recreation programs; increases to sidewalk café fees; implementation of a City commercial banner program; and various sponsorship activities. Further, the FCWPC directed the staff to evaluate potential fee increases for tennis, newsracks, special master hearings, and wedding ceremonies. The FCWPC, at their August 25<sup>th</sup> meeting, endorsed increases to tennis, and special master fees; recommended a fee for wedding ceremonies in public areas and late fees for special event permits, but stated that they no longer supported endorsing pool fees for residents.

It should be noted that the scholarships, resident sibling discounts, resident priority registration and free or substantially reduced fees for recreation programs, activities and facilities rentals and admissions will continue to be available as benefits of being a Miami Beach resident participating in Parks and Recreation offerings.

### **FIRE RESCUE TRANSPORT FEES**

The Miami Beach Fire Rescue Department transport fees provide needed revenue to offset budgetary costs. The proposed annual budget for the Rescue Division for Fiscal Year (FY) 2010/11 is \$16.2 million. Revenue for Rescue Transports is projected to be \$1.75 million at the current fees as set by the City Commission. By amending Resolution 2010-27326, the City will be able to further offset the operating costs of the Rescue Division.

### **SPECIAL EVENT LATE FEES AND WEDDING PERMIT FEES**

A City of Miami Beach Permit is required for special events, which is defined as a temporary use on public or private property that would not be permitted generally or without restriction throughout a particular zoning district, but would be permitted if controlled with special review. Weddings/ceremonies are currently handled with an informal permitting process. A member of the public, who would like to hold a simple wedding/ ceremony on public property with minimal elements (chairs, runner, and archway), would notify the City in the form of a simple one-page questionnaire submitted online via the City's website. The City then confirms the elements and authorizes the use. The Administration conducted a cost recovery analysis of the wedding/ceremony permit process. Based on an annual average of 250 wedding/ceremony permits being issued, the City's spends \$123 to process a permit.

Additionally, the Administration recommended the implementation of late fees for special event permits. Approximately one quarter of all permit applications are either submitted late or requirements are submitted past required deadlines. The Administration believes a late fee is necessary to encourage applicants to be more responsible and, if they are not, to pay a penalty. The late fee which was presented to the Finance Committee is as follows:

- If an application is received later than the required deadline (60 days for events on public property; 30 days for events on private property) and/or if requirements for approval of the special event permit are not received in the Office of Special Events 14 days before the load-in of the event commences:
  - 0 to 1499 attendees                      \$250
  - 1500 and above attendees              \$500

The proposed permit fees are estimated to generate additional revenue of \$31,250 in wedding/ceremony permit fees and \$17,500 in late fees.

**SPECIAL MASTER**

In various chapters of the City Code, administrative procedures are provided whereby special masters may hear and decide cases when violations of the City Code are prosecuted or appealed.

In 1992, the special master hearing fee was set at \$75. The fee has not increased in eighteen (18) years. With this in mind, and taking into consideration the increase in special master staff salaries, special master compensation, and the noticing of condominium common area violations, the Administration is recommending a fee increase. Pursuant to the City Code, the Administration is authorized to recover all costs associated with special master hearings. The City Clerk’s Office, in conjunction with the Office of Budget and Performance Improvement analyzed just the staffing costs to administer the special master program. The analysis determined that the fee should be increased from \$75 to \$150. Increasing the fee was discussed at the Finance and Citywide Projects Committee meeting held on August 25, 2010. After the discussion, a motion was made to increase the fee from \$75 to \$100.

This resolution is a companion item to a second reading ordinance that uniformly and globally amends the special master hearing procedures to provide for a special master fee as approved by a resolution of the City Commission. The effective date of this resolution, if approved, will be October 1, 2010.

**SWIMMING POOL ADMISSIONS**

**Non-Resident Youth Admission**

Increase from \$4.00 to \$8.00 per entrance – Assuming the same participation level as FY 2009 of 1,626 admissions, this modification represents additional revenue of \$ 6,504.

**Non-Resident Adult Admission**

Increase from \$6.00 to \$10.00 per entrance – Assuming the same participation level as FY 2009 of 3,940 admissions, this modification represents additional revenue of \$15,760.

Resident use of City of Miami Beach pools will continue to be free of charge.

**TENNIS CENTER FEES**

**Annual Memberships**

<u>Residents:</u>	<u>Current Rate</u>	<u>New Rate</u>
Youth Memberships	\$ 50	\$ 115
Adult Single	\$185	\$ 250
Senior	\$150	\$ 215
Family 2 adults/ 2 youth	\$400	\$ 660
<u>Non-Residents:</u>	<u>Current Rate</u>	<u>New Rate</u>
Youth Memberships	\$ 75	\$ 250
Adult Single	\$375	\$ 550
Senior	\$250	\$ 425
Family 2 adults/ 2 youth	\$700	\$1,250

Assuming the same participation levels as FY 2009, these modifications represent the potential of additional revenue of \$32,595.

**Per Player Hourly Court Fees**

- Residents: Increase From \$4.00 to \$5.00 per hour
- Non-Residents: Increase from \$8.00 to \$10.00 per hour

Assuming same participation levels as FY 2009, these modifications represent additional revenue of \$25,000.

It is also recommended that, for purposes of generating revenue, the City Manager have the flexibility to establish tennis rates for tournaments, promotional rates and other daily play rates (such as for team and club match play), as deemed necessary and prudent to attract tennis patrons, and when it is deemed in the best interest of the City. This process will also permit a lower rate for charitable or community based organizations. These requests would be evaluated and approved on an as-needed basis, only. A similar approach is taken with our Golf Courses.

**ACTIVITY FEE FROM AFTER SCHOOL AND SUMMER PROGRAMS**

Proposed adjustments include all resident and non-resident participants.

- After School Program: From \$25.00 per quarter to \$50.00 per quarter
- Summer Program: From \$50.00 per program to \$75.00 per program

Assuming the same participation levels as FY 2009 this represents additional revenues of \$83,550.

**ELIMINATION OF THE NON-RESIDENT SIBLING DISCOUNTS**

Assuming the same participation levels as FY 2009, this modification represents additional revenues of \$2,925.

**CONCLUSION**

The Administration recommends that the Mayor and City Commission adopt the attached resolution approving and authorizing the transport fees, the Special Events Fee structure as referenced above; approving the special master hearing and appeal fee; and amending Resolution No. 2003-25306, which established the current schedule of user fees for various parks and recreation programs and services, facility admissions and rentals and other related activities, by modifying specific fees for admissions to swimming pools for non-residents; tennis center resident and non-resident annual memberships and hourly rates; activity fees for all participants in after school and summer camp programs; and the elimination of the non-resident sibling discount provision in the schedule of user fees.

## **RESOLUTIONS TO BE SUBMITTED**

**Condensed Title:**

RESOLUTION AUTHORIZING THE ISSUANCE BY THE CITY OF MIAMI BEACH, FLORIDA OF (i) PARKING REVENUE REFUNDING BONDS, SERIES 2010A, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000, FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING PARKING REVENUE BONDS, SERIES 1997, AND (ii) PARKING REVENUE BONDS, SERIES 2010B, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000, FOR THE PURPOSE OF PAYING COSTS OF IMPROVEMENTS TO THE PARKING SYSTEM; PROVIDING FOR THE ISSUANCE OF ADDITIONAL PARKING REVENUE BONDS AND THE INCURRENCE OF OTHER TYPES OF INDEBTEDNESS OF THE CITY TO PAY ALL OR PART OF THE COST OF ADDITIONAL IMPROVEMENTS TO THE CITY'S PARKING SYSTEM AND FOR REFUNDING OUTSTANDING PARKING REVENUE BONDS; PROVIDING FOR THE PAYMENT OF SUCH BONDS AND OTHER SYSTEM DEBT; SETTING FORTH THE RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH BONDS AND OTHER SYSTEM DEBT; PROVIDING CERTAIN DETAILS OF THE SERIES 2010 BONDS; DELEGATING OTHER MATTERS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2010 BONDS, INCLUDING WHETHER TO SECURE ONE OR MORE CREDIT FACILITIES AND/OR RESERVE ACCOUNT INSURANCE POLICIES, AND THE REFUNDING OF THE PRIOR BONDS TO THE MAYOR; APPOINTING UNDERWRITERS, A BOND REGISTRAR, AN ESCROW AGENT AND A DISCLOSURE DISSEMINATION AGENT; AUTHORIZING THE NEGOTIATED SALE OF THE SERIES 2010 BONDS AND APPROVING THE FORM AND EXECUTION OF A BOND PURCHASE AGREEMENT FOR THE SERIES 2010 BONDS; APPROVING THE FORMS OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT FOR THE SERIES 2010 BONDS AND AUTHORIZING EXECUTION OF THE OFFICIAL STATEMENT; COVENANTING TO PROVIDE CONTINUING DISCLOSURE IN CONNECTION WITH THE SERIES 2010 BONDS AND APPROVING THE FORM AND EXECUTION OF A CONTINUING DISCLOSURE AGREEMENT; APPROVING THE FORM AND EXECUTION OF AN ESCROW DEPOSIT AGREEMENT FOR THE PRIOR BONDS; AUTHORIZING OFFICIALS OF THE CITY TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2010 BONDS AND REFUNDING OF THE PRIOR BONDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**Key Intended Outcome Supported:**

Improve Parking Availability

**Supporting Data (Surveys, Environmental Scan, etc.):** Only 21% of residents and 28% of businesses rate the availability of parking in Miami beach as being the right amount.,

**Issue:**

Should the City Commission approve the resolution upon the second public hearing?

**Item Summary/Recommendation:**

The Administration anticipates that it can obtain debt service savings as well as provide additional flexibility in the issuance of bonds by refunding the Parking Revenue Bonds, Series 1997 (the "Prior Bonds") of which \$19,195,000 is currently outstanding. The City's Financial Advisor, Richard Montalbano, Managing Director, RBC Capital Markets Corporation, estimated that given the current market conditions, the City could expect to achieve a net present value savings approximating 10% of the refunded bonds which equates to approximately \$1,930,000 or \$130,000 annual debt service savings. This refunding will be achieved by the issuance of the Series 2010A Bonds.

The Series 2010B Bonds are being issued, in part, for the purpose of paying the costs of the Project which will constitute a part of the City's Parking System. The Project consists of the following:

1. A new public parking garage to be located between 18th Street and 20th Street and between Bay Road and Purdy Avenue (Sunset Harbor Garage).
2. Improvements to certain surface parking lots as well as the purchase of additional parking meters, parking pay stations and pay-on-foot machines

The Series 2010 Bonds are payable from and secured by a first lien on and a pledge of the net revenues derived from the operation of the Parking System of the City on a parity with any additional bonds hereafter issued.

The first reading public hearing was held at the September 15, 2010 Commission meeting.

**Advisory Board Recommendation:**

Finance and Citywide Projects Committee July 29, 2010

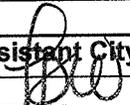
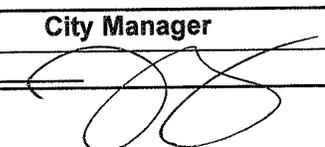
**Financial Information:**

Source of Funds:	Amount	Account	Approved
OBPI		To be appropriated from the Parking Revenues	
<b>Total</b>			

**City Clerk's Office Legislative Tracking:**

Patricia Walker, Chief Financial Officer

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
	PDW 	JMG 

T:\AGENDA\2010\September 20\Regular\ Parking Bonds Summary Memo.docx





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: September 20, 2010

**SECOND READING  
PUBLIC HEARING**

**SUBJECT: RESOLUTION AUTHORIZING THE ISSUANCE BY THE CITY OF MIAMI BEACH, FLORIDA OF (i) PARKING REVENUE REFUNDING BONDS, SERIES 2010A, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000, FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING PARKING REVENUE BONDS, SERIES 1997, AND (ii) PARKING REVENUE BONDS, SERIES 2010B, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000, FOR THE PURPOSE OF PAYING COSTS OF IMPROVEMENTS TO THE PARKING SYSTEM; PROVIDING FOR THE ISSUANCE OF ADDITIONAL PARKING REVENUE BONDS AND THE INCURRENCE OF OTHER TYPES OF INDEBTEDNESS OF THE CITY TO PAY ALL OR PART OF THE COST OF ADDITIONAL IMPROVEMENTS TO THE CITY'S PARKING SYSTEM AND FOR REFUNDING OUTSTANDING PARKING REVENUE BONDS; PROVIDING FOR THE PAYMENT OF SUCH BONDS AND OTHER SYSTEM DEBT; SETTING FORTH THE RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH BONDS AND OTHER SYSTEM DEBT; PROVIDING CERTAIN DETAILS OF THE SERIES 2010 BONDS; DELEGATING OTHER MATTERS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2010 BONDS, INCLUDING WHETHER TO SECURE ONE OR MORE CREDIT FACILITIES AND/OR RESERVE ACCOUNT INSURANCE POLICIES, AND THE REFUNDING OF THE PRIOR BONDS TO THE MAYOR; APPOINTING UNDERWRITERS, A BOND REGISTRAR, AN ESCROW AGENT AND A DISCLOSURE DISSEMINATION AGENT; AUTHORIZING THE NEGOTIATED SALE OF THE SERIES 2010 BONDS AND APPROVING THE FORM AND EXECUTION OF A BOND PURCHASE AGREEMENT FOR THE SERIES 2010 BONDS; APPROVING THE FORMS OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT FOR THE SERIES 2010 BONDS AND AUTHORIZING EXECUTION OF THE OFFICIAL STATEMENT; COVENANTING TO PROVIDE CONTINUING DISCLOSURE IN CONNECTION WITH THE SERIES 2010 BONDS AND**

**APPROVING THE FORM AND EXECUTION OF A CONTINUING DISCLOSURE AGREEMENT; APPROVING THE FORM AND EXECUTION OF AN ESCROW DEPOSIT AGREEMENT FOR THE PRIOR BONDS; AUTHORIZING OFFICIALS OF THE CITY TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2010 BONDS AND REFUNDING OF THE PRIOR BONDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

### **ADMINISTRATION RECOMMENDATION**

Approve the resolution on second reading public hearing. The first reading public hearing was held at the September 15, 2010 Commission meeting.

### **BACKGROUND**

The proposed Parking Revenue Bonds are separated into two series; Series 2010A for the refinancing of the Series 1997 Parking Revenue Bonds, and Series 2010B for the purpose of paying the costs of improvements to the Parking System, specifically for the construction of a new City garage, improvements to certain surface parking lots as well as the purchase of additional parking meters, parking pay stations and pay-on-foot machines.

#### **Refinancing of the Series 1997 Parking Revenue Bonds with Series 2010A**

On February 20, 1996, the Mayor and City Commission authorized the issuance of the Series 1997, Parking Revenue Bonds in the amount of \$21,000,000 for the purpose of funding the improvement and expansion of the City's Parking System.

The Administration continually monitors existing debt obligations for savings opportunities and as a result the Administration has proposed that it would be financially beneficial to refinance the Series 1997 Parking Revenue Bonds.

At the May 20, 2010 meeting of the Finance and Citywide Projects Committee, the Committee approved the refinancing of the \$19,195,000 now outstanding of the Series 1997 Parking Revenue Bonds in conjunction with the issuance of additional bonds to finance both the Sunset Harbor Garage and the Collins Park Garage. Concurrent with the delivery of the Series 2010A Bonds, a portion of the proceeds, not to exceed \$20,000,000, will be applied to the payment of the City's outstanding Parking Revenue Bonds. As of September 1, 2010, the estimated present value savings for the refunding series total \$1,930,000 or approximately 10% of the value of the refunded bonds or annual debt service savings of \$130,000.

#### **Projects to be Financed with Series 2010B**

##### **Sunset Harbor Garage**

The Sunset Harbor Garage is a joint venture "project" with the Scott Robbins Company (SRC) to provide a City owned and operated 458 space (estimated) parking garage and 31,000 square feet of ground floor retail. The Sunset Harbor Garage will be located on a 43,500 square foot site located between 18th Street and 20th Street and between Purdy Avenue and Bay Road, on the former Tremont Towing lot. The Scott Robbins Companies ("SRC") will be financially

responsible for the retail space construction and operation.

The Sunset Harbor neighborhood, bounded by Purdy Avenue on the west, Alton Road on the east, 20<sup>th</sup> Street on the north, and Dade Boulevard on the south is part of the Middle Beach commercial service area. The neighborhood has limited public parking inventory in the form of one surface lot on the west end and scattered on-street metered parking. While this neighborhood is in transition with a number of restaurants, bars, and clubs thriving as well as a Whole Foods Market currently under construction, it still demonstrates a deficiency in neighborhood retail.

The City performed an initial economic development site analysis, which indicates that retail should do well in this neighborhood, primarily serving middle beach residents. These residents currently have to travel to other areas since there is insufficient retail in mid-beach to meet their needs. The proposed development could provide sustainable neighborhood retail, which would generate the need for approximately 135 parking spaces. The Parking Department has indicated that there are currently peak periods with a parking shortage in the area, such as evening hours and lunchtime. The estimated parking demand for these peak periods is 30 spaces. There is also demand for valet parking storage in the area for commercial and residential uses. It is anticipated that commercial valet demand will be supported by the private sector as it will not be permitted at the Purdy Avenue Garage; however, incidental valet storage is contemplated for single-family residents in adjacent neighborhoods who have large events in their homes yet little to no parking inventory to service their needs. Residential valet use is for a one (1) day event and is limited to a few times a year.

There have been discussions regarding a parking overlay district in this area that could serve as a catalyst for redevelopment of properties in the area, with the potential of expanding the neighborhood retail opportunities beyond that which would be included in the garage. However, if the overlay strict initiative is pursued, it would be crafted in such a manner as to preserve the tax exempt status of the bonds. The preliminary estimate for this demand is 150-175 spaces. This equates to an overall demand for approximately 390 parking spaces. The project contemplates a 458 space garage to build some additional capacity.

Construction drawings for this garage are complete; bids have been received and are currently being reviewed by a technical review panel. The construction bids ranged from \$9.2 million to \$13.2 million and a recommendation is expected to be finalized in late September/early October. The first closing related to this project occurred in 2009, and the second closing and commencement of construction will begin upon receipt of revenue from this bond issue.

At their November 18, 2008 meeting, the Finance and Citywide Projects Committee recommended the Commission approve the final negotiated contract with SRC. On December 10, 2008, the Commission approved the purchase of Air Rights over property owned by Scott Robins Companies (SRC). On April 22, 2009, the City passed a Resolution No. 2009-27051 declaring the official intent of the City to issue tax-exempt bonds in order to, among other things, reimburse itself from the proceeds of such bonds for funds advanced by the City for certain expenses incurred with respect to the new parking garages

#### Other Projects

Along with the Sunset Harbor Garage, funding of approximately \$4.3 million will be provided for improvements to certain surface parking lots as well as the purchase of additional parking

meters, parking pay stations and pay-on-foot machines. Series 2010B is proposed in an amount not to exceed \$30 million to fund these projects.

#### Collins Park Garage

Since the mid-1990's, the City has identified a need for additional public parking in the Collins Park area to serve the Cultural Campus facilities. Additionally, the City identified a need in the Sunset Harbor area for a facility that would provide additional parking inventory and retail/restaurant amenities to the area.

The Collins Park Garage will be located in the 300 block of 23<sup>rd</sup> Street, adjacent to and behind the Miami City Ballet, the Library and the Bass Museum. This facility will be fully owned and operated by the City, with approximately 20,300 square feet of ground floor retail space and 397 parking spaces.

At the March 25, 2010 meeting of the Finance and Citywide Projects Committee, the Committee was informed that American Riviera Real Estate (ARRE) has agreed to sell the parcel located at 340 23<sup>rd</sup> Street to the City, for the development of a public parking garage (the Collins Park Garage) at the purchase price of \$4,975,000. The City has entered into a purchase and sale agreement with ARRE, for the property, located adjacent to the City's lot and closing on the purchase of the property is expected to occur before the end of the fiscal year. Initially, the Collins Park Garage was also included in this series; however it has been removed because the acquisition of the land has not been finalized. (Please see Subsequent Event section.)

#### Finance and Citywide Projects Committee July 29, 2010

In November 2007, the Mayor and City Commission approved Ordinance 2007-3582 which amended the procedures that the City followed in connection with the approval of a bond issue and added the following Section to Chapter 2 of the Miami Beach City Code, entitled "Administration"; Article V entitled "Finance"; Sec. 2-278, entitled "Procedures governing the issuance of bonds.

##### *Sec. 2-278. Procedures governing the issuance of bonds.*

- (a) *Prior to the adoption by the city commission of the final resolution approving the issuance of any bonds by the city, the following requirements shall be complied with:*
- (1) *In order for the city commission and the public to be fully informed on all matters relating to the proposed issuance of bonds, the city manager shall prepare, or cause to be prepared, a fiscal analysis of the economic impact of the proposed bond issuance using the following criteria:*
    - a) *The estimated cost of the project or projects on account of which such bonds are to be issued;*
    - b) *The estimated annual revenues, if any, to be generated by such project or projects; and*
    - c) *The estimated annual cost of maintaining, repairing and operating such project or projects.*
  - (2) *Upon completion of the fiscal analysis in subsection (a)(1), the proposed issuance of bonds shall be first considered and reviewed by the city's finance and citywide projects committee.*

(3) *The city commission shall hold two public hearings, each advertised not less than 15 days prior to the hearing, in order to obtain citizen input into the proposed bond issuance.*

In accordance with this provision the Administration prepared the required fiscal analysis which included the following breakdown of the proposed \$67 million Parking Revenue Bond issue. In response to Sec. 2-278 (a) 1 (a).

Sunset Harbor Garage	\$19.8M (1)
Collins Park Garage	<u>\$21.9M (1)</u>
	\$41.7M
System wide Meter Acquisition	\$1.3M
250 Pay Stations	\$0.2M
Pay on Foot Machines	\$0.3M
Surface Lot 19B at Collins & 53 <sup>rd</sup>	\$1.54M
Surface Lot at Collins & 84 <sup>th</sup>	\$0.72M
13 <sup>th</sup> St Parking Garage	\$0.09M
17 <sup>th</sup> St Parking Garage	\$0.13M
Cultural Campus Parking Garage	<u>\$0.02M</u>
	\$4.3M
Sub-Total	\$46.0M
Refunding Bonds	<u>\$20.9M</u>
Total	\$66.9M

(1) Includes cost of land, design, permitting, construction, construction mgt. equipment AIPP and contingencies

Additionally, two pro-formas for the initial five years of operation of the Sunset Harbor Garage and one for the proposed Collins Park Garage were presented to meet the requirements of Sec. 2-278 (a) 1 (b) and (c). Please see the attached schedules.

Both pro-formas for the Sunset Harbor Garage take into account the initial start-up costs that will occur in the first year. Additionally, the pro-formas assume that the retail component of the facility will reach 90% occupancy at the end of year 1, with 100% occupancy during years 2-5. The first pro-forma accounts for the spaces in the garage that will be utilized for City operations, and therefore, will not generate revenue. During the first five (5) years, the pro-forma indicates that the facility will operate at a loss. Since the City's use of 120 spaces in this garage is a unique circumstance that supports additional benefits related to this project, the Administration prepared a second pro-forma to analyze the viability of this project as if it were a normal parking garage with ground floor retail. In this scenario, the "City spaces" were not accounted for, and therefore were included as revenue-generating spaces

During the discussion at the Finance and Citywide Projects Committee, the question was raised as to what would happen to the Collins Park portion of the bond issue should the parcel owned by ARRE not be acquired. If the parcel was not acquired or it became uncertain as to the timing of the acquisition, the project would be removed and the series size would be reduced.

The Finance and Citywide Projects Committee voted to recommend approval of the proposed Parking Revenue Bonds to the Commission in accordance with Sec. 2-278 (a) 2.

In accordance with Sec. 2-278 (a) 3, two public hearings will be held for this proposed Parking Revenue Bond issue. The dates of the public hearings are scheduled for September 15 and 20, 2010, and each date was advertised at least fifteen (15) days prior to the public hearing date.

### Subsequent Event

As of the scheduled closing date of September 1, 2010, the acquisition of the parcel from ARRE has not been finalized. The Administration offered ARRE an extension to complete the transaction by September 14, 2010 and ARRE has not accepted the extension. Because of the uncertainty surrounding this acquisition, funding for the Collins Park Garage is no longer included as part of this bond issue. Should this transaction be finalized subsequent to the issuance of this series, financing can be accomplished through an additional series of bonds, a borrowing from the Gulf Breeze Government Loan Pool, or a bank loan.

### ANALYSIS

The City has the power and authority to acquire, own, maintain and operate on a revenue-producing basis a public parking system, and the City currently owns, maintains and operates such a public parking system. The City is also authorized by Chapter 166, Florida Statutes and the City of Miami Beach Charter to issue parking revenue bonds to pay the cost of improvements to the Parking System and to refund outstanding debt obligations incurred in connection with the Parking System and to pledge the net revenues of the Parking System for the payment of such revenue bonds.

The Administration anticipates that it can obtain debt service savings as well as provide additional flexibility in the issuance of bonds by refunding the Parking Revenue Bonds, Series 1997 (the "Prior Bonds") of which \$19,195,000 is currently outstanding. The City's Financial Advisor, Richard Montalbano, Managing Director, RBC Capital Markets Corporation, estimated that given the current market conditions, the City could expect to achieve a net present value savings approximating 10% of the refunded bonds which equates to approximately \$1,930,000 or \$130,000 annual debt service savings. This refunding will be achieved by the issuance of the Series 2010A Bonds.

The Series 2010B Bonds are being issued, in part, for the purpose of paying the costs of the Project which will constitute a part of the City's Parking System. The Project consists of the following:

1. A new public parking garage to be located between 18th Street and 20th Street and between Bay Road and Purdy Avenue (Sunset Harbor Garage).
2. Improvements to certain surface parking lots as well as the purchase of additional parking meters, parking pay stations and pay-on-foot machines

The Series 2010 Bonds are payable from and secured by a first lien on and a pledge of the net revenues derived from the operation of the Parking System of the City on a parity with any additional bonds hereafter issued.

Because of the character of the Series 2010 Parking Bonds, the prevailing market conditions, the complexity of structuring a refunding and a new system-wide financing program for the Parking System and the recommendations of the Financial Advisor, it was further determined

that the sale of the Series 2010 Parking Bonds on the basis of a negotiated sale rather than a public sale by competitive bid is in the best interest of the City.

The attached resolution delegates to the Mayor, relying upon the recommendation of the Chief Financial Officer and RBC Capital Markets, the determination of various terms of the Series 2010 Bonds, including whether to secure one or more Credit Facilities and/or Reserve Account Insurance Policies with respect to the Series 2010 Bonds, the final award of the Series 2010 Bonds, the dates of redemption of the Prior Bonds to be redeemed prior to maturity, the payment of all related costs and expenses in connection with the issuance of the Bonds and all other actions necessary or desirable in connection with the issuance of the Series 2010 Bonds and the refunding of the Prior Bonds.

Additionally, this Resolution provides the structure for the issuance of other Bonds and other forms of indebtedness of the City payable from the Net Revenues of the Parking System for the purpose of paying all or any part of the cost of any other improvements to the Parking System or to refund or refinance all or a portion of the Bonds or any other series or other indebtedness of the City incurred with respect to the Parking System then outstanding. All such additional actions would require approval of the Mayor and City Commission.

### **Conclusion**

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida, approve the resolution on second reading public hearing. The first reading public hearing was held at the September 15, 2010 Commission meeting.

JMG/PDW

**Attachments:**

- Escrow Deposit Agreement
- Disclosure Dissemination Agreement
- The Preliminary Official Statement (POS)
- Bond Purchase Contract

T:\Agenda\2010\September 20\Regular\Parking Bonds 2010-Comm Memo

---

---

**CITY OF MIAMI BEACH, FLORIDA**

---

**RESOLUTION NO. \_\_\_\_\_**

**Adopted on \_\_\_\_\_, 2010**

---

**Authorizing and Securing  
Parking Revenue Bonds**

---

---

# TABLE OF CONTENTS

Page

## ARTICLE I DEFINITIONS

Section 101.	Meaning of Words and Terms .....	4
Section 102.	Rules of Construction .....	18
Section 103.	Resolution Constitutes Contract .....	18

## ARTICLE II FORM, EXECUTION, DELIVERY AND REGISTRATION OF BONDS

Section 201.	Issuance of Bonds .....	19
Section 202.	Details of Bonds.....	19
Section 203.	Execution and Form of Bonds .....	21
Section 204.	Authentication of Bonds .....	28
Section 205.	Exchange of Bonds .....	28
Section 206.	Negotiability, Registration and Transfer of Bonds .....	28
Section 207.	Ownership of Bonds .....	28
Section 208.	Authorization of Series 2010 Bonds and Refunding of Prior Bonds; Negotiated Sale of Series 2010 Bonds.....	29
Section 209.	Additional Bonds .....	33
Section 210.	Refunding Bonds .....	36
Section 211.	Other Indebtedness.....	39
Section 212.	Temporary Bonds.....	40
Section 213.	Mutilated, Destroyed or Lost Bonds.....	40
Section 214.	Provisions with Respect to Book-Entry System .....	40
Section 215.	Capital Appreciation Bonds; Capital Appreciation and Income Bonds .....	41

## ARTICLE III REDEMPTION OF BONDS

Section 301.	Redemption Generally .....	42
Section 302.	Selection of Bonds for Redemption or Purchase .....	42
Section 303.	Redemption Notice .....	42
Section 304.	Partial Redemption of Bonds .....	43
Section 305.	Effect of Calling for Redemption .....	43
Section 306.	Cancellation of Bonds.....	43
Section 307.	Bonds Called for Redemption Deemed Not Out-standing .....	43

## ARTICLE IV CONSTRUCTION FUND

Section 401.	Construction Fund.....	45
Section 402.	Payments from Construction Fund .....	45
Section 403.	Cost of Improvements.....	45
Section 404.	Title to Properties Acquired.....	46
Section 405.	Disposition of Construction Fund Balance .....	46

**TABLE OF CONTENTS**  
(continued)

**Page**

**ARTICLE V**  
**REVENUES AND FUNDS**

Section 501.	Parking Rates .....	48
Section 502.	Rate Covenant .....	48
Section 503.	Annual Budget .....	49
Section 504.	Enterprise Fund .....	49
Section 505.	Debt Service Account and Other Accounts .....	49
Section 506.	Payment of Current Expenses .....	52
Section 507.	Application of Moneys in Bond Service Subaccount .....	52
Section 508.	Application of Moneys in Redemption Subaccount .....	52
Section 509.	Application of Moneys in Reserve Account .....	53
Section 510.	Application of Moneys in Subordinated Indebtedness Account.....	55
Section 511.	Application of Moneys Remaining in Enterprise Fund .....	55
Section 512.	Application of Moneys in Debt Service Account .....	56
Section 513.	Money Held in Trust .....	56
Section 514.	Cancellation of Bonds .....	57

**ARTICLE VI**  
**DEPOSITARIES OF MONEYS, SECURITY FOR DEPOSITS AND INVESTMENT OF FUNDS**

Section 601.	Security for Deposits.....	58
Section 602.	Investment of Moneys.....	58
Section 603.	Valuation of Investment Obligations .....	59
Section 604.	Accounting for Funds .....	60
Section 605.	Tax Covenants .....	60

**ARTICLE VII**  
**PARTICULAR COVENANTS**

Section 701.	Payment of Principal, Interest and Premium; Pledge of Net Revenues.....	61
Section 702.	Construction of Project and Other Improvements; Operation of Parking System.....	61
Section 703.	Consulting Engineers .....	62
Section 704.	Employment of Accountant .....	62
Section 705.	Insurance .....	62
Section 706.	Use of Revenues .....	63
Section 707.	Records, Accounts and Audits .....	63
Section 708.	Supervisory Personnel .....	64
Section 709.	Separate Parking Facilities.....	64
Section 710.	No Free Parking .....	64
Section 711.	Enforcement of Collections .....	64
Section 712.	Management by Others of the Parking System.....	65
Section 713.	Sale or Other Disposition of the Parking System .....	65

**TABLE OF CONTENTS**  
(continued)

**Page**

Section 714.	Covenants with Providers of Credit Facilities, Liquidity Facilities, Reserve Account Insurance Policies or Reserve Account Letters of Credit.....	66
--------------	---	----

**ARTICLE VIII  
REMEDIES**

Section 801.	Extension of Interest Payment .....	68
Section 802.	Events of Default .....	68
Section 803.	Acceleration of Maturities .....	69
Section 804.	Enforcement of Remedies.....	69
Section 805.	Pro Rata Application of Funds.....	71
Section 806.	Effect of Discontinuance of Proceedings.....	72
Section 807.	Restrictions on Individual Bondholder Actions.....	72
Section 808.	No Remedy Exclusive.....	72
Section 809.	Delay Not a Waiver .....	72
Section 810.	Right to Enforce Payment of Bonds .....	73

**ARTICLE IX**

**EXECUTION OF INSTRUMENTS BY BONDHOLDERS AND PROOF OF OWNERSHIP OF BONDS**

Section 901.	Execution of Instruments by Bondholders and Proof of Ownership of Bonds .....	74
--------------	---	----

**ARTICLE X  
SUPPLEMENTAL RESOLUTIONS**

Section 1001.	Supplemental Resolution without Bondholders' Consent .....	75
Section 1002.	Supplemental Resolution with Bondholders' Consent .....	76
Section 1003.	Supplemental Resolutions Part of Resolution.....	77

**ARTICLE XI  
DEFEASANCE**

Section 1101.	Cessation of Interests of Bondholders .....	78
---------------	---	----

**ARTICLE XII  
MISCELLANEOUS PROVISIONS**

Section 1201.	Effect of Covenants.....	80
Section 1202.	Manner of Giving Notice .....	80
Section 1203.	Successorship of Bond Registrar .....	80
Section 1204.	Successorship of City Officers.....	81
Section 1205.	Inconsistent Resolutions .....	81
Section 1206.	Further Acts .....	81
Section 1207.	Headings Not Part of Resolution .....	81
Section 1208.	Beneficiaries under Resolution .....	81

**TABLE OF CONTENTS**  
(continued)

**Page**

Section 1209.	Effect of Partial Invalidity .....	81
Section 1210.	Resolution Effective.....	82

EXHIBIT A - THE PROJECT

EXHIBIT B - INITIAL SEPARATE PARKING FACILITIES

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING THE ISSUANCE BY THE CITY OF MIAMI BEACH, FLORIDA OF (i) PARKING REVENUE REFUNDING BONDS, SERIES 2010A, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000, FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING PARKING REVENUE BONDS, SERIES 1997, AND (ii) PARKING REVENUE BONDS, SERIES 2010B, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000, FOR THE PURPOSE OF PAYING COSTS OF IMPROVEMENTS TO THE PARKING SYSTEM; PROVIDING FOR THE ISSUANCE OF ADDITIONAL PARKING REVENUE BONDS AND THE INCURRENCE OF OTHER TYPES OF INDEBTEDNESS OF THE CITY TO PAY ALL OR PART OF THE COST OF ADDITIONAL IMPROVEMENTS TO THE CITY'S PARKING SYSTEM AND FOR REFUNDING OUTSTANDING PARKING REVENUE BONDS; PROVIDING FOR THE PAYMENT OF SUCH BONDS AND OTHER SYSTEM DEBT; SETTING FORTH THE RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH BONDS AND OTHER SYSTEM DEBT; PROVIDING CERTAIN DETAILS OF THE SERIES 2010 BONDS; DELEGATING OTHER MATTERS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2010 BONDS, INCLUDING WHETHER TO SECURE ONE OR MORE CREDIT FACILITIES AND/OR RESERVE ACCOUNT INSURANCE POLICIES, AND THE REFUNDING OF THE PRIOR BONDS TO THE MAYOR; APPOINTING UNDERWRITERS, A BOND REGISTRAR, AN ESCROW AGENT AND A DISCLOSURE DISSEMINATION AGENT; AUTHORIZING THE NEGOTIATED SALE OF THE SERIES 2010 BONDS AND APPROVING THE FORM AND EXECUTION OF A BOND PURCHASE AGREEMENT FOR THE SERIES 2010 BONDS; APPROVING THE FORMS OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT FOR THE SERIES 2010 BONDS AND AUTHORIZING EXECUTION OF THE OFFICIAL STATEMENT; COVENANTING TO PROVIDE CONTINUING DISCLOSURE IN CONNECTION WITH THE SERIES 2010 BONDS AND APPROVING THE FORM AND EXECUTION OF A CONTINUING DISCLOSURE AGREEMENT; APPROVING THE FORM AND EXECUTION OF AN ESCROW DEPOSIT AGREEMENT FOR THE PRIOR BONDS; AUTHORIZING OFFICIALS OF THE CITY TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2010 BONDS AND REFUNDING OF THE PRIOR

BONDS; PROVIDING A SEVERABILITY CLAUSE; AND  
PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach, Florida (the "City") is a municipal corporation in Miami-Dade County, Florida (the "County"), duly organized and existing under the Constitution and laws of the State of Florida (the "State"), including particularly Chapter 166, Florida Statutes, as amended, and the City of Miami Beach Charter (together, the "Act"); and

WHEREAS, the City has the power and authority to acquire, own, maintain and operate on a revenue-producing basis a public parking system and the City currently owns, maintains and operates a public parking system (as hereinafter defined, the "Parking System"); and

WHEREAS, under the authority granted by the Act, the City is authorized to issue parking revenue bonds to pay the cost of Improvements (hereinafter defined) to the Parking System and to refund outstanding debt obligations incurred in connection with the Parking System and to pledge for the payment of such revenue bonds the Net Revenues (hereinafter defined) of the Parking System; and

WHEREAS, under the authority granted by the Act, the City has previously issued \$21,000,000 original principal amount of its Parking Revenue Bonds, Series 1997, of which \$19,195,000 are now outstanding (the "Prior Bonds"), pursuant to Resolution No. 96-21898, adopted by the Mayor and City Commission of the City (collectively, the "Commission") on February 20, 1996, and Resolution No. 97-22482 adopted by the Commission on July 16, 1997 (collectively, the "Prior Bonds Resolution"), the proceeds of which were applied to fund certain Improvements to the Parking System; and

WHEREAS, the City has determined that it can obtain debt service savings as well as provide additional flexibility in the issuance of Bonds (hereinafter defined) by refunding the Prior Bonds; and

WHEREAS, the City has also determined to undertake certain Improvements to the Parking System as more particularly described in Exhibit A attached hereto and made a part hereof (the "Project"); and

WHEREAS, the City has determined to issue (i) its Parking Revenue Refunding Bonds, Series 2010A (the "Series 2010A Bonds"), to refund, together with any other available moneys, the Prior Bonds, and (ii) its Parking Revenue Bonds, Series 2010B (the "Series 2010B Bonds" and, together with the Series 2010A Bonds, the "Series 2010 Bonds"), to pay, together with any other available moneys, Costs of the Project, which Series 2010 Bonds shall be payable from and secured by a pledge of the Net Revenues; and

WHEREAS, the Commission has determined that it is in the best interests of the City to delegate to the Mayor (hereinafter defined), who shall rely upon the recommendations of the Chief Financial Officer (hereinafter defined) and RBC Capital Markets Corporation, the City's financial advisor (the "Financial Advisor"), the determination of various terms of the Series 2010 Bonds, whether to secure one or more Credit Facilities and/or Reserve Account Insurance Policies with respect to the Series 2010 Bonds, the final award of the Series 2010 Bonds, the date of redemption of the Prior Bonds, and other actions necessary or desirable in connection with the issuance of the

Series 2010 Bonds and the refunding of the Prior Bonds, subject to the limitations herein, which provisions shall be contained in a certificate of the Mayor (the "Mayor's Certificate") executed at or prior to the time of initial delivery of the Series 2010 Bonds or, with respect to the Prior Bonds, in the Escrow Agreement (hereinafter defined); and

WHEREAS, because of the character of the Series 2010 Bonds, prevailing market conditions, the complexity of structuring a refunding and a new system-wide financing program for the Parking System and the recommendations of the Financial Advisor, the Commission has further determined that the sale of the Series 2010 Bonds on the basis of a negotiated sale rather than a public sale by competitive bid is in the best interests of the City; and

WHEREAS, the City has determined to provide in this Resolution for authorizing the issuance hereafter of other Bonds and other forms of indebtedness of the City payable from the Net Revenues under this Resolution for the purpose of paying all or any part of the cost of any other Improvements to the Parking System or to refund or refinance all or a portion of the Bonds or any Series (hereinafter defined) thereof or other indebtedness of the City incurred with respect to the Parking System then outstanding, and to prescribe the terms and conditions under which such Bonds and other indebtedness may be authorized and issued; and

WHEREAS, in connection with the issuance of the Series 2010B Bonds, the requirements of Ordinance No. 2007-3582, adopted by the Commission on November 21, 2007, including the holding of two public hearings, have been complied with prior to the adoption of this Resolution;

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

## ARTICLE I

### DEFINITIONS

Section 101. Meaning of Words and Terms. In addition to words and terms elsewhere defined in this Resolution, the following words and terms as used in this Resolution shall have the following meaning, unless some other meaning is plainly intended:

“Accountant” shall mean the independent certified public accountant or firm of independent certified public accountants which shall have a favorable reputation for skill and experience in accounting matters at the time and during the period employed by the City under the provisions of Section 704 of this Resolution to perform and carry out the duties imposed on the Accountant by this Resolution.

“Accreted Value” shall mean, as of any date of computation with respect to any Capital Appreciation Bond, an amount equal to the principal amount of such Bond (the principal amount on the date of original issuance), plus the interest accrued on such Bond from the date of original issuance to the Interest Payment Date next preceding the date of computation or the date of computation if an Interest Payment Date, compounded periodically at the times provided for in the Mayor’s Certificate with respect to the Series 2010 Bonds or pursuant to the Series Resolution authorizing the issuance of any other Bonds with respect to such other Bonds, and if such date of computation is not an Interest Payment Date, a portion of the difference between the Accreted Value as of the immediately preceding Interest Payment Date (or the date of original issuance if such date of computation is prior to the first Interest Payment Date) and the Accreted Value as of the immediately succeeding Interest Payment Date, calculated based on the assumption that Accreted Value accrues during any period in equal daily amounts on the basis of a year of twelve 30-day months.

“Act” shall have the meaning ascribed to it in the recitals to this Resolution.

“Additional Bonds” shall mean the Bonds issued at any time under the provisions of Section 209 of this Resolution.

“Alternative Parity Debt” means indebtedness of the City (including the assumption or guarantee of the debts of others) or borrowed money (including refunding or refinancing of then existing indebtedness and leases capitalized in accordance with generally accepted accounting principles) incurred in accordance with Section 211 of this Resolution.

“Amortization Requirements” shall mean the amounts required to be deposited in the Redemption Subaccount for any Series of Bonds for the purpose of redeeming prior to their maturity and paying at their maturity the Term Bonds of any Series issued pursuant to this Resolution, the specific amounts and times of such deposits to be determined in the Mayor’s Certificate with respect to the Series 2010 Bonds or pursuant to a Series Resolution relating to any other Series of Bonds with respect to such other Bonds.

“Annual Budget” shall mean the Annual Budget adopted pursuant to Section 503 of this Resolution.

“Appreciated Value” shall mean, (i) as of any date of computation with respect to any Capital Appreciation and Income Bond up to the Interest Commencement Date set forth in the Mayor’s Certificate with respect to any Series 2010 Bond or pursuant to the Series Resolution for any other Series of Bonds with respect to such other Bond, an amount equal to the principal amount of such Bond (the principal amount on the date of original issuance) plus the interest accrued on such Bond from the date of original issuance of such Bond to the Interest Payment Date next preceding the date of computation or the date of computation if an Interest Payment Date, such increased value to accrue at the stated rate per annum of such Bond compounded on the Interest Payment Dates of such year, plus, if such date of computation shall not be an Interest Payment Date, a portion of the difference between the Appreciated Value as of the immediately preceding Interest Payment Date (or the date of original issuance if the date of computation is prior to the first Interest Payment Date succeeding the date of original issuance) and the Appreciated Value as of the immediately succeeding Interest Payment Date calculated based upon an assumption that Appreciated Value accrues during any semi-annual period in equal daily amounts on the basis of a year of twelve 30-day months and (ii) as of any date of computation on and after the Interest Commencement Date, the Appreciated Value on the Interest Commencement Date.

“Arbitrage Rebate Fund” shall mean a fund or funds established by the City for the deposit of moneys necessary for payments required to be made to the United States of America in connection with any Series of Bonds or System Debt subject to arbitrage rebate requirements under the Code. The moneys in such fund or funds shall be applied only for the purposes for which such fund or funds are established and shall not be subject to a lien or charge in favor of Holders of any Bonds or holders of any System Debt and shall not be pledged as security for the payment of any Bonds or System Debt.

“BABs” shall mean Bonds issued under this Resolution as Build America Bonds, Recovery Zone Economic Development Bonds or such other bonds with respect to which Federal Direct Payments are payable.

“Bond Counsel” shall mean Squire, Sanders & Dempsey L.L.P., or another lawyer or law firm selected by the City of favorable national reputation for skill in matters relating to tax-exempt municipal bonds.

“Bond Purchase Agreement” shall mean the Bond Purchase Agreement to be entered into between the City and the Underwriters in connection with the issuance of the Series 2010 Bonds.

“Bond Registrar” shall mean (i) with respect to the Series 2010 Bonds, U.S. Bank National Association, and (ii) with respect to any other Series of Bonds, a bank or trust company, either within or outside the State of Florida, designated as such by the Commission in the Series Resolution authorizing such Series of Bonds, each of which shall perform such functions as Bond Registrar as are required by Article II of this Resolution.

“Bonds” shall mean collectively the Bonds issued under the provisions of Article II of this Resolution.

“Bondholders” or “Holders” shall mean the registered owners of the Bonds.

“Bond Service Subaccount” shall mean the Bond Service Subaccount, a special subaccount within the Debt Service Account created and designated by Section 505 of this Resolution.

“Build America Bonds” shall mean Build America Bonds (Direct Payment) authorized under Section 54AA of the Code, as further described in Internal Revenue Service Notice 2009-26.

“Capital Appreciation Bond” shall mean any Bond or Bonds of a Series issued under this Resolution as to which interest is compounded periodically on each of the applicable periodic dates designated for compounding in the Mayor’s Certificate with respect to the Series 2010 Bonds or pursuant to the Series Resolution for any other Series of Bonds with respect to such other Bonds and payable in an amount equal to the then current Accreted Value to the date of maturity or redemption prior to maturity as designated in such Mayor’s Certificate or Series Resolution and which may be either Serial Bonds or Term Bonds.

“Capital Appreciation and Income Bonds” shall mean any Bond or Bonds of a Series issued under this Resolution as to which accruing interest is not payable prior to the Interest Commencement Date specified in the Mayor’s Certificate with respect to the Series 2010 Bonds or pursuant to the Series Resolution for any other Series of Bonds with respect to such other Bonds and the Appreciated Value for such Bonds is compounded periodically on certain dates designated in such Mayor’s Certificate or Series Resolution prior to the Interest Commencement Date for such Capital Appreciation and Income Bonds and which may be either Serial Bonds or Term Bonds.

“Capital Expenditures” shall mean all expenditures made for extensions, additions, improvements, renewals and replacements (other than ordinary maintenance and repairs) acquired, constructed or installed for the purpose of preserving, extending, increasing or improving the Parking System or for reducing the cost of operation, and shall include the cost of purchasing and installing such equipment and appurtenances as may be necessary to meet the demands upon the Parking System; Capital Expenditures shall also include, without limitation, the acquisition of such lands and rights-of-way and such engineering, legal and administrative expenses as may be required in connection with the foregoing.

“Chief Financial Officer” shall mean the Chief Financial Officer of the City or the officer succeeding to his or her principal functions.

“City” shall mean the City of Miami Beach, Florida.

“City Attorney” shall mean the City Attorney of the City, his or her designated assistant or the officer succeeding to his or her principal functions.

“City Clerk” shall mean the City Clerk of the City or his or her designee or the officer succeeding to his or her principal functions.

“City Manager” shall mean the City Manager of the City or his or her designee or the officer succeeding to his or her principal functions.

“Code” shall mean the Internal Revenue Code of 1986, as amended from time to time, and the regulations promulgated thereunder.

“Commission” shall mean the Mayor and City Commission of the City or any other commission, board or body in which the general legislative power of the City shall be vested.

“Completion Date” shall mean the date of completion of the acquisition or construction of the Project or of any other Improvements, as the case may be, as such date shall be certified pursuant to the requirements of Section 405 of this Resolution.

“Construction Fund” shall mean the Parking System Construction Fund, a special fund created and designated by Section 401 of this Resolution.

“Consulting Engineers” shall mean one or more licensed professional engineers or firms of professional engineers at the time employed by the City under the provisions of Section 703 of this Resolution to perform and carry out the duties imposed on the Consulting Engineers by this Resolution.

“Continuing Disclosure Agreement” shall mean the Disclosure Dissemination Agent Agreement to be entered into between the City and DAC in connection with the Series 2010 Bonds.

“Convertible Bonds” shall mean Bonds issued under this Resolution which are convertible, at the option of the City, into a form of Bonds which are permitted by this Resolution other than the form of such Bonds at the time they were issued.

“Cost” as applied to the Project or any other Improvements, shall embrace the costs of acquisition and construction and all obligations and expenses and all items of cost which are set forth in Section 403 of this Resolution.

“County” shall mean Miami-Dade County, Florida, a political subdivision of the State of Florida.

“Credit Facility” shall mean an irrevocable letter of credit, policy of municipal bond insurance, guaranty, purchase agreement, credit agreement, surety bond or similar facility in which the entity providing such facility irrevocably agrees to provide funds to make payment of the principal of and interest on Bonds or System Debt.

“Current Expenses” shall mean the City’s reasonable and necessary current expenses of maintenance, repair and operation of the Parking System and shall include, without limiting the generality of the foregoing, all ordinary and usual expenses of maintenance, repair and operation, which may include expenses not annually recurring, any reasonable payments to pension or retirement funds properly chargeable to the Parking System, insurance premiums, engineering expenses relating to maintenance, repair and operation, management fees paid by the City to any independent operators or managers of any part of the Parking System, fees and expenses of the Bond Registrar and Escrow Agent, legal and accounting expenses, expenses incurred in the collection of parking violation fines imposed on users of the Parking System which under State law may be applied to purposes consistent with this Resolution, costs of complying with the continuing disclosure requirements under the Rule, any fees, fines, or penalties lawfully imposed on the Parking System, any taxes which may be lawfully imposed on the Parking System or its income or operations and reserves for such taxes, annual fees for the maintenance of Credit

Facilities, Liquidity Facilities, Reserve Account Insurance Policies, Reserve Account Letters of Credit or Interest Rate Swaps (other than payments due under an Interest Rate Swap on a parity with interest due on the Bonds and termination payments thereunder), and any other expenses required to be paid by the City in connection with the Parking System under the provisions of this Resolution or by law, including any amounts required from time to time to pay arbitrage rebate under the Code to the United States of America directly or to fund the Arbitrage Rebate Fund, but shall not include any reserves for extraordinary maintenance or repair, or any allowance for depreciation, or any administrative expenses payable to the City's General Fund, or any deposits or transfers to the credit of the Debt Service Account, the Reserve Account or the Subordinated Indebtedness Account.

"Current Interest Bonds" shall mean Bonds the interest on which is payable to the Bondholder on the Interest Payment Dates with respect thereto and not only at the maturity thereof.

"DAC" shall mean Digital Assurance Certification, L.L.C., its successors and assigns.

"Debt Service Account" shall mean the Parking Revenue Bonds Debt Service Account, a special account within the Enterprise Fund created and designated by Section 505 of this Resolution.

"Defaulted Interest" shall have the meaning attributed to such term in Section 202 of this Resolution.

"DTC" shall mean The Depository Trust Company, New York, New York, its successors and assigns.

"Depository" shall mean any bank or trust company duly authorized by law to engage in the banking business and designated by the Chief Financial Officer as a depository of moneys under the provisions of this Resolution.

"Enterprise Fund" shall mean the Parking System Enterprise Fund, the special fund described in Section 504 of this Resolution.

"Escrow Agent" shall mean U.S. Bank National Association, in the capacity of escrow agent with respect to the Prior Bonds.

"Escrow Agreement" shall mean the Escrow Deposit Agreement to be entered into between the City and the Escrow Agent in connection with the refunding of the Prior Bonds.

"Federal Direct Payments" shall mean the direct payments to the City from the United States Treasury with respect to BABs.

"Financial Advisor" shall mean RBC Capital Markets Corporation.

"Financial Statements" shall mean the audited financial statements of the City relating to the Parking System, prepared in accordance with generally accepted accounting principles applicable to parking systems owned by cities, which in the case of the Parking System may be

those provisions of the City's Consolidated Audited Financial Report relating to the Parking System.

"Fiscal Year" shall mean the period commencing on the first day of October and ending on the last day of September of the following year as the same may be amended from time to time to conform to the fiscal year of the City.

"Fitch" shall mean Fitch Ratings Inc., its successors and assigns, and if such entity no longer performs the functions of a securities rating agency, "Fitch" shall refer to any other nationally recognized securities rating agency designated by the City in a written certificate filed with the City Clerk.

"Government Obligations" shall mean any of the following, to the extent the same is legal for the investment of public funds under State law:

(i) direct obligations of, or obligations the timely payment of the principal of and interest on which are unconditionally guaranteed by, the United States of America;

(ii) obligations issued or guaranteed by any instrumentality or agency of the United States of America, whether now existing or hereafter organized, including but not limited to those of the Federal Financing Bank, the members of the Farm Credit System whether individually or consolidated, Federal Home Loan Banks, the Export-Import Bank, Government National Mortgage Association and the Tennessee Valley Authority;

(iii) evidences of ownership of proportionate interests in future interest or principal payments on specified obligations described in clause (i) of this definition held by a bank or trust company as custodian, under which the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor on the underlying obligations described in clause (i) of this definition, and which underlying obligations are not available to satisfy any claim of the custodian or any person claiming through the custodian or to whom the custodian may be obligated; and

(iv) municipal obligations, the timely payment of the principal of, interest on and redemption premium, if any, on which are irrevocably secured by obligations described in clause (i) of this definition which will provide sufficient moneys for the payment of the principal of, interest on and redemption premium, if any, of such municipal obligations and which obligations described in clause (i) have been deposited in an escrow account irrevocably pledged to the payment of the principal of, interest on and redemption premium, if any, of such municipal obligations.

"Improvements" shall mean such improvements, renewals and replacements of the Parking System or any part thereof and such extensions and additions thereto as may be necessary or desirable, in the judgment of the City, and shall include such land, structures and facilities as may be authorized to be acquired or constructed by the City under the provisions of State law, such improvements, renewals and replacements of such land, structures and facilities of the Parking System and such extensions and additions thereto as may be necessary or desirable, but shall exclude, unless otherwise determined by the City upon acquisition or construction of such structures or facilities, retail space within such structures and facilities.

“Interest Commencement Date” shall mean, with respect to any Capital Appreciation and Income Bonds, the date specified in the Mayor’s Certificate with respect to the Series 2010 Bonds or pursuant to the Series Resolution for any other Series of Bonds with respect to such Bonds (which date must be prior to the maturity date of such Bonds) after which interest accruing on such Bonds shall be payable semi-annually with the first such payment date being the applicable Interest Payment Date immediately succeeding such Interest Commencement Date.

“Interest Payment Date” shall mean the dates for the payment of interest on a Series of Bonds as shall be established in the Mayor’s Certificate with respect to the Series 2010 Bonds or pursuant to the Series Resolution for any other Series of Bonds with respect to such Bonds.

“Interest Rate Swap” shall mean an agreement in writing by and between the City and another entity (the “Counterparty”) pursuant to which (i) the City agrees to pay to the Counterparty an amount, either at one time or periodically, which is determined by reference to a rate of interest or formula and a “notional” amount specified in such agreement, during the period specified in such agreement and (ii) the Counterparty agrees to pay to the City an amount, either at one time or periodically, which is determined by reference to a different rate of interest or formula but the same “notional” amount specified in such agreement, during the period specified in such agreement.

“Interim Bonds or Notes” shall mean bonds or notes issued by the City with a final maturity not longer than 60 months (or longer period if then so permitted by the provisions of State law relating to the issuance of bond anticipation notes by municipalities) in anticipation of the refinancing thereof from all or a portion of the proceeds of a Series of Bonds issued under this Resolution.

“Investment Obligations” shall mean and include such obligations as are legal for the investment of public funds by the City under State law.

“Letter of Representations” shall mean the letter of representations from the City to DTC with respect to Bonds deposited with DTC in its book-entry system.

“Liquidity Facility” shall mean a letter of credit, policy of municipal bond insurance, guaranty, purchase agreement, line of credit or similar facility in which the entity providing such facility agrees to provide funds to pay the purchase price of Optional Tender Bonds upon their tender by the Holders of Optional Tender Bonds.

“Maximum Principal and Interest Requirements” shall mean the maximum amount of Principal and Interest Requirements for any Fiscal Year.

“Mayor” shall mean the Mayor of the City, or in his or her absence, the Vice Mayor of the City, or the officer succeeding to his or her principal functions.

“Mayor’s Certificate” shall mean the certificate to be executed by the Mayor prior to or at the time of the initial delivery of the Series 2010 Bonds, which shall provide the details of the Series 2010 Bonds.

“Moody’s” shall mean Moody’s Investors Service, Inc., its successors and assigns, and if such entity no longer performs the functions of a securities rating agency, “Moody’s” shall refer to any other nationally recognized securities rating agency designated by the City in a written certificate filed with the City Clerk.

“Net Revenues” for any particular period shall mean the amount of Revenues for such period less the Current Expenses for such period.

“Official Statement” shall mean the Official Statement to be delivered by the City in connection with the issuance of the Series 2010 Bonds.

“Optional Tender Bonds” shall mean all or the portion of a Series of Bonds issued under this Resolution, a feature of which is an option on the part of the Holders of such Bonds to tender such Bonds to the City, a trustee or other fiduciary for such Holders for payment prior to stated maturity.

“Outstanding” shall mean, when used with respect to the Bonds, all Bonds theretofore delivered except:

- (a) Bonds paid, redeemed or delivered to or acquired by the City and canceled;  
and
- (b) Bonds deemed to have been paid in accordance with Section 307 or Section 1101 of this Resolution.

“Parking Director” shall mean the City’s Parking Director or the employee of the City succeeding to his or her principal functions.

“Parking System” shall mean the City’s parking system pursuant to which parking facilities are made available by the City for public parking of automobiles and other motor vehicles upon payment of a fee or charge for the privilege of parking, whether such facilities are owned by the City, leased by the City as lessor or lessee, or consist of parking spaces on public streets (whether such streets are City streets, County roads or State roads) for which the City lawfully charges a parking fee by meter or otherwise, and shall (i) include the Project, any other Improvements and any Separate Parking Facilities consolidated with the Parking System pursuant to Section 709 of this Resolution, and (ii) exclude any Separate Parking Facilities not so consolidated with the Parking System.

“Preliminary Official Statement” shall mean the Preliminary Official Statement to be delivered by the City in connection with the issuance of the Series 2010 Bonds.

“Principal” or “principal” shall mean, (i) with respect to Current Interest Bonds, the stated principal amount thereof, (ii) with respect to Capital Appreciation Bonds, the Accreted Value thereof, as of any particular date of determination, and (iii) with respect to Capital Appreciation and Income Bonds, the Appreciated Value thereof, as of any particular date of determination.

“Principal and Interest Requirements” shall mean the respective amounts which are required in each Fiscal Year to provide:

- (i) for paying the interest on all Bonds then Outstanding which is payable on each Interest Payment Date in such Fiscal Year, and
- (ii) for paying the principal of all Serial Bonds then Outstanding which is payable upon the maturity of Serial Bonds in such Fiscal Year, and
- (iii) the Amortization Requirements for the Term Bonds of such Series for such Fiscal Year.

In determining the amount of the Principal and Interest Requirements for any Fiscal Year, the following rules shall apply:

- (a) with respect to Variable Rate Bonds, the interest rate shall be assumed to be the average rate of interest for all Variable Rate Bonds for the prior Fiscal Year or portion thereof while said Bonds were Outstanding or if there were no Variable Rate Bonds Outstanding during such prior Fiscal Year, then the lesser of (i) the initial rate of interest on such Variable Rate Bonds and (ii) the average rate of interest for the prior Fiscal Year under a published variable interest rate index selected by the then financial advisor to the City which is generally consistent with the rate of interest such Bonds shall bear; "average rate" with respect to Outstanding Variable Rate Bonds shall mean the rate determined by dividing the total annualized amount of interest paid on Variable Rate Bonds in such Fiscal Year or portion thereof by the average principal amount of Variable Rate Bonds Outstanding during such Fiscal Year or portion thereof;
- (b) with respect to Interim Bonds or Notes, interest only and not the principal shall be included in Principal and Interest Requirements if the Series of Bonds all or a portion of the proceeds of which are expected to be used to refinance such Interim Bonds or Notes have been duly authorized by the City; provided, however, none of the interest or principal on Interim Bonds or Notes shall be included in Principal and Interest Requirements if the Commission shall determine in the resolution authorizing the issuance of such Interim Bonds or Notes that such Interim Bonds or Notes shall be Subordinated Indebtedness hereunder;
- (c) with respect to Optional Tender Bonds, Principal and Interest Requirements shall not include the principal amount of such Optional Tender Bonds payable upon tender of such Bonds for purchase to the extent and for so long as a Liquidity Facility shall be in full force and effect with respect to such Optional Tender Bonds but shall include the regularly scheduled principal payments on such Optional Tender Bonds, either upon payment at maturity or redemption in satisfaction of the Amortization Requirements for such Optional Tender Bonds; provided, however, that during any period of time after the issuer of the Liquidity Facility or any Credit Facility has advanced funds thereunder and before such amount is repaid, Principal and Interest Requirements shall include the principal amount so advanced and interest thereon, in accordance with the principal repayment schedule and interest rate or rates specified in the Liquidity Facility or the Credit Facility;
- (d) with respect to Capital Appreciation Bonds, the principal and interest

portions of the Accreted Value becoming due at maturity or by virtue of an Amortization Requirement shall be included in the calculations of Principal and Interest Requirements in the Fiscal Year in which said principal and interest portions are due and payable;

(e) with respect to Capital Appreciation and Income Bonds, the principal and interest portions of the Appreciated Value becoming due at maturity or by virtue of an Amortization Requirement shall be included in the calculations of Principal and Interest Requirements in the Fiscal Year in which said principal and interest portions are due and payable;

(f) with respect to BABs, interest shall be computed net of Federal Direct Payments scheduled to be received by the City in connection with such BABs in each Fiscal Year;

(g) if all or a portion of principal of or interest on a Series of Bonds is payable from the proceeds of such Bonds or from other amounts set aside irrevocably for such purpose, together with projected earnings thereon to the extent such earnings are projected to be from Investment Obligations, such principal or interest on such Series of Bonds shall not be included in Principal and Interest Requirements;

(h) To the extent that the City has entered into an Interest Rate Swap with respect to any Bonds and notwithstanding the provisions of clauses (a) through (f) above, while the Interest Rate Swap is in effect and the Counterparty has not defaulted thereunder, the interest rate with respect to the principal amount of such Bonds equal to the “notional” amount specified in the Interest Rate Swap shall be assumed to be (i) if the City’s payment obligations under the Interest Rate Swap are computed based upon a fixed rate of interest, the actual rate of interest upon which the City’s payment obligations are computed under such Interest Rate Swap and (ii) if the City’s payment obligations under the Interest Rate Swap are computed based upon a variable rate of interest, the average rate of interest for the City’s payment obligations under the Interest Rate Swap for the prior Fiscal Year or portion thereof while the Interest Rate Swap was in effect or if the Interest Rate Swap was not in effect during such prior Fiscal Year, then the lesser of (x) the initial rate of interest for the City’s payment obligations under the Interest Rate Swap and (y) the average rate of interest for the prior Fiscal Year under a published variable interest rate index agreed upon by the City and the Counterparty which is generally consistent with the formula which shall be used to determine the City’s payment obligations; “average rate” with respect to the City’s payment obligations for the prior Fiscal Year shall mean the rate determined by dividing the total annualized amount paid by the City under the Interest Rate Swap in such Fiscal Year or portion thereof by the “notional” amount specified in the Interest Rate Swap for such Fiscal Year;

(i) Principal and Interest Requirements shall not include the principal of, redemption premium, if any, and interest on Subordinated Indebtedness; and

(j) Principal and Interest Requirements shall not include the principal of, redemption premium, if any, and interest on bonds or other debt of the City issued or

incurred for the purpose of financing the acquisition or construction of Separate Parking Facilities.

“Prior Bonds” shall mean the \$19,195,000 outstanding principal amount of the City’s \$21,000,000 original principal amount of Parking Revenue Bonds, Series 1997.

“Prior Bonds Resolution” shall mean City Resolution No. 96-21898, adopted by the Commission on February 20, 1996, and Resolution No. 97-22482, adopted by the Commission on July 16, 1997, pursuant to which the Prior Bonds were issued.

“Project” shall mean the Improvements described in Exhibit A hereto, as the same may be modified or supplemented from time to time by the City.

“Rate Consultant” shall mean a consultant or consulting firm or corporation at the time employed by the City to perform and carry out the duties imposed on the Rate Consultant by this Resolution.

“Recovery Zone Economic Development Bonds” shall mean Recovery Zone Economic Development Bonds (Direct Payment) authorized under Section 1400U-2(b) of the Code, as further described in Internal Revenue Service Notice 2009-26.

“Redemption Subaccount” shall mean the Redemption Subaccount, a special subaccount within the Debt Service Account created and designated by Section 505 of this Resolution.

“Refunding Bonds” shall mean the Bonds issued at any time under the provisions of Section 210 of this Resolution.

“Regular Record Date” shall mean the 15th day (whether or not a business day) of the month preceding any Interest Payment Date; provided, however, that a different Regular Record Date may be provided for a Series of Bonds pursuant to the Series Resolution with respect to such Series.

“Reserve Account” shall mean the Parking Revenue Bonds Reserve Account, a special account within the Enterprise Fund created and designated by Section 505 of this Resolution, including any subaccounts created therein as permitted by Section 505 of this Resolution.

“Reserve Account Deposit Requirement” shall mean, unless otherwise determined in a Series Resolution with respect to a Series of Bonds to be secured separately by a subaccount within the Reserve Account,

(i) one-twelfth (1/12) of the Reserve Account Requirement, or of the increase thereon as a result of the issuance of a Series of Bonds, in each month until the amount on deposit in the Reserve Account shall be equal to the Reserve Account Requirement (taking into account amounts available under any Reserve Account Insurance Policy or Reserve Account Letter of Credit); and

(ii) in the event any deficiency is created in the Reserve Account by a withdrawal or otherwise, the Reserve Account Deposit Requirement shall be increased,

beginning in the month following the month in which such deficiency was created and continuing until the amount on deposit in the Reserve Account shall be equal to the Reserve Account Requirement (taking into account amounts available under any Reserve Account Insurance Policy or Reserve Account Letter of Credit), by an amount at least equal to one-twelfth (1/12) of the amount of such deficiency; provided, however, that if the deficiency is created by a drawing or payment under a Reserve Account Insurance Policy or a Reserve Account Letter of Credit, the Reserve Account Deposit Requirement may be satisfied either by the deposit of an amount as stated above or by the entity providing such facility restoring at least one-twelfth (1/12) of the withdrawn amount.

“Reserve Account Insurance Policy” shall mean an insurance policy, surety bond or other acceptable evidence of insurance, if any, maintained by the City in lieu of or in partial substitution for cash or securities on deposit in the Reserve Account, provided that the entity providing such facility is at the time of so providing of sufficient credit quality to entitle debt backed by its facilities to be rated in one of the two highest rating categories (without regard to any gradations within such categories) by Fitch, Moody’s or Standard & Poor’s.

“Reserve Account Letter of Credit” shall mean an irrevocable, transferable letter of credit, if any, maintained by the City in lieu of or in partial substitution for cash or securities on deposit in the Reserve Account, provided that the entity providing such facility is at the time of so providing of sufficient credit quality to entitle debt backed by its facilities to be rated in one of the two highest rating categories (without regard to any gradations within such categories) by Fitch, Moody’s or Standard & Poor’s.

“Reserve Account Requirement” shall mean the lesser of (a) Maximum Principal and Interest Requirements for all outstanding Bonds in the current or any subsequent Fiscal Year, or (b) the maximum amount allowed to be funded from proceeds of Bonds under the Code; provided that, if the Series Resolution corresponding to a Series of Bonds provides for the establishment of a separate subaccount in the Reserve Account to secure only such Series of Bonds (with such Series of Bonds having no claim on the other moneys deposited to the credit of the Reserve Account), the Reserve Account Requirement for such Series of Bonds shall be calculated as set forth in the corresponding Series Resolution; and provided further that, if the Series Resolution corresponding to a Series of Bonds provides that such Series of Bonds shall not be secured by the Reserve Account or any separate subaccount therein, the Reserve Account Requirement shall be calculated without taking into account such Series of Bonds. The City shall be permitted to provide all or a portion of the Reserve Account Requirement by the execution and delivery of a Reserve Account Insurance Policy or a Reserve Account Letter of Credit.

“Resolution” shall mean this resolution authorizing the issuance of the Series 2010 Bonds and providing for the issuance of Additional Bonds and Refunding Bonds, as supplemented and amended as permitted hereby.

“Revenues” shall mean all moneys received by the City in connection with or as a result of its ownership or operation of the Parking System, including, but not limited to, the income derived by the City from the direct fees and charges made for parking, all indirect revenues received through the supplying of any other services legally suppliable by the City to users of the Parking System, all rents received by the City from the rental of space comprising any part of the Parking

System, including receipts from concessionaires, all fees received by the City from the management by other parties of all or any part of the Parking System, income received by the City from parking violation fines imposed upon users of the Parking System which under State law may be applied to purposes consistent with this Resolution, Federal Direct Payments received by the City, any proceeds of use and occupancy insurance on the Parking System or any part thereof, payments made to the City under Interest Rate Swap arrangements and income from investments made under this Resolution; provided, however, Revenues shall not include grants, contributions or donations, investment income from investments of moneys on deposit in the Construction Fund and the Subordinated Indebtedness Account, proceeds of insurance (except use and occupancy insurance) and condemnation awards, moneys held in the Subordinated Indebtedness Account and in any Arbitrage Rebate Fund created pursuant to Section 605 of this Resolution, proceeds of sales of property constituting a part of the Parking System and the proceeds of Bonds or other System Debt; and provided further, however, Revenues shall not include Federal Direct Payments for purposes of the calculations of Net Revenues under Sections 209(c) and (d) and Section 502 of this Resolution.

“Rule” shall mean Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“SEC” shall mean the United States Securities and Exchange Commission.

“Separate Parking Facilities” shall mean, initially, the parking facilities described in Exhibit B hereto, which shall not be a part of the Parking System, and any other parking facilities, including portions of the Parking System, which the Commission shall determine hereafter by resolution to exclude from the Parking System; provided, however, that the Commission shall not hereafter adopt a resolution designating parking facilities as Separate Parking Facilities unless the requirements therefor as set forth in Section 709 of this Resolution are met at the time of such designation.

“Serial Bonds” shall mean the Bonds of a Series which shall be stated to mature in annual installments.

“Series” shall mean the Bonds delivered at any one time under the provisions of Sections 208, 209 and 210 of this Resolution.

“Series 2010 Bonds” shall mean collectively, the Series 2010A Bonds and the Series 2010B Bonds.

“Series 2010A Bonds” shall mean the City’s Parking Revenue Refunding Bonds, Series 2010A, authorized to be issued pursuant to Section 208 of this Resolution.

“Series 2010B Bonds” shall mean the City’s Parking Revenue Bonds, Series 2010B, authorized to be issued pursuant to Section 208 of this Resolution.

“Series Resolution” shall mean the resolution of the Commission that is required by Article II of this Resolution to be adopted prior to the issuance of any Series of Bonds, other than the Series 2010 Bonds, under this Resolution. Each Series Resolution shall, among other things, (a) determine or provide for the determination of the details of the Bonds of such Series, including,

among other things, the maximum principal amount of such Series, the date thereof, the method of payment of interest thereon, the maximum maturity thereof, the redemption provisions relating thereto, including the Amortization Requirements for the Term Bonds, if any, the Bond Registrar therefor, and whether the Bonds of such Series shall be issuable in book entry or certificated form, (b) define any Improvements to be financed with the proceeds of such Series, (c) provide for the application of the proceeds of the Bonds to which such Series Resolution relates, (d) if so determined in connection with such Series of Bonds, create a separate Debt Service Account or subaccounts therein or a separate subaccount within the Reserve Account for such Series and determine the method of funding of such Debt Service Account or subaccounts for such Series, (e) if a separate subaccount within the Reserve Account is created, establish the Reserve Account Requirement and the Reserve Account Deposit Requirement for such Series, (f) if so determined in connection with such Series of Bonds, provide that such Series shall not be secured by the Reserve Account or any subaccount therein, (g) set forth additional covenants and provisions with respect to any Series required in connection with the obtaining of a Credit Facility, a Liquidity Facility, a Reserve Account Insurance Policy, a Reserve Account Letter of Credit, or an Interest Rate Swap, including any special provisions designed to comply with repayment requirements under reimbursement or repayment agreements with the entities providing such facilities, and (h) provide for the award of the Series of Bonds to the purchasers thereof, and such other matters as the Commission shall determine; provided, however, the Commission may provide in the Series Resolution that all matters set forth above except the maximum principal amount of any Series and the definition of any Improvements to be financed with the proceeds of such Series may be determined by the Commission in a subsequent resolution awarding such Series to the purchasers thereof or by the Mayor in a certificate of the Mayor.

“Short-Term Indebtedness” shall mean all indebtedness incurred or assumed by the City (excluding bond anticipation notes issued as Interim Bonds or Notes) with respect to the Parking System for any of the following:

- (i) Payments of principal and interest with respect to money borrowed for an original term, or renewable at the option of the City for a period from the date originally incurred, of one year or less;
- (ii) Payments under leases having an original term, or renewable at the option of the lessee for a period from the date originally incurred, of one year or less; and
- (iii) Payments under installment purchase contracts having an original term of one year or less.

“Special Record Date” shall mean a date fixed by the Bond Registrar for the payment of Defaulted Interest pursuant to Section 202 of this Resolution.

“Standard & Poor’s” shall mean Standard & Poor’s Ratings Services, a Division of McGraw-Hill, Inc., its successor and assigns, and if such entity no longer performs the functions of a securities rating agency, “Standard & Poor’s” shall refer to any other nationally recognized securities rating agency designated by the City in a written certificate filed with the City Clerk.

“State” shall mean the State of Florida.

“Subordinated Indebtedness” shall mean bonds, notes or other forms of indebtedness, the payment of the principal of which or interest or redemption premium on which are payable solely from moneys which may from time to time be on deposit in the Subordinated Indebtedness Account under this Resolution and which is designated as Subordinated Indebtedness by the Commission in the resolution authorizing the issuance of such indebtedness.

“Subordinated Indebtedness Account” shall mean the Parking Subordinated Indebtedness Account, a special account within the Enterprise Fund created and designated by Section 505 of this Resolution.

“System Debt” shall mean Alternative Parity Debt, Short-Term Indebtedness, Subordinated Indebtedness, Interim Bonds or Notes and any other indebtedness incurred by the City in connection with the Parking System other than Bonds issued under Article II of this Resolution.

“Term Bonds” shall mean the Bonds of a Series so designated in the Mayor’s Certificate with respect to the Series 2010 Bonds or pursuant to the Series Resolution for any other Series of Bonds with respect to such Bonds.

“Underwriters” shall mean the underwriters for the Series 2010 Bonds, being Sterne, Agee & Leach, Inc., Loop Capital Markets, LLC, Citigroup Global Markets Inc. and Raymond James & Associates, Inc.

“Variable Rate Bonds” shall mean any Bonds issued under this Resolution the interest rate on which is not established at the time of issuance at a fixed numerical rate.

Section 102. Rules of Construction. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Unless the context shall otherwise indicate, the words “Bond”, “owner”, “Holder” and “person” shall include the plural as well as the singular number, the word “person” shall mean any individual, corporation, partnership, joint venture, association, joint-stock company, trust, unincorporated organization or government or any agency or political subdivision thereof, and the word “Holder” or “Bondholder” when used herein with respect to Bonds issued hereunder shall mean the Holder or registered owner, as the case may be, of Bonds at the time issued and outstanding hereunder. The word “may” shall mean “may, but shall not be required to” and the word “including” shall mean “including, without limitation”.

Section 103. Resolution Constitutes Contract. In consideration of the acceptance of the Bonds authorized to be issued hereunder by those who shall own the same from time to time, this Resolution shall be deemed to be and shall constitute a contract between the City and such Bondholders, and the covenants and agreements herein set forth to be performed by the City shall be for the equal benefit, protection and security of the owners of any and all of such Bonds, all of which shall be of equal rank and without preference, priority, or distinction of any of the Bonds over any other thereof except as expressly provided therein and herein.

[END OF ARTICLE I]

## ARTICLE II

### FORM, EXECUTION, DELIVERY AND REGISTRATION OF BONDS

Section 201. Issuance of Bonds. For the purpose of providing funds for refunding the Prior Bonds and for paying Costs of the Project, Bonds of the City shall be issued under and secured by this Resolution subject to the conditions hereinafter provided in Section 208 of this Article. Bonds of the City may also be issued under and secured by this Resolution, subject to the conditions hereinafter provided in Sections 209 and 210 of this Article, for the purpose of paying the Costs of Improvements and refunding all or any portion of the Bonds of one or more Series issued by the City under the provisions of this Resolution. The principal of and the interest on all such Bonds shall be payable solely from the special account hereinafter created and designated "Parking Revenue Bonds Debt Service Account" or other separate Debt Service Accounts created under the provisions of Section 505 of this Resolution, and all of the covenants, agreements and provisions of this Resolution shall be for the benefit and security of all and singular the present and future Holders of the Bonds so issued or to be issued, without preference, priority or distinction as to lien or otherwise, except as otherwise hereinafter provided, of any one Bond over any other Bond by reason of priority in the issue, sale or negotiation thereof, or otherwise.

Section 202. Details of Bonds. Each Series of Bonds issued hereunder, other than the Series 2010 Bonds created under Section 208 hereof, shall be created by a Series Resolution. The Bonds of each Series issued under the provisions of this Article shall be designated "City of Miami Beach, Florida Parking Revenue Bonds, Series \_\_," or such appropriate variation thereof as contained herein or in any Series Resolution in each case inserting an identifying Series year, and if more than one Series are expected to be issued in a single calendar year, inserting an identifying Series letter in addition to the year. Except as otherwise provided in the Mayor's Certificate with respect to the Series 2010 Bonds or pursuant to the Series Resolution relating to any other Series of Bonds with respect to such other Bonds, the Bonds of any Series are issuable in fully registered form without coupons in denominations (either with respect to original principal amount or principal amount payable at maturity) of \$5,000 or any whole multiple thereof. Bonds shall be numbered consecutively from R-1 upwards. Bonds of each Series shall be dated, and shall bear interest until their payment at a rate or rates, including rates which may vary, not exceeding the maximum rate then permitted by law, such interest being payable and such Bonds being subject to redemption prior to their respective maturities, all as provided in the Mayor's Certificate with respect to the Series 2010 Bonds or pursuant to the Series Resolution for any other Series of Bonds with respect to such other Bonds.

Unless otherwise provided in the Series Resolution pursuant to which a Series of Bonds is issued, each Bond shall bear interest from the Interest Payment Date next preceding the date on which it is authenticated unless it is (a) authenticated upon any Interest Payment Date in which event it shall bear interest from such Interest Payment Date or (b) authenticated before the first Interest Payment Date in which event it shall bear interest from its date; provided, however, that if at the time of authentication of any Bond interest is in default, such Bond shall bear interest from the date to which interest has been paid; except for (i) Capital Appreciation Bonds which shall bear interest as described under the defined term Accreted Value, payable only upon redemption, acceleration or maturity thereof and (ii) Capital Appreciation and Income Bonds which shall bear

interest as described under the defined term Appreciated Value payable on the amount due at maturity but only from and after the Interest Commencement Date.

Unless otherwise provided in the Series Resolution pursuant to which a Series of Bonds is issued, both the principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America (or other coin or currency provided for in the Series Resolution applicable to any Series) that is legal tender for the payment of public and private debts on the respective dates of payment thereof.

Unless otherwise provided in the Series Resolution pursuant to which a Series of Bonds is issued, the principal of the Bonds shall be payable upon the presentation and surrender of such Bonds as the same shall become due at the principal office of the Bond Registrar.

Unless otherwise provided in the Series Resolution pursuant to which a Series of Bonds is issued, any interest on any Bond which is payable, and is punctually paid, or for which payment is duly provided, on any Interest Payment Date shall be paid to the person in whose name the Bond is registered in the registration books provided for in Section 206 of this Resolution (hereinafter, as used in this Section, the "Holder") at the close of business on the Regular Record Date. The Bond Registrar shall pay interest which is payable on the Bonds by check or draft mailed to the persons entitled thereto on the Interest Payment Date; provided, however, that, unless otherwise provided by Series Resolution with respect to any Series of Bonds, each Holder of Bonds aggregating not less than \$1,000,000 shall be entitled to the payment of such interest by wire transfer within the continental United States.

Unless otherwise provided in the Series Resolution pursuant to which a Series of Bonds is issued, any interest on any Bond which is payable, but is not punctually paid, or for which payment is not duly provided, on any interest payment date (herein called "Defaulted Interest") shall forthwith cease to be payable to the Holder on the relevant Regular Record Date solely by virtue of such Holder having been such Holder, and such Defaulted Interest may be paid by the City, at its election in each case, as provided in Subsection A or B below:

A. The City may elect to make payment of any Defaulted Interest on the Bonds of any Series to the persons in whose names such Bonds are registered at the close of business on a Special Record Date for the payment of such Defaulted Interest, which shall be fixed in the following manner. The City shall notify the Bond Registrar in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be such as will enable the Bond Registrar to comply with the next sentence hereof), and at the same time the City shall deposit or cause to be deposited with the Bond Registrar an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Bond Registrar for such deposit prior to the date of the proposed payment, such money when deposited to be held in trust for the benefit of the persons entitled to such Defaulted Interest as in this Subsection provided. Thereupon the Bond Registrar shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment and not less than 10 days after the receipt by the Bond Registrar of the notice of the proposed payment. The Bond Registrar shall promptly notify the City of such Special Record Date and, in the name and at the expense of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special

Record Date therefor to be mailed, first-class postage prepaid, to each Holder at such Holder's address as it appears in the registration books provided for in Section 206 of this Resolution not less than 10 days prior to such Special Record Date. Notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor having been mailed as aforesaid, such Defaulted Interest shall be paid to the persons in whose names the Bonds of such Series are registered on such Special Record Date and shall no longer be payable pursuant to the following Subsection B. The Bond Registrar shall pay such Defaulted Interest which is payable on the Bonds pursuant to this clause A by check or draft mailed to the persons entitled thereto on the date fixed for the payment of such Defaulted Interest pursuant to this clause A; provided, however, the Commission pursuant to the Series Resolution for a Series may provide for payment of such Defaulted Interest by the Bond Registrar by wire transfer.

B. The City may make payment of any Defaulted Interest on the Bonds of any Series in any other lawful manner not inconsistent with the requirements of any securities exchange on which such Bonds may be listed and upon such notice as may be required by such exchange, if, after notice given by the City to the Bond Registrar of the proposed payment pursuant to this Subsection, such payment shall be deemed practicable by the Bond Registrar.

Subject to the foregoing provisions of this Section, each Bond delivered under this Resolution upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond and each such Bond shall bear interest from such date, that neither gain nor loss in interest shall result from such transfer, exchange or substitution.

Section 203. Execution and Form of Bonds. The Bonds shall be signed by or bear the facsimile signature of the Mayor and shall be signed by or bear the facsimile signature of the City Clerk and the official seal of the City or a facsimile thereof shall be impressed or imprinted on the Bonds; provided, however, that if required by State law at the time of such execution, the Bonds shall be manually executed by the Mayor. In case any officer whose signature or a facsimile of whose signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery and also any Bond may bear the facsimile signature of, or may be signed by, such persons as at the actual time of the execution of such Bond shall be the proper officers to execute such Bond although at the date of such Bond such persons may not have been such officers. The Bonds issued under the provisions of this Article, the certificate of authentication, the statement of validation, if any, the opinion certification and the form of assignment shall be, respectively, in the following forms with such appropriate variations, omissions and insertions as may be required or permitted by this Resolution, the Mayor's Certificate with respect to the Series 2010 Bonds or the Series Resolution pursuant to which any other Bonds are issued with respect to such Bonds. All Bonds shall be endorsed thereon with such legends or text as may be necessary or appropriate to conform to the applicable rules and regulations of any governmental authority or any securities exchange on which such Bonds may be listed or to any requirements of law with respect thereto.

The forms of Bonds may be changed to reflect appropriate provisions for different types of Bonds authorized under this Resolution, including, without limitation, provisions for BABs,

Capital Appreciation Bonds, Capital Appreciation and Income Bonds, Interim Bonds, Variable Rate Bonds, Optional Tender Bonds and Convertible Bonds.

[FORM OF BOND]

No. \_\_\_

\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF FLORIDA  
CITY OF MIAMI BEACH

PARKING REVENUE BOND  
SERIES \_\_\_\_\_

Maturity Date

Interest Rate

Original Issue Date

Cusip

REGISTERED HOLDER:

PRINCIPAL AMOUNT:

The City of Miami Beach (herein called the "City"), a municipal corporation duly organized and existing under the Constitution and laws of the State of Florida, is justly indebted and for value received hereby promises to pay to the registered holder shown above or to the registered assigns or legal representative thereof on the date specified above (or earlier as hereinafter referred to), upon the presentation and surrender hereof, at the principal office of \_\_\_\_\_, in the City of \_\_\_\_\_ (the "Bond Registrar"), the principal sum shown above, and to pay to the registered owner hereof, by check or draft mailed to the registered owner at such registered owner's address as it appears on the bond registration books of the City, or by wire transfer within the continental United States to the registered owner of at least \$1,000,000 principal amount of the Bonds, interest on such principal sum from the date hereof or from \_\_\_\_\_ 1 or \_\_\_\_\_ 1 next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is a \_\_\_\_\_ 1 or \_\_\_\_\_ 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on \_\_\_\_\_ 1 and \_\_\_\_\_ 1 in each year, commencing \_\_\_\_\_ 1, \_\_\_\_\_, at the rate per annum specified above, until payment of such principal sum. The interest so payable and punctually paid, or duly provided for, on any interest payment date will be paid to the person in whose name this bond is registered at the close of business on the Regular Record Date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date. Any such interest not so punctually paid or duly provided for shall forthwith cease to be payable to the

registered holder on such Regular Record Date, and may be paid to the person in whose name this bond is registered at the close of business on a Special Record Date for the payment of such defaulted interest to be fixed by the Bond Registrar, notice whereof being given to the holders not less than 10 days prior to such Special Record Date, or may be paid at any time in any other lawful manner not inconsistent with the requirements of any securities exchange on which the bonds of this series may be listed and upon such notice as may be required by such exchange, or as more fully provided in the Resolution under which this bond is issued hereinafter mentioned or by wire transfer as mentioned above. Such payment of interest shall be by check mailed to the holder at such holder's address as it appears on the bond registration books maintained by the Bond Registrar. All such payments shall be made in such coin or currency of the United States of America as at the time of payment is legal tender for payment of public and private debts.

This bond shall not be deemed to constitute an indebtedness of the City within the meaning of any constitutional or statutory provision or limitation and the City is not obligated to pay the principal of, the premium, if any, or the interest on this bond except from the special fund hereinafter mentioned, and the faith and credit of the City are not pledged to the payment of the principal of, the premium, if any, or the interest on this bond. The issuance of this bond shall not directly, indirectly or contingently obligate the City to levy or to pledge any taxes whatever therefor or to make any appropriation for the payment of the principal of, the premium, if any, or the interest on this bond except as provided in the hereinafter described Resolution.

This bond is one of a series of bonds designated "Parking Revenue Bonds, Series \_\_\_" and issued by the City of Miami Beach, Florida (the "City") for the purpose of providing funds, with any other available funds, for \_\_\_\_\_, and this bond is issued under and pursuant to that certain resolution adopted by the Mayor and City Commission of the City on \_\_\_\_\_, 2010 (the "Resolution"). The bonds of this series consist of bonds maturing on \_\_\_\_\_ 1 of the years \_\_\_ to \_\_, inclusive (the "Serial Bonds") and of bonds maturing on \_\_\_\_\_, 1 \_\_ (the "Term Bonds").

The Term Bonds are subject to mandatory redemption prior to maturity, in part, on \_\_\_\_\_ 1, \_\_\_\_\_ and on each \_\_\_\_\_ 1 thereafter set forth below, at a redemption price equal to the principal amount thereof, without premium, from Amortization Requirements (as defined in the Resolution), as follows:

Redemption Date	
( _____ 1)	<u>Principal Amount</u>

The bonds of this series maturing on \_\_\_\_\_ 1, \_\_\_\_\_ and thereafter may be redeemed prior to their stated dates of maturity, at the option of the City, from any moneys that may be made available for such purpose, as a whole or in part on any date on or after \_\_\_\_\_ 1, \_\_\_\_\_, and if in part in any order of maturity selected by the City, at the following

redemption prices (expressed as percentages of the principal amount to be redeemed) plus accrued interest to the redemption date:

<u>Redemption Dates Inclusive</u>	<u>Redemption Price</u>
_____ 1, ____ to _____ 1, ____	%
_____ 1, ____ to _____ 1, ____	
_____ 1, ____ and thereafter	

If less than all of the bonds of any one maturity shall be called for redemption, the particular bonds to be redeemed shall be selected by lot or by such other manner as the Bond Registrar shall deem appropriate as provided in the Resolution.

At least thirty (30), but not more than sixty (60), days before the redemption date of any bonds to be redeemed, whether such redemption be in whole or in part, the City shall cause a notice of such redemption to be filed with the Bond Registrar and mailed by the Bond Registrar, first class postage prepaid, to all registered owners of bonds to be redeemed in whole or in part at their last addresses appearing upon the registration books of the City kept by the Bond Registrar. The failure to mail such notice to any such registered owner shall not affect the validity of such redemption. On the date fixed for redemption, notice having been given as aforesaid, and with respect to a Conditional Redemption (as defined in the Resolution), the Conditional Redemption not having been rescinded, the bonds or portions thereof so called for redemption shall be due and payable at the redemption price provided for the redemption of such bonds or portion thereof and, if moneys for payment of such redemption price and the accrued interest are held as provided in the Resolution, interest on the bonds or the portions thereof so called for redemption shall cease to accrue. If a portion of this bond shall be called for redemption, a new bond or bonds in principal amount equal to the unredeemed portion hereof will be issued to the registered owner hereof or his legal representative upon the surrender hereof.

The holder of this bond shall have no right to enforce the provisions of the Resolution, or to institute action to enforce the covenants therein, or to take any action with respect to any event of default under the Resolution, or to institute, appear in or defend any suit or other proceeding with respect thereto, except as provided in the Resolution.

Modifications or alterations of the Resolution or of any ordinance supplemental thereto may be made only to the extent and in the circumstances permitted by the Resolution.

The bonds are issuable as fully registered bonds in the denomination of \$5,000 or any whole multiple thereof. At the principal office of the Bond Registrar, in the manner and subject to certain conditions provided in the Resolution, bonds may be exchanged for an equal aggregate principal amount of bonds of the same maturity, or authorized denomination and bearing interest at the same rate.

The Bond Registrar is required to keep at its principal office the books of the City for the registration of and for the registration of transfers of bonds. The transfer of this bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender

hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or such registered owner's attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new bond or bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this bond, of the same maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register any transfer of this bond during the fifteen (15) days immediately preceding the date of mailing of notice of redemption or after this bond has been selected for redemption.

This bond is issued and the Resolution was adopted under and pursuant to the laws of the State of Florida. The Resolution provides for the creation of a special account designated "Parking Revenue Bonds Debt Service Account", which fund is pledged to and charged with the payment of the principal of, premium, if any, and the interest on all bonds issued and outstanding under the Resolution [the language in the preceding clause will change if a separate Debt Service Account is created for a series of bonds pursuant to Section 505 of the Resolution], and the City has covenanted in the Resolution to deposit to the credit of said special fund a sufficient amount of the Net Revenues (as defined in the Resolution) of the City's Parking System (as defined in the Resolution) to provide for the payment of the principal of, premium, if any, and interest on the bonds issued under the provisions of the Resolution as the same shall become due and to create a reserve for such purpose.

All acts, conditions and things required by the Constitution and laws of the State of Florida and the ordinances and resolutions of the City to happen, exist and be performed precedent to and in the issuance of this bond have happened, exist and have been performed as so required.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution until this bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, said City of Miami Beach, by resolution duly adopted by its City Commission, has caused this bond to be signed by [bear the facsimile signature of] its Mayor and to be signed by [bear the facsimile signature of] its City Clerk and a facsimile of the official seal of the City to be imprinted hereon.

CITY OF MIAMI BEACH, FLORIDA

By: \_\_\_\_\_  
Mayor

[SEAL]

Attest: \_\_\_\_\_  
City Clerk

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds of the series designated herein and issued under the provisions of the within-mentioned Resolution.

\_\_\_\_\_  
Bond Registrar

By: \_\_\_\_\_  
Authorized Signatory

Date of Authentication: \_\_\_\_\_

[If the Bonds of a Series have been validated pursuant to Chapter 75, Florida Statutes, such Bonds shall have endorsed thereon a statement in substantially the following form.]

STATEMENT OF VALIDATION

This bond is one of a Series of Bonds which were validated by judgment of the Circuit Court for Miami-Dade County rendered on \_\_\_\_\_, \_\_\_\_.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to register the transfer of the within bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within bond in every particular, without alteration or enlargement or any change whatever.

Signature Guaranteed:

NOTICE: Signatures must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or a trust company.

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of the within bond, shall be construed as though they were written out in full according to applicable laws or regulations.

- TEN COM - as tenants in common
- TEN ENT - as tenants by the entireties
- JT TEN - as joint tenants with the right of survivorship and not as tenants in common

UNIFORM GIFT MIN ACT - \_\_\_\_\_ Custodian \_\_\_\_\_  
(Cust) (Minor)

under Uniform Gifts to Minors

Act \_\_\_\_\_  
(State)

Additional abbreviations may also be used though not in the above list.

[END OF FORM OF BOND]

Section 204. Authentication of Bonds. Only such of the Bonds as shall have endorsed thereon a certificate of authentication substantially in the form set forth above, duly executed by the Bond Registrar, shall be entitled to any benefit or security under this Resolution. No Bond shall be valid or obligatory for any purpose unless and until such certificate of authentication shall have been duly executed by the Bond Registrar, and such certificate of the Bond Registrar upon any such Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Resolution and the Series Resolution relating to such Bond. The certificate of authentication on any Bond shall be deemed to have been duly executed if signed by an authorized officer of the Bond Registrar, but it shall not be necessary that the same officer sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time.

Section 205. Exchange of Bonds. Bonds, upon surrender thereof at the principal corporate trust office of the Bond Registrar, together with an assignment duly executed by the registered owner or such registered owner's attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, may, at the option of the owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same Series and maturity, of any denomination or denominations authorized by this Resolution or the Series Resolution relating to such Bonds and bearing interest at the same rate.

The City shall make provision for the exchange of Bonds at the principal corporate trust office of the Bond Registrar.

Section 206. Negotiability, Registration and Transfer of Bonds. The Bond Registrar shall keep books for the registration of and for the registration of transfer of Bonds as provided in this Resolution. The transfer of any Bond may be registered only upon the books kept by the Bond Registrar for the registration of and registration of transfer of Bonds upon surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or such registered owner's attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer the City shall execute and the Bond Registrar shall authenticate and deliver in exchange for such Bond a new Bond or Bonds registered in the name of the transferee, of any denomination or denominations authorized by the Series Resolution relating to such Bonds.

In all cases in which Bonds shall be exchanged, the City shall execute and the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this Resolution. All Bonds surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Bond Registrar. The City or the Bond Registrar may make a charge for every such exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made to any owner of Bonds for the privilege of exchanging or registering the transfer of Bonds under the provisions of this Resolution. Neither the City nor the Bond Registrar shall be required to make any such exchange or registration of transfer of Bonds during the fifteen (15) days immediately preceding the date of mailing of notice of such redemption, or after such Bond or any portion thereof has been selected for redemption.

Section 207. Ownership of Bonds. As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and

the interest on any such Bond shall be paid only to or upon the order of the registered owner thereof or such registered owner's legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond including the premium, if any, and interest thereon to the extent of the sum or sums so paid.

Section 208. Authorization of Series 2010 Bonds and Refunding of Prior Bonds; Negotiated Sale of Series 2010 Bonds. There shall be initially issued at one time, under and secured by this Resolution, a Series of revenue bonds of the City which shall bear the designation "City of Miami Beach, Florida Parking Revenue Refunding Bonds, Series 2010A". The Series 2010A Bonds shall be issued in an aggregate principal amount not to exceed Twenty Million Dollars (\$20,000,000) for the purpose of providing funds, together with any other available moneys, for (a) refunding the Prior Bonds, (b) to the extent not satisfied by the deposit of a Reserve Account Insurance Policy to the credit of the Reserve Account, making a deposit to the Reserve Account, and (c) paying costs of issuing the Series 2010A Bonds, including the premiums or portions thereof allocable to the Series 2010A Bonds for any Credit Facility and/or Reserve Account Insurance Policy relating to the Series 2010A Bonds.

There shall also be initially issued at one time, under and secured by this Resolution, a Series of revenue bonds of the City which shall bear the designation "City of Miami Beach, Florida Parking Revenue Bonds, Series 2010B." The Series 2010B Bonds shall be issued in an aggregate principal amount not to exceed Thirty Million Dollars (\$30,000,000) for the purpose of providing funds, together with any other available moneys, for (a) paying Costs of the Project, (b) to the extent not satisfied by the deposit of a Reserve Account Insurance Policy to the credit of the Reserve Account, making a deposit to the Reserve Account, and (c) paying costs of issuing the Series 2010B Bonds, including the premiums or portions thereof allocable to the Series 2010B Bonds for any Credit Facility and/or Reserve Account Insurance Policy relating to the Series 2010B Bonds.

U.S. Bank National Association is hereby appointed the Bond Registrar with respect to the Series 2010 Bonds and the Escrow Agent with respect to the Prior Bonds.

Each Series of the Series 2010 Bonds shall be issued in such aggregate principal amount, shall be dated, shall be stated to mature (subject to the right of prior redemption as hereinafter set forth) on such date or dates and in such year or years, but not later than September 1, 2040, shall bear interest at such fixed rate or rates, not to exceed 6.25%, payable on such Interest Payment Dates, shall be Serial Bonds and/or Term Bonds, the Term Bonds, if any, shall have such Amortization Requirements, may be made redeemable at such times and prices (subject to the provisions of Article III of this Resolution), may be in the form of Current Interest Bonds or Capital Appreciation Bonds or Capital Appreciation and Income Bonds or any combination thereof, and shall have such other terms, all as determined by the Mayor, in reliance upon the recommendations of the Chief Financial Officer and the Financial Advisor, and as provided in the Mayor's Certificate.

If the Mayor determines, in reliance upon the recommendations of the Chief Financial Officer and the Financial Advisor, that there is an economic benefit to the City to secure and pay for one or more Credit Facilities and/or Reserve Account Insurance Policies with respect to all or a portion of the Series 2010 Bonds, the Mayor is authorized to secure one or more Credit Facilities

and/or Reserve Account Insurance Policies with respect to all or a portion of the Series 2010 Bonds. The Mayor is authorized to provide for the payment of any premiums for such Credit Facilities and/or Reserve Account Insurance Policies from the proceeds of the Series 2010 Bonds or other available moneys and, after consultation with the City Attorney, to enter into, execute and deliver such agreements as may be necessary to secure such Credit Facilities and/or Reserve Account Insurance Policies, the execution and delivery by the Mayor of any such agreements for and on behalf of the City to be conclusive evidence of the City's approval of securing such Credit Facilities and/or Reserve Account Insurance Policies and of such agreements. Any agreements with any providers of Credit Facilities and/or Reserve Account Insurance Policies shall supplement and be in addition to the provisions of this Resolution.

The Series 2010 Bonds shall be initially registered in the name of CEDE & Co., as nominee of DTC, and issued under the book-entry system maintained by DTC. Each of the Series 2010 Bonds shall be executed substantially in the form and manner hereinabove set forth and shall be deposited with the Bond Registrar for authentication and delivery, but prior to or simultaneously with the delivery of the Series 2010 Bonds by the Bond Registrar there shall be filed with the City the following:

- (a) a copy, certified by the City Clerk, of this Resolution;
- (b) an original counterpart of the Mayor's Certificate;
- (c) an original counterpart of the executed Escrow Agreement;
- (d) the executed approving opinion of Bond Counsel in the form included in the Official Statement; and
- (e) an executed opinion of Bond Counsel with respect to the defeasance of the Prior Bonds under the provisions of the Prior Bonds Resolution.

When the documents mentioned in clauses (a) to (e), inclusive, of this Section shall have been filed with the City and when the Series 2010 Bonds shall have been executed by the City and authenticated by the Bond Registrar as required by this Resolution, but subject to the provisions of the fifth to last paragraph of this Section 208, the Bond Registrar shall deliver said Bonds at one time to or upon the order of the Underwriters but only upon payment to or upon the order of the Chief Financial Officer of the purchase price of said Bonds. The Chief Financial Officer shall be entitled to rely upon the Mayor's Certificate as to all matters stated therein.

The proceeds (including any premium) of the Series 2010A Bonds shall be applied by or upon the order of the Chief Financial Officer as follows:

- (1) an amount of the proceeds of the Series 2010A Bonds necessary to provide, together with any other available moneys, for the refunding of the Prior Bonds shall be deposited with the Escrow Agent under the provisions of the Escrow Agreement;
- (2) to the extent not satisfied by the deposit of other available moneys or a Reserve Account Insurance Policy, an amount of the proceeds of the Series 2010A Bonds

as determined by the Chief Financial Officer shall be deposited to the credit of the Reserve Account; and

(3) the balance of the proceeds of the Series 2010A Bonds shall be deposited to the credit of a special account designated "Series 2010A Cost of Issuance Account" and applied to the payment of expenses of issuing the Series 2010A Bonds, including, but not limited to, financial advisory, accounting and legal fees, Consulting Engineers and Rate Consultant fees, rating agency fees, printing costs, Bond Registrar's fees and expenses, Escrow Agent's fees and expenses, any other miscellaneous expenses relating to the issuance of the Series 2010A Bonds and the refunding of the Prior Bonds and, to the extent not paid directly by the Underwriters, the premiums or portions thereof allocable to the Series 2010A Bonds for any Credit Facility and/or Reserve Account Insurance Policy relating to the Series 2010A Bonds.

The proceeds (including any premium) of the Series 2010B Bonds shall be applied by or upon the order of the Chief Financial Officer as follows:

(1) to the extent not satisfied by the deposit of other available moneys or a Reserve Account Insurance Policy, an amount of the proceeds of the Series 2010B Bonds as determined by the Chief Financial Officer shall be deposited to the credit of the Reserve Account;

(2) an amount of the proceeds of the Series 2010B Bonds estimated by the Chief Financial Officer to be sufficient for the purpose shall be deposited to the credit of a special account designated "Series 2010B Cost of Issuance Account" and applied to the payment of expenses of issuing the Series 2010B Bonds, including, but not limited to, financial advisory, accounting and legal fees, Consulting Engineers and Rate Consultant fees, rating agency fees, printing costs, Bond Registrar's fees and expenses, any other miscellaneous expenses relating to the issuance of the Series 2010B Bonds and, to the extent not paid directly by the Underwriters, the premiums or portions thereof allocable to the Series 2010B Bonds for any Credit Facility and/or Reserve Account Insurance Policy relating to the Series 2010B Bonds; and

(3) the balance of the proceeds of the Series 2010B Bonds shall be deposited to the credit of a special account in the Construction Fund established in Section 401 hereof and designated the "Series 2010B Construction Account" for application to the payment of the Costs of the Project, including to the extent provided in a certificate of the Chief Financial Officer delivered concurrently with the issuance of the Series 2010B Bonds for the payment of interest accruing on the Series 2010B Bonds prior to, during and after construction of the Project.

The proceeds of the Series 2010 Bonds, other than the portion thereof deposited with the Escrow Agent under the provisions of the Escrow Agreement, shall be invested in accordance with the provisions of this Resolution in Investment Obligations as determined by the Chief Financial Officer.

The Commission hereby approves the distribution of copies of the Preliminary Official Statement in substantially the form presented at the meeting at which this Resolution was considered, with such changes, modifications, insertions, omissions and filling-in of blanks as may be approved by the Mayor, after consultation with the Chief Financial Officer and the City Attorney. The Mayor is hereby authorized to deem the Preliminary Official Statement "final" for purposes of the Rule and to execute any certificates in connection with such finding. The Mayor and the City Manager are hereby authorized to execute the Official Statement on behalf of the City, in substantially the form of the Preliminary Official Statement presented at the meeting at which this Resolution was considered, with such changes, modifications, insertions, omissions and filling-in of blanks as may be approved by the Mayor, after consultation with the Chief Financial Officer and the City Attorney, such execution to constitute conclusive evidence of the City's approval of the Preliminary Official Statement and the Official Statement. The use of the Preliminary Official Statement and the Official Statement in the marketing and sale of the Series 2010 Bonds is hereby approved.

For the reasons contained in the preambles to this Resolution, the negotiated sale of the Series 2010 Bonds to the Underwriters is hereby authorized and approved. Upon compliance by the Underwriters with the requirements of Florida Statutes, Section 218.385, the Mayor is hereby authorized to award the Series 2010 Bonds to the Underwriters and to execute and deliver the Bond Purchase Agreement in substantially the form presented at the meeting at which this Resolution was considered, subject to such changes, modifications, insertions, omissions and such filling-in of blanks as may be approved by the Mayor, after consultation with the Chief Financial Officer and the City Attorney. The purchase price at which the Series 2010 Bonds shall be awarded to the Underwriters shall be determined by the Mayor, in reliance upon the recommendations of the Chief Financial Officer and the Financial Advisor, but shall not be less than 99% of the principal amount of the Series 2010 Bonds (not including original issue discount). The execution and delivery by the Mayor of the Bond Purchase Agreement for and on behalf of the City shall be conclusive evidence of the City's acceptance of the Underwriters' proposal to purchase the Series 2010 Bonds and of the Bond Purchase Agreement.

For the benefit of the Holders and beneficial owners from time to time of the Series 2010 Bonds, the City agrees, in accordance with and as the only obligated person with respect to the Series 2010 Bonds under the Rule, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of paragraph (b)(5) of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement, the Chief Financial Officer is hereby authorized and directed to enter into and deliver, in the name and on behalf of the City, the Continuing Disclosure Agreement with DAC, which is hereby appointed as disclosure dissemination agent with respect to the Series 2010 Bonds, in substantially the form thereof presented at the meeting at which this Resolution was considered, with such changes, modifications, insertions, omissions and filling-in of blanks as may be approved by the Chief Financial Officer, after consultation with the City Attorney. The execution by the Chief Financial Officer of the Continuing Disclosure Agreement for and on behalf of the City shall be conclusive evidence of the City's approval of the Continuing Disclosure Agreement. Notwithstanding any other provisions of this Resolution, any failure by the City to comply with any provisions of the Continuing Disclosure Agreement shall not constitute an Event of Default under this Resolution and the remedies therefor shall be solely as provided in the Continuing Disclosure Agreement.

The Chief Financial Officer is further authorized to establish procedures in order to ensure compliance by the City with the Continuing Disclosure Agreement, including the timely provision of information and notices. Prior to making any filing, or causing any filing to be made, in accordance with such agreement, the Chief Financial Officer may consult with the City Attorney. The Chief Financial Officer, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by the City Attorney in determining whether a filing should be made.

The refunding of the Prior Bonds is hereby authorized. The Prior Bonds shall be redeemed prior to maturity pursuant to the optional redemption provisions thereof. The date of redemption of the Prior Bonds redeemed, the application of moneys on deposit in the funds and accounts established under the Prior Bonds Resolution and the investment, if any, of the proceeds of the Series 2010A Bonds and/or other moneys deposited with the Escrow Agent under the provisions of the Escrow Agreement shall be as determined by the Mayor, after consultation with the Chief Financial Officer and the Financial Advisor, and as provided in the Mayor's Certificate or the Escrow Agreement. The Mayor is hereby authorized to execute the Escrow Agreement in substantially the form presented at the meeting at which this Resolution was considered, subject to such changes, modifications, insertions, omissions and filling-in of blanks as may be approved by the Mayor, after consultation with the Chief Financial Officer and the City Attorney, including such changes, modifications, insertions, omissions and filling-in of blanks as may be necessary if the proceeds of the Series 2010A Bonds and/or other moneys deposited with the Escrow Agent are determined not to be invested. The execution and delivery by the Mayor of the Escrow Agreement for and on behalf of the City shall be conclusive evidence of the City's approval of the Escrow Agreement.

The Mayor, the City Manager, the Chief Financial Officer, the Parking Director, the City Attorney and such other officers, employees and staff of the City as may be designated by the Mayor and the City Manager or either of them are each designated as agents of the City in connection with the issuance and delivery of the Series 2010 Bonds and the refunding of the Prior Bonds and are authorized and empowered, collectively or individually, to take all action and steps and to execute all instruments, documents and contracts on behalf of the City, that are necessary or desirable in connection with the Series 2010 Bonds, the appointment of the Bond Registrar, the Escrow Agent and DAC, securing any Credit Facilities and/or Reserve Account Insurance Policies and refunding of the Prior Bonds, including the filing of any subscription forms with respect to the investment of proceeds of the Series 2010A Bonds and/or other moneys under the Escrow Agreement.

Section 209. Additional Bonds. In addition to the Bonds authorized under the provisions of Sections 208 of this Article, Additional Bonds of the City may be issued under and secured by this Resolution, on a parity as to the pledge of the Net Revenues of the Parking System with the Bonds theretofore issued under Sections 208, 209 and 210 of this Resolution and secured by this Resolution and then Outstanding, subject to the conditions hereinafter provided in this Section, from time to time for the purpose of paying all or any part of the Cost of any Improvements and funding as necessary the Reserve Account.

Before any Additional Bonds shall be issued under the provisions of this Section, the Commission shall adopt a Series Resolution authorizing the issuance of such Additional Bonds,

fixing the amount and the details thereof and describing in brief and general terms the Improvements to be constructed or acquired and the Accounts to be funded with the proceeds of such Additional Bonds. The Additional Bonds of each Series issued under the provisions of this Section shall be dated, shall be stated to mature (subject to the right of prior redemption as hereinafter set forth) on such date or dates and in such year or years, shall bear interest at such rate or rates, fixed or variable, shall have such Credit Facility, Liquidity Facility, Reserve Account Letter of Credit, Reserve Account Insurance Policy and/or Interest Rate Swap, shall have such Bond Registrar, any Term Bonds of such Series shall have such Amortization Requirements, may be made redeemable at such times and prices (subject to the provisions of Article III of this Resolution) and may be subject to tender for purchase, all as may be provided by the Series Resolution for such Additional Bonds. Such Additional Bonds shall be executed in the form and manner hereinabove set forth, with such changes as may be necessary or appropriate to conform to the provisions of the Series Resolution therefor, and shall be deposited with the Bond Registrar for authentication and delivery, but before such Additional Bonds shall be delivered by the Bond Registrar, there shall be filed with the City the following:

(a) a copy, certified by the City Clerk, of the Series Resolution for such Series of Additional Bonds;

(b) a copy, certified by the City Clerk, of the resolution, if other than the Series Resolution for such Series of Additional Bonds, adopted by the Commission awarding such Additional Bonds, specifying, or providing for the determination of, the interest rate or rates for such Additional Bonds, or the initial interest rate if such Additional Bonds bear interest at a variable rate and directing the delivery of such Additional Bonds to or upon the order of the purchasers therein named upon payment of the purchase price therein set forth;

(c) a certificate of the Chief Financial Officer, an Accountant or the Rate Consultant demonstrating that either (i) (A) the percentage derived by dividing the Net Revenues for any period of twelve consecutive months selected by the City out of the eighteen months preceding the delivery of such certificate by the Maximum Principal and Interest Requirements, including the Principal and Interest Requirements with respect to the Additional Bonds then to be delivered, for any future Fiscal Year is not less than one hundred ten per centum (110%) and (B) the percentage derived by dividing the Net Revenues projected for the Parking System for the Fiscal Year following the Fiscal Year in which the Completion Date of the Improvements to be financed by the Additional Bonds then to be delivered is expected to occur, including the Net Revenues attributable to the Improvements, as certified by the Rate Consultant adjusted as hereinafter permitted in the next succeeding paragraph of this Section, by the Maximum Principal and Interest Requirements, including the Principal and Interest Requirements with respect to the Additional Bonds then to be delivered, for any future Fiscal Year is not less than one hundred fifty per centum (150%); or (ii) the percentage derived by dividing the Net Revenues for any period of twelve consecutive months selected by the City out of the eighteen months preceding the delivery of such certificate by the Maximum Principal and Interest Requirements, including the Principal and Interest Requirements with respect to the Additional Bonds then to be delivered, for any future Fiscal Year is not less than one hundred fifty per centum (150%) (the period during which Net Revenues are determined for purposes of this clause (c) being referred to hereinafter as the "Measurement Period");

(d) if, in connection with such Series of Additional Bonds, there shall be filed with the City the certificate specified in (c)(i) above, a certificate of the Rate Consultant setting forth the projected Net Revenues for the Fiscal Year following the Fiscal Year in which the Completion Date of the Improvements to be financed by the Additional Bonds then to be delivered is expected to occur;

(e) an opinion of the City Attorney or Bond Counsel that the issuance of such Additional Bonds has been duly authorized and that all conditions precedent to the delivery of such Additional Bonds have been fulfilled; and

(f) a certificate of the Chief Financial Officer to the effect that no event of default, as defined in Section 802 of this Resolution, and no event which with the passage of time, the giving of notice or both would become an event of default has occurred within the twelve (12) consecutive calendar months prior to the date of such certificate and is continuing, or, if any such event or event of default has occurred and is continuing, that the issuance of such Series of Additional Bonds will cure the same.

In determining whether to execute and deliver the certificate mentioned in clause (c) of this Section 209, the following adjustments to Net Revenues may be made:

(1) If the City, prior to the issuance of the proposed Additional Bonds, shall have increased the rates, fees, rentals or other charges for the services of the Parking System, the Net Revenues for the Measurement Period shall be adjusted to show the Net Revenues which would have been derived from the Parking System in such Measurement Period as if such increased rates, fees, rentals or other charges for the services of the Parking System had been in effect during all of such Measurement Period.

(2) If the City shall have acquired or has contracted to acquire any privately or publicly owned existing automobile parking facilities, then the Net Revenues derived from the Parking System during the Measurement Period shall be increased by addition to the Net Revenues for the Measurement Period of the net revenues which would have been derived from said existing automobile parking facilities as if such existing automobile parking facilities had been a part of the Parking System during the Measurement Period. For the purposes of this paragraph, the Net Revenues derived from said automobile parking facilities during the Measurement Period shall be adjusted by deducting the cost of operation and maintenance of said existing automobile parking facilities from the gross revenues of said existing automobile parking facilities in the same manner provided in this Resolution for the determination of Net Revenues.

(3) If the City, in connection with the issuance of Additional Bonds, shall enter into a contract (with a duration not less than the final maturity of such Additional Bonds) with any public or private entity whereby the City agrees to furnish services in connection with any automobile parking facilities then the Net Revenues of the Parking System during the Measurement Period shall be increased by the least amount which said public or private entity shall guarantee to pay in any one year for the furnishing of said services by the City, after deducting therefrom the proportion of operating expenses and repair, renewal and replacement cost attributable in such year to such services. Such payments shall be

deemed to be Net Revenues of the Parking System and pledged for the Bonds in the same manner as other Net Revenues of the Parking System.

When the documents mentioned above in this Section shall have been filed with the City and when the Additional Bonds described in the resolutions mentioned in clauses (a) and (b) of this Section shall have been executed by the City and authenticated by the Bond Registrar as required by this Resolution, the Bond Registrar shall deliver such Additional Bonds at one time to or upon the order of the purchasers named in said resolutions, but only upon payment to the Chief Financial Officer of the purchase price of such Additional Bonds. The Chief Financial Officer shall be entitled to rely upon such resolutions as to all matters stated therein.

The proceeds (excluding accrued interest and any premium) of such Additional Bonds shall be paid to the City for deposit (i) to the credit of a special account in the Construction Fund appropriately designated for application to the payment of the Cost (as defined in Section 403 of this Resolution but excluding (ii) below) of such Improvements, and (ii) to the other Accounts created under this Resolution as shall be specified by the City pursuant to the Series Resolution for such Additional Bonds. All of the provisions of Article IV of this Resolution which relate to the Construction Fund shall apply to such Improvements and the special account created with respect thereto in the Construction Fund to the extent that such provisions may be applicable; provided, however, that there may be included in the Cost of such Improvements interest accruing on such Additional Bonds prior to, during and after construction of such Improvements if and to the extent provided in the Series Resolution with respect thereto. The amount received as accrued interest upon the original issuance and delivery of such Bonds and any premium on such Bonds shall be deposited to the credit of the Bond Service Subaccount for application to the first interest due on such Bonds.

Section 210. Refunding Bonds. Refunding Bonds may be issued under and secured by this Resolution, subject to the conditions hereinafter provided in this Section, from time to time for the purpose of providing funds for refunding all or any portion of the outstanding Bonds of any one or more Series by payment at maturity or redemption at a selected redemption date or dates or combination of such payment at maturity and redemption, including the payment of any redemption premium thereon and any interest which will accrue on such Bonds to such maturity dates or selected redemption date or dates or combination of maturity and redemption dates, funding as necessary the Reserve Account and paying any expenses incurred or to be incurred in connection with such refunding.

Before any Series of Refunding Bonds shall be issued under the provisions of this Section, the Commission shall adopt a Series Resolution authorizing the issuance of such Refunding Bonds, fixing the amount and details thereof, describing the Bonds to be refunded and the Accounts to be funded with proceeds of such Refunding Bonds and setting forth the determination of the Commission that such refunding is in the best interests of the City and the users of the Parking System and stating the reasons for such determination. Such Refunding Bonds shall be dated, shall be stated to mature (subject to the right of prior redemption as hereinafter set forth) on such date or dates and in such year or years, shall bear interest at such rate or rates, fixed or variable, shall have such Credit Facility, Liquidity Facility, Reserve Account Letter of Credit, Reserve Account Insurance Policy and/or Interest Rate Swap, shall have such Bond Registrar, any Term Bonds of such Series shall have such Amortization Requirements, may be made redeemable

at such times and prices (subject to the provisions of Article III of this Resolution) and may be subject to tender for purchase, all as may be provided by the Series Resolution for such Refunding Bonds. Except as to any differences in the maturities thereof or the rate or rates of interest or the provisions for redemption, such Refunding Bonds shall be on a parity as to the pledge of Net Revenues of the Parking System with and shall be entitled to the same benefits and security under this Resolution as all other Bonds issued under Sections 208, 209 and 210 of this Resolution. Such Refunding Bonds shall be executed substantially in the form and manner hereinabove set forth, with such changes as may be necessary or appropriate to conform to the provisions of the Series Resolution therefor, and shall be deposited with the Bond Registrar for authentication and delivery, but prior to or simultaneously with the delivery of such Refunding Bonds by the Bond Registrar, there shall be filed with the City the following:

(a) a copy, certified by the City Clerk, of the Series Resolution with respect to such Refunding Bonds;

(b) a copy, certified by the City Clerk, of the resolution, if other than the Series Resolution for such Series of Refunding Bonds, adopted by the Commission, awarding such Refunding Bonds, specifying, or providing for the determination of, the interest rate or rates for such Refunding Bonds, or the initial rate if such Refunding Bonds bear interest at a variable rate, determining, or providing for the determination of, the disposition of the moneys on deposit in the Debt Service Account and any other funds and accounts on account of the Bonds to be refunded, and directing the delivery of such Refunding Bonds to or upon the order of the purchasers therein named upon payment of the purchase price therein set forth;

(c) an opinion of Bond Counsel to the effect that upon the issuance of such Refunding Bonds and the application of the proceeds thereof, the Bonds to be refunded will no longer be deemed to be Outstanding under this Resolution and that the issuance of the Refunding Bonds will not adversely affect the exclusion of interest on any Bonds then Outstanding from gross income for federal income tax purposes;

(d) an opinion of the City Attorney or Bond Counsel that the issuance of such Refunding Bonds has been duly authorized and that all conditions precedent to the delivery of such Refunding Bonds have been fulfilled;

(e) such documents as shall be required by the Chief Financial Officer to show that provision has been duly made in accordance with the provisions of this Resolution for the payment or redemption or combination of such payment and redemption of all of the Bonds to be refunded; and

(f) either (i) a certificate of the Chief Financial Officer that the issuance of the Refunding Bonds will result in a decrease in total Principal and Interest Requirements for all Bonds Outstanding, or (ii) the certificates required by clauses (c), (d) and (f) of Section 209 of this Resolution; provided, however, that with respect to the certificates required under clauses (c)(i) and (d), the projected Net Revenues shall be computed for the Fiscal Year immediately following the issuance of the Refunding Bonds.

When the documents mentioned above in this Section shall have been filed with the City Clerk and when the Refunding Bonds described in the resolutions mentioned in clauses (a) and (b) of this Section shall have been executed by the City and authenticated by the Bond Registrar as required by this Resolution, the Bond Registrar shall deliver such Refunding Bonds at one time to or upon the order of the purchasers named in said resolutions, but only upon payment to the Chief Financial Officer of the purchase price of such Refunding Bonds. The Chief Financial Officer shall be entitled to rely upon such resolutions as to all matters stated therein.

Simultaneously with the delivery of such Refunding Bonds, the Chief Financial Officer shall withdraw, if so provided pursuant to the Series Resolution or the resolution mentioned in clause (b) of this Section 210, from the appropriate subaccounts of the Debt Service Account an amount equal to the amount on deposit therein on account of the principal of, redemption premium, if any, and the interest on the Bonds to be refunded and from the Reserve Account all or a portion of the amount equal to the amount on deposit therein on account of the Bonds to be refunded, and apply the amount so withdrawn in accordance with the Series Resolution or the resolution mentioned in clause (b) of this Section 210. The total amount so withdrawn, if so provided pursuant to the Series Resolution or the resolution mentioned in clause (b) of this Section 210, the proceeds of such Refunding Bonds (including accrued interest and any premium) and any other moneys provided for such purpose, shall be applied by the Chief Financial Officer as follows:

- (1) the accrued interest received as part of the proceeds of such Refunding Bonds shall be deposited to the credit of the Bond Service Subaccount for application to the first interest due on such Refunding Bonds;
- (2) an amount which, together with any income which shall be derived from the investment of such amount pursuant to this clause (2) and any other available funds, shall be sufficient to pay the principal of and redemption premium, if any, and the interest on the Bonds to be refunded hereunder, either at maturity or a selected redemption date or dates or combination of such payment and redemption, shall be deposited by the Chief Financial Officer to the credit of a special fund, appropriately designated, to be held in trust by an escrow agent, for the sole and exclusive purpose of paying such principal, redemption premium, if any, and interest; and moneys held for the credit of such fund shall, as nearly as may be practicable and reasonable, be invested and reinvested by such escrow agent at the direction of the Chief Financial Officer in Government Obligations which shall mature, or which shall be subject to redemption by the holder thereof at the option of such holder, not later than the respective dates when the moneys held for the credit of such fund will be required for the purposes intended;
- (3) such amount shall be applied to, or set aside for, the payment of the expenses incident to such refunding as shall be specified pursuant to the Series Resolution relating to such Refunding Bonds; and
- (4) any balance of such proceeds shall be deposited to the credit of the other Accounts created under this Resolution as shall be specified pursuant to the Series Resolution relating to such Refunding Bonds.

Section 211. Other Indebtedness. In addition to the Bonds authorized pursuant to the provisions of Section 208, 209 and 210 and to the extent permitted by the laws of the State from time to time in effect, the City may incur other forms of indebtedness related to the Parking System, as follows:

(a) The City may incur Short-Term Indebtedness, payable on a parity as to the pledge of Net Revenues of the Parking System with the Bonds, without satisfying the requirements set forth in Sections 209 or 210 hereof, if immediately after incurrence of such Short-Term Indebtedness, the outstanding principal amount of all Short-Term Indebtedness does not exceed ten per centum (10%) of the Net Revenues of the Parking System as shown on the Annual Budget for the current Fiscal Year.

(b) The City may incur Subordinated Indebtedness without limit as to amount.

(c) The City may issue Convertible Bonds, secured on a parity as to the pledge of Net Revenues of the Parking System with Bonds issued hereunder, provided that such Convertible Bonds are issued under Section 209 or 210 of this Resolution and such Convertible Bonds comply with the tests of such Sections based upon the form of such Convertible Bonds at the time of their issuance.

(d) The City may issue or incur Alternative Parity Debt secured on a parity as to the pledge of the Net Revenues of the Parking System with the Bonds issued hereunder if, but only if, the following conditions are complied with:

(1) The City must satisfy the requirements set forth in Section 209 or 210 of this Resolution pertaining to the issuance of additional parity Bonds as though such requirements were expressly applicable to Alternative Parity Debt.

(2) The instrument evidencing such Alternative Parity Debt shall include a cross default provision with this Resolution to the effect that, prior to exercising any remedies upon a default by the City under such instrument, the holders of such Alternative Parity Debt or their representative shall cooperate with the Holders of Bonds Outstanding under this Resolution or their representative so that the interest of such holders and the Holders of Bonds issued under this Resolution shall be equally and ratably protected.

(3) The City shall duly authorize the issuance or incurrence of such Alternative Parity Debt.

Upon satisfaction of the foregoing conditions the Chief Financial Officer shall certify in writing that the proposed indebtedness satisfies the conditions set forth in this Resolution to be deemed Alternative Parity Debt, and, upon such certification, such indebtedness shall be so deemed. Upon the issuance of Alternative Parity Debt, notwithstanding the provisions of Section 505 hereof, Net Revenues may be applied (on a parity basis with the application of such revenues under Section 505 hereof) as required under the ordinance or resolution authorizing the issuance of such Alternative Parity Debt. The City shall take such actions (including amending or supplementing this Resolution and any other collateral agreement or document) and execute, deliver, file and record such instruments of

security as may be necessary or appropriate to grant or to otherwise secure for the holders of the Alternative Parity Debt a lien on the Net Revenues of the Parking System on a parity with that of all other holders of Alternative Parity Debt and Holders of Bonds.

(e) The City may secure Credit Facilities, Liquidity Facilities, Reserve Account Insurance Policies and Reserve Account Letters of Credit and, as provided in Section 714 hereof, grant security interests and liens with respect thereto.

(f) Nothing in this Resolution shall prohibit the City from entering into Interest Rate Swaps.

Section 212. Temporary Bonds. Until the definitive Bonds of any Series are ready for delivery, there may be executed by the City and authenticated by the Bond Registrar, and the City may deliver, in lieu of definitive Bonds and subject to the same limitations and conditions except as to identifying numbers, temporary printed, engraved, lithographed or typewritten Bonds in the denomination of Five Thousand Dollars (\$5,000) or any whole multiple thereof, substantially of the tenor hereinabove set forth, in fully registered form without coupons, and with appropriate omissions, insertions and variations as may be required. The City shall cause the definitive Bonds to be prepared and to be executed, endorsed and delivered to the Bond Registrar, and the Bond Registrar upon presentation of any temporary Bond shall cancel the same and authenticate and deliver, in exchange therefor, at the place designated by the Holder, without expense to the Holder, a definitive Bond or Bonds of the same Series and in the same aggregate principal amount, maturing on the same date and bearing interest at the same rate as the temporary Bond surrendered. Until so exchanged, the temporary Bonds shall in all respects, including the privilege of registration and registration of transfer if so provided, be entitled to the same benefit of this Resolution as the definitive Bonds to the issued and authenticated hereunder, and interest on such temporary Bonds and notation of such payment shall be endorsed thereon.

Section 213. Mutilated, Destroyed or Lost Bonds. In case any Bonds secured hereby shall become mutilated or be destroyed or lost, the City may cause to be executed, and the Bond Registrar may deliver, a new Bond of like date, number and tenor in exchange and substitution for and upon the cancellation of such mutilated Bond or in lieu of and in substitution for such Bond destroyed or lost, upon the Holder's paying the reasonable expenses and charges of the City and the Bond Registrar in connection therewith and, in the case of a Bond destroyed or lost, the Holder's filing with the Bond Registrar evidence satisfactory to the Bond Registrar that such Bond was destroyed or lost, and of his ownership thereof, and furnishing the City and the Bond Registrar with indemnity satisfactory to each of them.

Section 214. Provisions with Respect to Book-Entry System. The provisions of this Article contained in Sections 202 to 207, inclusive, may be changed or varied with respect to any Series of Bonds issued under this Article in any Series Resolution or other agreement applicable to such Series of Bonds for the purposes of (1) complying with the requirements of any automated depository and clearinghouse for securities transactions and (2) effectuating any book-entry only registration and payment system.

Appropriate officers and officials of the City are hereby authorized to enter into agreements, including the Letter of Representations, with DTC and other depository trust

companies, including but not limited to agreements necessary for wire transfers of interest and principal payments with respect to any Series of Bonds, utilization of electronic book entry data received from DTC and other depository trust companies in place of actual delivery of Bonds and provision of notices with respect to Bonds registered by DTC and other depository trust companies (or any of their designees identified to the City) by overnight delivery, courier service, telegram, telecopy or other similar means of communication.

Section 215. Capital Appreciation Bonds; Capital Appreciation and Income Bonds. For purposes of determining the principal amount of a Capital Appreciation Bond or a Capital Appreciation and Income Bond for redemption, acceleration or computation of the amount of Bonds held by the Holder thereof in giving to the City any notice, covenant, request or demand pursuant to this Resolution for any purpose whatsoever, the principal amount of a Capital Appreciation Bond shall be deemed to be its Accreted Value and the principal amount of a Capital Appreciation and Income Bond shall be deemed to be its Appreciated Value.

[END OF ARTICLE II]

## ARTICLE III

### REDEMPTION OF BONDS

Section 301. Redemption Generally. The Bonds of each Series issued under the provisions of this Resolution shall be subject to redemption, either in whole or in part and at such times and prices, as may be provided by the Mayor's Certificate with respect to the Series 2010 Bonds and pursuant to the Series Resolution relating to any other Series of Bonds with respect to such other Bonds.

Section 302. Selection of Bonds for Redemption or Purchase. The City shall, in accordance with the terms and provisions of the Bonds and of this Resolution, select the Bonds or portions thereof to be purchased or redeemed; provided, however, that the Bond Registrar shall select Bonds of any one Series and maturity to be redeemed in part by lot or by such other manner as the Bond Registrar shall deem appropriate. The City shall promptly notify in writing the Bond Registrar of the Bonds so selected by the City for redemption. In selecting Bonds for redemption, each Bond of each Series of Bonds shall be treated as representing that number of Bonds of the lowest authorized denomination of that Series as is obtained by dividing the principal amount of such Bond by such denomination.

Section 303. Redemption Notice. Unless otherwise provided in a Series Resolution relating to any Series of Bonds with respect to such Bonds, at least thirty (30), but not more than sixty (60), days before the redemption date, a notice of any such redemption, either in whole or in part, signed by the Chief Financial Officer, (a) shall be filed with the Bond Registrar and (b) shall be mailed by the Bond Registrar, first class mail, postage prepaid, to all registered owners of Bonds to be redeemed at their addresses as they appear on the registration books hereinabove provided for, but failure so to mail any such notice to any registered owner shall not affect the validity of the proceedings for such redemption. Each such notice shall specify the redemption date and the place or places where amounts due upon such redemption will be payable and, if less than all of the Bonds are to be redeemed, the numbers or other distinguishing marks of such Bonds to be redeemed in part and the respective portions thereof to be redeemed. Subject to the next succeeding paragraph, such notice shall further state that on such date there shall become due and payable upon each of the Bonds to be redeemed the redemption price or the specified portions thereof in the case of Bonds to be redeemed in part only, together with interest accrued to the redemption date, and that from and after such date interest thereon shall cease to accrue and be payable on such Bonds or portions thereof so redeemed.

In the case of an optional redemption of Bonds, the redemption notice may state that (a) it is conditioned upon the deposit of moneys with the Bond Registrar or with a bank, trust company or other appropriate fiduciary institution acting as escrow agent (the "escrow agent"), in amounts necessary to effect the redemption, no later than the redemption date, or (b) the City retains the right to rescind such notice on or prior to the scheduled redemption date (in either case, a "Conditional Redemption"), and such notice and optional redemption shall be of no effect if such moneys are not so deposited or if the notice is rescinded as described in this Section. Any such notice of Conditional Redemption shall be captioned "Conditional Notice of Redemption." Any Conditional Redemption may be rescinded at any time prior to the redemption date if the City delivers a written direction to the Bond Registrar directing the Bond Registrar to rescind the

redemption notice. The Bond Registrar shall give prompt notice of such rescission to the affected Bondholders. Any Bonds subject to Conditional Redemption where redemption has been rescinded shall remain Outstanding, and neither the rescission nor the failure by the City to make such moneys available shall constitute an Event of Default.

Upon the payment of the redemption price of Bonds being redeemed, each check or other transfer of funds issued for such purpose shall bear a description of the issue and maturity of the Bonds being redeemed with the proceeds of such check or other transfer.

The provisions concerning the manner of giving notice of redemption may be changed or varied or supplemented in any Series Resolution applicable to any Series of Bonds issued under this Resolution for the purpose of complying with any governmental or industry standards from time to time in effect.

Section 304. Partial Redemption of Bonds. In the event that only part of the principal sum of any Bond shall be called for redemption or prepaid, payment of the amount to be redeemed or prepaid shall be made only upon surrender of such Bond to the Bond Registrar. Upon surrender of such Bond, the Bond Registrar shall cause to be executed and deliver to the registered owner thereof at the principal office of the Bond Registrar, new duly executed Bonds, of authorized principal sums equal in aggregate principal amount to, and of the same maturity and interest rate as, the unredeemed portion of the Bond surrendered.

Section 305. Effect of Calling for Redemption. On the date so designated for redemption, notice having been filed and mailed in the manner and under the conditions hereinabove provided, and with respect to a Conditional Redemption, the Conditional Redemption not having been rescinded, the Bonds so called for redemption shall become and be due and payable at the redemption price provided for redemption of such Bonds on such date, and, moneys for payment of the redemption price being held in separate accounts by the Chief Financial Officer or by the Bond Registrar in trust for the Holders of the Bonds to be redeemed, all as provided in this Resolution, interest on the Bonds so called for redemption shall cease to accrue, such Bonds shall cease to be entitled to any lien, benefit or security under this Resolution, and the Holders or registered owners of such Bonds shall have no rights in respect thereof except to receive payment of the redemption price thereof and accrued interest thereon.

Section 306. Cancellation of Bonds. All Bonds paid, redeemed or purchased, either at or before maturity, shall be delivered to the Bond Registrar when such payment, redemption or purchase is made and such Bonds shall, except as provided by Section 304 hereof, thereupon be canceled. The Bond Registrar shall certify to the City the details of all Bonds so canceled. All Bonds canceled under any of the provisions of this Resolution either shall be delivered to the City or destroyed by the Bond Registrar, as the City directs. Upon destruction of any Bonds, the Bond Registrar shall execute a certificate in duplicate, describing the Bonds so destroyed, and one executed certificate shall be filed with the City and the other executed certificate shall be retained by the Bond Registrar.

Section 307. Bonds Called for Redemption Deemed Not Out-standing. If (a) (1) Bonds shall have been duly called for redemption under the provisions of this Article or (2) irrevocable instructions have been given by the City to the Bond Registrar or to an escrow agent to (i) call

Bonds for redemption under the provisions of this Article, (ii) pay Bonds at their maturity or maturities or (iii) both call Bonds for redemption under the provisions of this Article and pay Bonds at their maturity or maturities in any combination (the Bonds described in clauses (a)(1) and (a)(2) are herein collectively called the "Bonds to be Paid"), and (b) cash or Sufficient Government Obligations (hereinafter defined) are held in separate accounts by the Bond Registrar or escrow agent solely for the holders of the Bonds to be Paid, then the Bonds to be Paid shall not be deemed to be outstanding under the provisions of this Resolution and shall cease to be entitled to any benefit or security under this Resolution other than to receive payment of principal, redemption premium, if any, and interest from such moneys.

For purposes of this Section 307, "Sufficient Government Obligations" shall mean Government Obligations which are in such principal amounts, bear interest at such rate or rates and mature (without the option of prior redemption) on such date or dates so that the proceeds to be received upon payment of such Government Obligations at their maturity and the interest to be received thereon will provide sufficient amounts in cash on the dates required to pay the principal of and redemption premium, if any, and the interest on the Bonds to be Paid to the dates of their maturity or redemption.

[END OF ARTICLE III]

## ARTICLE IV

### CONSTRUCTION FUND

Section 401. Construction Fund. A special fund to be maintained by the City is hereby created and designated "Parking System Construction Fund" (herein sometimes called the "Construction Fund"). A special account within the Construction Fund is hereby created and designated "Series 2010B Construction Account," in which shall be deposited the amount required to be deposited therein pursuant to Section 208 of this Resolution.

The moneys in the Construction Fund shall be held in trust and applied to the payment of the Costs of the Project and if Additional Bonds are issued under Section 209 of this Resolution to the payment of the costs of constructing or acquiring Improvements and, pending such application, shall be subject to a lien and charge in favor of the Holders of the Series of Bonds issued under this Resolution the proceeds of which were deposited to the credit of the Construction Fund and for the further security of such Holders until paid out as herein provided.

For each Series of Additional Bonds issued pursuant to Section 209 of this Resolution for the purpose of payment of the Cost of Improvements, the City shall create a separate special account within the Construction Fund, entitled "Series . . . Construction Account", to which shall be deposited the amounts provided from such Series of Additional Bonds for construction of Improvements.

Section 402. Payments from Construction Fund. Payment of the Cost of the Project and any other Improvements shall be made from the special accounts within the Construction Fund as herein provided. All such payments shall be subject to the provisions and restrictions set forth in this Article and the City covenants that it will not cause or permit to be paid from the Construction Fund any sums except in accordance with such provisions and restrictions. Moneys in the Construction Fund shall be disbursed by check, voucher, order, draft, certificate or warrant signed by any one or more officers or employees of the City having such duties under City rules and regulations or designated by resolution of the Commission from time to time, for such purpose or if the City shall so elect, by wire transfer.

Section 403. Cost of Improvements. For the purposes of this Article, the Cost of the Project and any other Improvements to be constructed or acquired shall include, without intending thereby to limit or to restrict or to extend any proper definition of such Cost under the provisions of this Resolution, the following:

(a) obligations incurred for labor and materials and to contractors, builders and materialmen in connection with the construction of enlargements, improvements and extensions, for machinery and equipment, and for the restoration of property damaged or destroyed in connection with such construction;

(b) interest accruing upon any Bonds or upon any other System Debt of the City incurred to finance the Project or other Improvements prior to the commencement of and during construction or for any additional period as may be authorized by law if so

provided, and subject to any limitation, in the Series Resolution providing for the issuance of such Bonds;

(c) the cost of acquiring any automobile parking facilities now serving any portion of the City and territory adjacent thereto, either within or without or partly within or partly without the corporate limits of the City;

(d) the cost of acquiring by purchase, if such purchase shall be deemed expedient, and the amount of any award or final judgment in any proceeding to acquire by condemnation, such land, property rights, right-of-way, franchises, easements, and other interests in lands as may be deemed necessary or convenient in connection with such construction or with the operation of the Parking System, and the amount of any damages incident thereto;

(e) expenses of administration properly chargeable to such construction or acquisition, legal, architectural and engineering expenses and fees, costs of audits and of preparing and issuing the Bonds, fees and expenses of consultants, financing charges, taxes or other governmental charges lawfully assessed during construction, premiums on insurance in connection with construction, deposits to the Reserve Account, premiums for bond insurance, interest rate insurance or insurance assuring availability of the amounts required to be on deposit in the Reserve Account, initial set-up fees and annual fees for letters of credit, lines of credit, standby bond purchase agreements or other similar credit enhancement or liquidity enhancement devices and tender agent fees and fees payable for remarketing Bonds during the period of construction of any Improvements for which Bonds supported by such devices were issued and all other items of expense not elsewhere in this Section specified, incident to the financing, construction or acquisition of any Improvements and the placing of the same in operation; and

(f) any obligation or expense heretofore or hereafter incurred by the City for any of the foregoing purposes, including the cost of materials, supplies or equipment furnished by the City in connection with the construction of the Project and any other Improvements and paid for by the City out of funds other than moneys in the Construction Fund.

Section 404. Title to Properties Acquired. The City further covenants that the Project and any other Improvements will be constructed on or under land which is owned or can be acquired by the City in fee simple or over or under which the City shall acquire or can acquire either by lease or by easements for the purposes of the Parking System, free from all liens, encumbrances and defects of title which have a materially adverse effect upon the City's right to use such lands or properties for the purposes intended or which have been adequately guarded against by a bond or other form of indemnity, or lands, including public streets and highways, the right to use and occupy which for such purposes shall be vested in the City by law or by valid rights of way, easements, franchises, licenses or agreements.

Section 405. Disposition of Construction Fund Balance. When the construction of the Project or any other Improvements for which a Series of Additional Bonds were issued shall have been completed (which fact shall be evidenced to the Chief Financial Officer by a certificate

stating the Completion Date, approved by the Consulting Engineers), the balance in the special account or accounts of the Construction Fund not reserved by the City for the payment of any remaining part of the Cost of the Project or such other Improvements shall be transferred by the Chief Financial Officer, in the discretion of the City, to the credit of the Enterprise Fund or to the credit of the Debt Service Account for the payment of Bonds or retained in the Construction Fund and used to pay the Cost of a different Improvement or Improvements which have been approved by the Commission or applied to redeem Bonds in a manner permitted under this Resolution and the Mayor's Certificate or a Series Resolution, as applicable. Before undertaking any such transfer, the Chief Financial Officer shall procure an opinion of Bond Counsel to the effect that the proposed transfer will not adversely affect the exclusion of interest on any Bonds from gross income for federal income tax purposes.

[END OF ARTICLE IV]

## ARTICLE V

### REVENUES AND FUNDS

Section 501. Parking Rates. The City covenants that the rates and charges for use of the Parking System will not be less than the rates and charges required to enable the City to comply with the requirements of Section 502 hereof. So long as the City is in compliance with the requirements of Section 502 hereof, the City may from time to time revise the rates and charges for use of the Parking System.

Section 502. Rate Covenant. The City further covenants that it will fix, charge and collect reasonable rates and charges for the use of the services and facilities furnished by the Parking System and that from time to time, and as often as it shall appear necessary, it will adjust such rates and charges by increasing or decreasing the same or any selected categories of rates and charges so that the Net Revenues (excluding from the computation of Current Expenses for any Fiscal Year any amount received from any source other than Revenues and applied to the payment of Current Expenses in such Fiscal Year) will be sufficient to provide an amount in each Fiscal Year at least equal to one hundred thirty-five per centum (135%) of the Principal and Interest Requirements for such Fiscal Year on account of the Bonds then Outstanding and one hundred per centum (100%) of all amounts required to be deposited or paid pursuant to clauses (c) and (d) of Section 505 of this Resolution for such Fiscal Year.

If in any Fiscal Year the Net Revenues shall be less than the amount required under the preceding paragraph of this Section, within 30 days of the receipt of the audit report for such Fiscal Year, the City shall employ a Rate Consultant to review and analyze the financial status and operations of the Parking System and to submit, within 60 days thereafter, a written report to the City recommending revisions of the rates, fees and charges of the Parking System and the methods of operation of the Parking System that will result in producing the amount so required in the following Fiscal Year. Promptly upon its receipt of such recommendations, the City shall transmit copies thereof to the City Manager, the Parking Director and the Chief Financial Officer and the City shall revise its rates, fees and charges, or alter its methods of operation and take such other action as shall conform with such recommendations.

If the City shall fail to comply with the recommendations of the Rate Consultant, the registered owners of not less than ten per centum (10%) in principal amount of all Bonds then Outstanding may institute and prosecute an action or proceeding in any court or before any board or commission having jurisdiction to compel the City to comply with the recommendations and the requirements of the preceding paragraph of this Section.

If the City shall comply with all recommendations of the Rate Consultant in respect to its rates, fees, charges and methods of operation, the failure of Net Revenues to meet the requirements in the first paragraph of this Section shall not constitute an Event of Default so long as the Revenues, together with available moneys in the Funds and Accounts created in Article V of this Resolution, are sufficient to pay in cash the Current Expenses and to pay the Principal and Interest Requirements on all Outstanding Bonds and other System Debt for such Fiscal Year.

Section 503. Annual Budget. The City covenants that not later than thirty (30) days before the end of each Fiscal Year it will prepare a preliminary budget covering Revenues, Current Expenses, Capital Expenditures and all deposits to Funds and Accounts required by Section 505 of this Resolution for the ensuing Fiscal Year. Copies of each such preliminary budget shall be filed with the Chief Financial Officer.

The City further covenants that on or before the first day of each Fiscal Year it will finally adopt the budget covering the above items for such Fiscal Year (herein sometimes called the "Annual Budget"). Copies of the Annual Budget shall be filed with the Chief Financial Officer and mailed by the City to all Bondholders who shall have filed their names and addresses with the Chief Financial Officer for such purpose.

If for any reason the City shall not have adopted the Annual Budget before the first day of any Fiscal Year, the Annual Budget for the preceding Fiscal Year shall, until the adoption of the Annual Budget, be deemed to be in force and shall be treated as the Annual Budget under the provisions of this Article.

The City may at any time adopt an amended or supplemental Annual Budget for the remainder of the then current Fiscal Year and the Annual Budget so amended or supplemented shall be treated as the Annual Budget under the provisions of this Article. There shall be no limitation on the nature or amount covered by any such amendment to the Annual Budget.

The City further covenants that the amount expended for Current Expenses in any Fiscal Year will not exceed the reasonable and necessary amount therefor, and that it will not expend any amount for maintenance, repair and operation of the Parking System in excess of the total amount provided for Current Expenses in the Annual Budget. Nothing in this Section contained shall limit the amount which the City may expend for Current Expenses in any Fiscal Year provided any amounts expended therefor in excess of the total amount provided in the Annual Budget shall be received by the City from some source other than the Revenues of the Parking System.

Section 504. Enterprise Fund. A special fund is maintained by the City and designated the "Parking System Enterprise Fund" (herein called the "Enterprise Fund"). Except as provided in Article VI of this Resolution with respect to investment income on certain Funds and Accounts, the City covenants that all Revenues will be collected by the City and deposited as received to the credit of the Enterprise Fund. All moneys in the Enterprise Fund and the Accounts and Subaccounts therein shall be held by the City in trust and applied as provided in this Article.

Section 505. Debt Service Account and Other Accounts. A special account is hereby created within the Enterprise Fund and designated "Parking Revenue Bonds Debt Service Account" (herein called the "Debt Service Account"). There are hereby created in the Debt Service Account two separate subaccounts designated "Bond Service Subaccount" and "Redemption Subaccount". Two additional special accounts are hereby created within the Enterprise Fund and designated "Parking Revenue Bonds Reserve Account" (herein called the "Reserve Account") and "Parking Subordinated Indebtedness Account" (herein called the "Subordinated Indebtedness Account").

If required by the terms of any Series of Additional Bonds issued pursuant to Section 209 of this Resolution or any Series of Refunding Bonds issued pursuant to Section 210 of this Resolution, the City hereby covenants to establish and maintain, pursuant to the Series Resolution for such Additional Bonds and Refunding Bonds, a separate Debt Service Account to provide for the payment of the principal of, redemption premium, if any, and interest on such Series of Bonds or to provide within the Debt Service Account and the subaccounts therein separate subaccounts as required by the terms of such Bonds. To the extent required in the applicable Series Resolution, the City hereby further covenants to establish and maintain a separate subaccount in the Reserve Account to be maintained solely for the benefit of the Holders of such Series of Bonds; otherwise, except for Bonds not secured by the Reserve Account, all Bonds outstanding shall be secured by amounts on deposit to the credit of the Reserve Account. If any separate Debt Service Accounts or separate subaccounts within the Debt Service Account or the subaccounts therein or if any separate subaccounts within the Reserve Account are created pursuant to this paragraph, such Debt Service Accounts or separate subaccounts shall be funded in the manner and at the times required by the applicable Series Resolution and shall be held by the Chief Financial Officer separate and apart from the Debt Service Accounts or the Reserve Account or other separate subaccounts therein with respect to any other Series of Bonds issued under this Resolution, and shall be held solely for the benefit and security of the Series of Bonds with respect to which such separate Debt Service Account or separate subaccounts were created. Each such separate Debt Service Account or separate subaccounts therein with respect to a Series shall be designated "Series \_\_ Debt Service Account" or "Series \_\_\_\_ Subaccount," as the case may be, and each such separate subaccount within the Reserve Account shall be designated "Series \_\_\_\_ Reserve Subaccount" (inserting an identifying Series year, and if more than one Series is to be issued in a single calendar year, an identifying Series letter).

The moneys in each of said Funds and Accounts shall be held in trust and applied as hereinafter provided with regard to each such Fund and Account and, pending such application, said Funds and Accounts, other than the Subordinated Indebtedness Account, shall be subject to a lien and charge in favor of the Holders of the Bonds issued and Outstanding under this Resolution and for the further security of such Holders until paid out or transferred as herein provided.

The City shall, on or before the 20th day of the month next succeeding the month in which Bonds are issued under the provisions of Section 208 of this Resolution and not later than the 20th day of each month thereafter, withdraw from amounts on deposit in the Enterprise Fund, after retaining therein an amount (to be held in the Enterprise Fund for the payment of Current Expenses) equal to the amount shown by the Annual Budget to be necessary for Current Expenses during the next ensuing two (2) months, the amounts required to make the deposits described below (or if the available amounts on deposit in the Enterprise Fund are less than the required amounts, the entire balance (other than the amount required to be retained therein for the payment of Current Expenses) and deposit the amounts so withdrawn to the credit of the following Accounts or Subaccounts in the following order:

- (a) To the credit of the Bond Service Subaccount of the Debt Service Account, an amount equal to one-sixth (1/6) of the amount of interest payable on the Bonds of each Series on the next succeeding Interest Payment Date and one-twelfth (1/12) or, if principal is payable semi-annually, one-sixth (1/6) of the next maturing installment of principal on all Serial Bonds then Outstanding; provided, however, that in each month intervening

between the date of delivery of Bonds pursuant to Sections 208, 209 or 210 of this Resolution (beginning with the month following the month in which such delivery takes place) and the next succeeding Interest Payment Date and the next succeeding principal payment date, respectively, the amount specified in this subparagraph shall be that amount which when multiplied by the number of deposits to the credit of the Bond Service Subaccount required to be made during such respective periods as provided above will equal the amounts required (in addition to any amounts received as accrued interest or capitalized interest from the proceeds of such Bonds) for such next succeeding interest payment and next maturing installment of principal, respectively; and, provided further, that in the event the City has issued Variable Rate Bonds or entered into any Interest Rate Swaps pursuant to the provisions of this Resolution, amounts shall be deposited in the Bond Service Subaccount at such other times and/or in such other amounts or transferred to such other parties as necessary to pay the interest becoming due on the Variable Rate Bonds or the payments due under the Interest Rate Swaps on a parity with interest due on the Bonds, all in the manner provided in the applicable Series Resolutions.

(b) To the credit of the Redemption Subaccount of the Debt Service Account, an amount equal to one-twelfth (1/12) or, if any Bonds are required to be retired semi-annually in satisfaction of the Amortization Requirements therefor, one-sixth (1/6) of the principal amount of Term Bonds of each Series then Outstanding required to be retired, in satisfaction of the Amortization Requirements, if any, for such Fiscal Year.

(c) To the credit of the Reserve Account, such amount, if any, of any balance remaining after making the deposits under clauses (a) and (b) above (or the entire balance if less than the required amount) as may be required to make the amount deposited to the credit of the Reserve Account in such month equal to the Reserve Account Deposit Requirement for such month; provided, however, that if the Reserve Account Deposit Requirement is being satisfied by the restoration of any amount drawn or paid under a Reserve Account Insurance Policy or a Reserve Account Letter of Credit, there shall be paid to the provider thereof such amount, if any, of any balance remaining after making the deposits under clauses (a) and (b) above (or the entire balance if less than the required amount), as may be required to cause the Reserve Account Deposit Requirement to be satisfied.

(d) To the credit of the Subordinated Indebtedness Account, an amount, if any, of any balance remaining after making the deposits under clauses (a), (b) and (c) above (or the entire balance if less than the required amount) equal to the sum of one-twelfth (1/12) of the principal of, redemption premium, if any, and interest coming due on any Subordinated Indebtedness during the next succeeding twelve month period and the amount, if any, required to be deposited in any special reserve subaccount established within the Subordinated Indebtedness Account as provided in Section 510 hereof.

If the amount deposited in any month to the credit of any of the Accounts or subaccounts shall be less than the amount required to be deposited under the foregoing provisions of this Section, the requirement therefor shall nevertheless be cumulative and the amount of any deficiency in any month shall be added to the amount otherwise required to be deposited in each month thereafter until such time as all such deficiencies have been made up.

Section 506. Payment of Current Expenses. The Current Expenses shall be paid from the Enterprise Fund as the same become due and payable. Payments therefor from the Enterprise Fund shall be made in accordance with procedures established by the City from time to time, the Annual Budget and the covenants in Section 503 of this Article.

Section 507. Application of Moneys in Bond Service Subaccount. Except as otherwise provided in Article XII hereof or in a resolution supplemental hereto, the City shall on or before the business day immediately preceding each Interest Payment Date withdraw from the Bond Service Subaccount and deposit in trust with the Bond Registrar to enable the Bond Registrar to remit by mail or otherwise as provided in this Resolution to each registered owner of Bonds the amount required for paying the interest on such Bonds as such interest becomes due and payable. The Bond Registrar shall be permitted to transfer by wire to owners of at least \$1,000,000 principal amount of the Bonds the amounts required for paying the interest on such Bonds as such interest becomes due and payable. Except as otherwise provided in Article XII hereof or in a resolution supplemental hereto, the City shall on or before the business day immediately preceding a date on which principal is due on Serial Bonds withdraw from the Bond Service Subaccount and deposit in trust with the Bond Registrar the amounts required for paying the principal of all Serial Bonds as such principal becomes due and payable. The City, in its discretion, may make the deposits required in this Section with the Bond Registrar by wire transfer. In addition, amounts on deposit in the Bond Service Subaccount shall be applied as provided in the second paragraph of Section 512 hereof.

Section 508. Application of Moneys in Redemption Subaccount. Moneys held for the credit of the Redemption Subaccount shall be applied to the retirement of the Bonds issued under the provisions of this Resolution as follows:

(a) Subject to the provisions of paragraph (c) of this Section, the City may endeavor to purchase any Bonds secured hereby and then Outstanding, whether or not such Bonds shall then be subject to redemption, such purchase to be on the most advantageous terms obtainable with reasonable diligence and at a price not to exceed the principal of such Bonds plus the amount of the redemption premium, if any, which might on the next redemption date be paid to the holders of such Bonds under the provisions of Article III of this Resolution if such Bonds should be called for redemption on such date from moneys in the Debt Service Account. The City shall pay the interest accrued on such Bonds to date of settlement therefor from the Bond Service Subaccount and the purchase price from the Redemption Subaccount, but no such purchase shall be made by the City within the period of forty-five (45) days next preceding any Interest Payment Date on which such Bonds are subject to call for redemption under the provisions of this Resolution, except from moneys other than moneys set aside or deposited for the redemption of Bonds.

(b) Subject to the provisions of Article III of this Resolution and paragraph (c) of this Section, the City may call for redemption on each Interest Payment Date on which Bonds are subject to redemption such amount of such Bonds as, with the redemption premium, if any, will exhaust the moneys which will be held for the credit of the Redemption Subaccount on said Interest Payment Date as nearly as may be; provided, however, that not less than Fifty Thousand Dollars (\$50,000) principal amount of Bonds shall be called for redemption at any one time unless a lesser amount shall be required to

satisfy the Amortization Requirement for any Fiscal Year. Such redemption shall be made pursuant to the provisions of Article III of this Resolution. Except as otherwise provided in Article XII hereof or in a resolution supplemental hereto, the City shall during the period of five (5) business days prior to the Redemption Date withdraw from the Bond Service Subaccount and the Redemption Subaccount and set aside in separate accounts or deposit with the Bond Registrar the respective amounts required for paying the interest on, and the principal and redemption premium of, the Bonds so called for redemption.

(c) Moneys held in the Redemption Subaccount shall be applied by the City each Fiscal Year to the retirement of Bonds of each Series then Outstanding in the following order:

First: the Term Bonds of each such Series to the extent of the Amortization Requirement, if any, for such Fiscal Year for such Term Bonds, plus the applicable premium, if any, and any deficiency in any preceding Fiscal Years in the purchase or redemption of such Term Bonds under the provisions of this subdivision and, if the amount available in such Fiscal Year shall not be sufficient therefor, then in proportion to the Amortization Requirement, if any, for such Fiscal Year for the Term Bonds of each such Series then Outstanding, plus the applicable premium, if any, and any such deficiency;

Second: Term Bonds of each Series, if any, in proportion (as nearly as practicable) to the aggregate principal amount of the Bonds of each such Series originally issued; and

Third: after the retirement of all Term Bonds, if any, Serial Bonds issued under the provisions of this Resolution in the inverse order of their maturities and, to the extent that Serial Bonds of different Series mature on the same date, in proportion (as nearly as practicable) to the principal amount of Bonds of each Series maturing on such date.

Upon the retirement of any Bonds by purchase or redemption there shall be filed with the Chief Financial Officer a statement briefly describing such Bonds and setting forth the date of their purchase or redemption, the amount of the purchase price or the redemption price of such Bonds and the amount paid as interest thereon. The expenses in connection with the purchase or redemption of any Bonds shall be paid by the City from the Enterprise Fund.

Section 509. Application of Moneys in Reserve Account. Moneys held for the credit of the Reserve Account shall first be used for the purpose of paying the interest on and the principal of the Bonds whenever and to the extent that the moneys held for the credit of the Bond Service Subaccount shall be insufficient for such purpose and thereafter for the purpose of making deposits to the credit of the Redemption Subaccount in respect of such Bonds pursuant to the requirements of clause (b) of Section 505 of this Resolution whenever and to the extent that withdrawals from the Enterprise Fund are insufficient for such purposes; provided, however, that moneys held for the credit of a separate subaccount in the Reserve Account shall be applied to the foregoing purposes and in the foregoing manner, but only for the benefit of the Series of Bonds for which such separate subaccount was established and such Series of Bonds shall only have a claim upon

such separate subaccount and not upon any other moneys on deposit in the Reserve Account. If at any time the moneys held for the credit of the Reserve Account shall exceed the Reserve Account Requirement, such excess shall be withdrawn and deposited to the credit of the Enterprise Fund; provided, however, that the Commission, pursuant to the Series Resolution for any Series of Bonds hereunder may provide for a different disposition of any such excesses which relate to such Series of Bonds.

Notwithstanding the foregoing, the City may cause to be deposited to the credit of the Reserve Account (or the applicable subaccount therein) a Reserve Account Insurance Policy or Reserve Account Letter of Credit for the benefit of the Holders of the Bonds, either in substitution for all or a portion of the amount then on deposit therein or in an amount equal to the difference between the amount required to be deposited in such Reserve Account and the sum, if any, then on deposit in such Reserve Account (or the applicable subaccount therein), which Reserve Account Insurance Policy or Reserve Account Letter of Credit shall be payable (upon the giving of notice as required thereunder) on any Interest Payment Date or redemption or principal payment date on which a deficiency exists for the Bonds or the Series of Bonds for which such Reserve Account Insurance Policy or Reserve Account Letter of Credit was issued, which cannot be cured by moneys in the Reserve Account or any other Fund, Account or Subaccount held pursuant to this Resolution and available for such purpose.

If any such Reserve Account Insurance Policy or Reserve Account Letter of Credit is substituted for moneys on deposit in the Reserve Account (or the applicable subaccount therein), the excess moneys in the Reserve Account shall be applied to satisfy any such deficiency in any of the Funds, Accounts or Subaccounts under this Resolution, and any remaining balance shall be deemed surplus, shall be released from the lien of this Resolution and may be used by the City for any lawful purpose. If a disbursement is made from a Reserve Account Insurance Policy or Reserve Account Letter of Credit, the City shall be obligated, as provided in Section 505(c), to either reinstate the maximum limits of such Reserve Account Insurance Policy or Reserve Account Letter of Credit following such disbursement or deposit into such Reserve Account funds in the amount of the disbursement made under such Reserve Account Insurance Policy or Reserve Account Letter of Credit, or to undertake a combination of such alternatives.

In the event that upon the occurrence of any deficiency in the Debt Service Account, the Reserve Account is then funded with one or more Reserve Account Insurance Policies and/or Reserve Account Letters of Credit, the City or the Bond Registrar, as applicable pursuant to the provisions of any such facilities, shall, on the Interest Payment Date or principal payment date or redemption date to which such deficiency relates, draw upon or cause to be paid under such facilities, on a pro-rata basis thereunder, an amount sufficient to remedy such deficiency, in accordance with the terms and provisions of such facilities and any corresponding reimbursement or other agreement governing such facilities; provided however, that if at the time of such deficiency the Reserve Account is only partially funded with one or more Reserve Account Insurance Policies and/or Reserve Account Letters of Credit, prior to drawing on such facilities or causing payments to be made thereunder, there shall first be applied any cash and securities on deposit in the Reserve Account to remedy the deficiency and, if after such application a deficiency still exists, the City or the Bond Registrar, as applicable, shall make up the balance of the deficiency by drawing on such facilities or causing payments to be made thereunder, as provided in this paragraph. Amounts drawn or paid under a Reserve Account Insurance Policy or Reserve

Account Letter of Credit shall be applied as set forth in the first paragraph of this Section 509. Any amounts drawn or paid under a Reserve Account Insurance Policy or Reserve Account Letter of Credit shall be reimbursed to the issuer thereof in accordance with the terms and provisions of the reimbursement or other agreement governing such facility.

In the event that all or a portion of the Reserve Account Requirement shall be provided by a Reserve Account Insurance Policy or Reserve Account Letter of Credit, the City shall do all things necessary to receive, or have the Bond Registrar receive, in a timely fashion from the provider of such Reserve Account Insurance Policy or Reserve Account Letter of Credit amounts required to be expended pursuant to this Section.

Notwithstanding anything to the contrary contained in this Section 509 or elsewhere in this Resolution, the Series Resolution for a Series of Bonds may provide that such Series of Bonds shall not be secured by the Reserve Account or any subaccount therein and, in such event, such Series of Bonds shall not be secured by the Reserve Account or any subaccount therein and shall not have a claim upon any moneys held for the credit of the Reserve Account or any subaccount therein and such moneys shall not be applied for the benefit of such Series of Bonds.

Section 510. Application of Moneys in Subordinated Indebtedness Account. The City shall on the business day immediately preceding the date on which any payment in respect of principal of, redemption premium, if any, or interest on any Subordinated Indebtedness shall become due withdraw from the Subordinated Indebtedness Account and deposit in trust with the paying agent for such Subordinated Indebtedness to enable such paying agent to pay to the holders of such Subordinated Indebtedness the amount required to pay such principal, redemption premium or interest becoming due and payable, all as provided in the ordinance, resolution or other instrument pursuant to which such Subordinated Indebtedness has been incurred (the "Subordinated Indebtedness Instrument").

The City may, pursuant to the Subordinated Indebtedness Instrument relating to any Subordinated Indebtedness, establish within the Subordinated Indebtedness Account a special reserve subaccount for such Subordinated Indebtedness. Moneys deposited to the credit of the Subordinated Indebtedness Account with respect to any reserve subaccount deposit requirement established in a Subordinated Indebtedness Instrument shall be deposited in said subaccount and held as a reserve for the corresponding Subordinated Indebtedness, as shall be more fully set forth in such Subordinated Indebtedness Instrument.

Section 511. Application of Moneys Remaining in Enterprise Fund. Moneys held for the credit of the Enterprise Fund after the applications under Section 505 hereof, other than moneys held therein in respect of Current Expenses, may at the election of the City be applied:

- (a) to make up deficiencies in any of the Funds and Accounts created by this Resolution,
- (b) to pay the Cost of Improvements,

- (c) to purchase or redeem Bonds,
- (d) to pay the Cost of any required renewals and replacements to, or maintenance of, the Parking System,
- (e) to make payments required under Interest Rate Swap arrangements which are not payable as Current Expenses or from amounts deposited therefor pursuant to Section 505(a) hereof, and
- (f) for any other lawful purpose of the City, including payment of additional Current Expenses.

Section 512. Application of Moneys in Debt Service Account. Subject to the terms and conditions set forth in this Resolution, moneys held for the credit of the Debt Service Account shall be held in trust and disbursed for (a) the payment of interest on the Bonds issued under the provisions of Sections 208, 209 and 210 of this Resolution as such interest becomes due and payable, or (b) the payment of the principal of such Bonds at their maturities, or (c) the payment of the purchase or redemption price of such Bonds before their maturity and such moneys are hereby pledged to and charged with the payments mentioned in this Section.

Notwithstanding the foregoing or any other provision herein to the contrary, including Sections 507 and 508, (i) if principal of and premium, if any, and interest on the Bonds that would have been paid from a subaccount in the Debt Service Account, is paid instead under a Credit Facility or a Liquidity Facility, amounts deposited in such relevant subaccount may be paid, to the extent required, to the issuer of the Credit Facility or Liquidity Facility having therefore made said corresponding payment and (ii) amounts deposited in the Bond Service Subaccount of the Debt Service Account may, to the extent provided in a Series Resolution, be applied to payments due under an Interest Rate Swap on a parity with interest due on the Bonds.

Section 513. Money Held in Trust. All moneys which the City shall have withdrawn from the Debt Service Account or shall have received from any other source and deposited with the Bond Registrar, for the purpose of paying any of the Bonds hereby secured, either at the maturity thereof or upon call for redemption, or for the purpose of paying any interest on any of the Bonds hereby secured, shall be held in trust for the respective Holders of such Bonds. But any moneys which shall be so set aside or deposited and which shall remain unclaimed by the Holders of such Bonds for the period of six (6) years after the date on which such Bonds or the interest thereon shall have become due and payable shall upon request in writing be paid to the City or to such officer, board or body as may then be entitled by law to receive the same, and thereafter the Holders of such Bonds shall look only to the City or to such officer, board or body, as the case may be, for the payment and then only to the extent of the amounts so received without any interest thereon, and the Bond Registrar shall have no responsibility with respect to such moneys.

Section 514. Cancellation of Bonds. All Bonds, paid, redeemed or purchased either at or before maturity shall be canceled upon the payment, redemption or purchase of such Bonds and shall be delivered to the City when such payment, redemption or purchase is made. All bonds canceled under any of the provisions of this Resolution shall be destroyed by the City, which shall execute a certificate in duplicate describing the Bonds so destroyed, and one executed certificate shall be filed with the Chief Financial Officer and the other executed certificate shall be retained by the City.

[END OF ARTICLE V]

## ARTICLE VI

### DEPOSITARIES OF MONEYS, SECURITY FOR DEPOSITS AND INVESTMENT OF FUNDS

Section 601. Security for Deposits. All moneys received by the City under the provisions of this Resolution shall be held either in accordance herewith or shall be deposited with a Depository or Depositaries, shall be held in trust, shall be applied only in accordance with the provisions of this Resolution and shall not be subject to lien or attachment by any creditor of the City.

All moneys held by the City or deposited with any Depository hereunder in excess of the amount guaranteed by the Federal Deposit Insurance Corporation or other Federal agency shall be continuously secured for the benefit of the City and the Holders of the Bonds, either (a) by lodging with a bank or trust company approved by the City as custodian, or, if then permitted by law, by setting aside under control of the trust department of the bank holding such deposit as collateral security, Government Obligations, or, with the approval of the City, other marketable securities eligible as security for the deposit of trust funds under applicable regulations of the Comptroller of the Currency of the United States or applicable State of Florida laws or regulations, having a market value (exclusive of accrued interest) not less than the amount of such deposit, or, if the furnishing of security as provided in (a) of this Section is not permitted by applicable law, (b) in such other manner as may then be required or permitted by applicable State of Florida or Federal laws or regulations regarding the security for, or granting a preference in the case of, the deposit of trust funds; provided, however, that it shall not be necessary for the Bond Registrar to give security for the deposits of any moneys with them for the payment of the principal of or the redemption premium or the interest on any Bonds issued hereunder, or for the City to give security for any moneys which shall be represented by obligations purchased under the provisions of this Article as an investment of such moneys.

All moneys held by the City and deposited with each Depository shall be credited to the particular Fund or Account to which such moneys belong.

Section 602. Investment of Moneys. Moneys held for the credit of the Construction Fund, the Enterprise Fund, the Debt Service Account, the Bond Service Subaccount, the Redemption Subaccount, the Reserve Account and any subaccounts therein shall, as nearly as may be practicable, be continuously invested and reinvested in Investment Obligations which shall mature, or which shall be subject to redemption by the holder thereof at the option of such holder, not later than the respective dates when moneys held for the credit of said Funds, Accounts and Subaccounts will be required for the purposes intended; provided, however, that amounts on deposit in the Reserve Account shall be invested in Investment Obligations which have an average aggregate weighted term to maturity not greater than five (5) years.

Investment Obligations so purchased as an investment of moneys in any such Fund or Account shall be deemed at all times to be part of such Fund or Account. The interest accruing thereon and any profit realized from such investment shall be credited to such Fund or Account and any loss resulting from such investment shall be charged to such Fund or Account.

Investment earnings on moneys on deposit to the credit of the following Funds and Accounts shall be applied as follows:

(a) Investment earnings on moneys on deposit to the credit of the Bond Service Subaccount and the Redemption Subaccount may, at the option of the City, be retained in said Accounts if the amounts are required for paying interest on the Bonds on the next Interest Payment Date and principal of Serial Bonds or the Amortization Requirements for Term Bonds when due, and to the extent that earnings are so retained, the City shall receive a credit against the amounts required to be deposited to said Accounts pursuant to Section 505 of this Resolution or the City may withdraw such earnings and deposit them to the credit of the Enterprise Fund.

(b) Investment earnings on money on deposit in the Reserve Account or a subaccount therein shall be retained in said Reserve Account or subaccount, as applicable, at any time that the amounts on deposit to the credit of said Reserve Account or subaccount are less than the applicable Reserve Account Requirement, or if moneys on deposit therein are sufficient for such purpose, then such earnings shall be withdrawn and deposited to the credit of the Enterprise Fund.

(c) Investment earnings on moneys on deposit to the credit of the Enterprise Fund shall be retained therein and applied in the same manner as other moneys on deposit therein.

(d) Investment earnings on moneys on deposit to the credit of the Construction Fund may, at the option of the City, be retained in said Fund or, if deemed to be surplus to the requirements of the Construction Fund, withdrawn and deposited to the credit of the Enterprise Fund. Anything in this clause (d) to the contrary notwithstanding, no transfer of investment earnings to the Enterprise Fund as permitted herein shall affect the definition of Revenues contained in this Resolution.

The City shall sell or present for payment or redemption any Investment Obligations so acquired whenever it shall be necessary so to do in order to provide moneys to meet any payment from such Fund or Account. Neither the City nor any agent thereof shall be liable or responsible for any loss resulting from any investment.

Moneys held for the credit of the Subordinated Indebtedness Account and any subaccounts therein shall be invested in accordance with the provisions of, and the investment earnings thereon shall be credited as provided in, the applicable Subordinated Indebtedness Instrument.

Section 603. Valuation of Investment Obligations. In computing the amount in any Fund or Account created pursuant to the provisions of this Resolution, obligations purchased as an investment of moneys therein shall be valued at the lower of (i) par, or amortized value if purchased at other than par, or (ii) market value, plus, in each case, accrued interest. Amortized value, when used with respect to an obligation purchased at a premium above or a discount below par, means the value as of any given time obtained by dividing the total premium or discount at which such obligation was purchased by the number of days remaining to maturity on such obligation at the date of such purchase and by multiplying the amount thus calculated by the

number of days having passed since such purchase, and (1) in the case of an obligation purchased at a premium by deducting the product thus obtained from the purchase price, and (2) in the case of an obligation purchased at a discount by adding the product thus obtained to the purchase price. Valuation on any particular date shall include the amount of interest then earned or accrued to such date or any moneys or investments in such Fund. The computation of the amount on deposit in or credited to the Funds and Accounts created under this Resolution and the valuation of the investments of such amount shall be performed by the City on the last day of each Fiscal Year, and such computation and valuation shall not be required to be performed at other times.

Section 604. Accounting for Funds. For the purposes of this Resolution, each Fund created hereunder shall be a series of self-balancing accounts within the book of accounts of the Parking System and shall connote a segregation of accounts, which will support special purpose disclosure reports, not to be construed as a separate set of books of accounts.

For the purpose of investing or reinvesting, the City may commingle moneys in the Funds and Accounts created and established hereunder in order to achieve greater investment income; provided that the City shall separately account for the amounts so commingled. The amounts required to be accounted for in each of the Funds and Accounts designated herein may be deposited in a single bank account for the Parking System provided that adequate accounting procedures are maintained to reflect and control the restricted allocations of the amounts on deposit therein for the various purposes of such Funds and Accounts as herein provided. The designation and establishment of funds and accounts in and by this Resolution shall not be construed to require the establishment of any completely independent funds and accounts but rather is intended solely to constitute an allocation of certain revenues and assets of the Parking System for certain purposes and to establish such certain priorities for application of certain revenues and assets as herein provided.

Section 605. Tax Covenants. The City covenants and agrees that so long as any Bonds remain Outstanding, it shall comply with the requirements of the Code, including any arbitrage rebate covenants in connection with the issuance of any Series of Bonds, except to the extent that to not so comply would, in the opinion of Bond Counsel, not result in the interest payable on such Bonds being included in gross income for Federal income tax purposes to the Holders thereof under the Code or, with respect to BABs, not result in the City not being entitled to receive Federal Direct Payments. Notwithstanding anything to the contrary contained herein or otherwise, and except with respect to BABs, the City shall not be required to comply with the covenants herein contained to the extent that interest on any Bonds issued hereunder shall be intended by the City, on the date of issuance of such Bonds, to be included in gross income for Federal income tax purposes to the Holders thereof under the Code. In connection with the issuance of the Series 2010 Bonds and for the purpose of complying with the arbitrage rebate covenants relating thereto, there is hereby created a special fund designated "Series 2010 Arbitrage Rebate Fund," which shall be held by the City and constitute an Arbitrage Rebate Fund under this Resolution.

[END OF ARTICLE VI]

## ARTICLE VII

### PARTICULAR COVENANTS

Section 701. Payment of Principal, Interest and Premium; Pledge of Net Revenues. The City covenants that it will promptly pay the principal of and the interest on each and every Bond and all other System Debt issued under the provisions of this Resolution at the places, on the dates and in the manner specified herein and in said Bonds and any premium required for the retirement of said Bonds and System Debt by purchase or redemption, according to the true intent and meaning thereof. Such principal, interest and premium will be payable solely from the Net Revenues and the Funds and Accounts created hereunder, other than the Subordinated Indebtedness Account and the Arbitrage Rebate Fund, and said Net Revenues and the Funds and Accounts created hereunder, other than the Subordinated Indebtedness Account and the Arbitrage Rebate Fund, are hereby pledged to the payment thereof in the manner and to the extent particularly specified in this Resolution.

Bonds and other System Debt issued under the provisions of this Resolution shall not be deemed to constitute a debt of the City or a pledge of the faith and credit of the City, but such Bonds and other System Debt shall be payable solely from the Net Revenues and the Funds and Accounts created hereunder, other than the Subordinated Indebtedness Account and the Arbitrage Rebate Fund, and the Bonds and other System Debt shall not directly or indirectly or contingently obligate the City to levy or to pledge any form of taxation whatever therefor, nor shall any such Bonds and other System Debt constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City.

Section 702. Construction of Project and Other Improvements; Operation of Parking System. The City further covenants that it will construct the Project and all other Improvements for the construction or acquisition of which Bonds or other System Debt shall be issued under the provisions of this Resolution, or for which moneys repayable from the proceeds of Bonds or other System Debt issued under the provisions of this Resolution shall have been advanced to the City, in accordance with the plans theretofore approved by the Consulting Engineers and that upon the completion of the Project or any such other Improvements it will operate and maintain the same as a part of the Parking System. The City further covenants that any contract with any person for the construction of all or a portion of the Project or any other Improvements shall provide for such performance and payment bonds or security in lieu thereof and for such ratings as shall be in compliance with the laws of the State of Florida and the normally established practices of the City from time to time in effect.

The City further covenants that it will establish and enforce reasonable rules and regulations governing the use of the Parking System and the operations thereof, that all compensation, salaries, fees and wages paid by it in connection with the maintenance, repair and operation of the Parking System will be reasonable, that it will operate the Parking System in an efficient and economical manner, that it will at all times maintain the Parking System or any part thereof in good repair and in sound operating condition and will make all necessary repairs, renewals and replacements, that it will duly observe and comply with all valid requirements of any municipal or governmental authority relative to the Parking System, that, except as permitted by this Resolution, it will not create or suffer to be created any lien or charge upon the Parking System

or any part thereof or upon the Net Revenues ranking equally with or prior to the Bonds, and that, out of the Net Revenues, it will pay or cause to be discharged, within sixty (60) days after the same shall accrue, all lawful claims and demands for labor, materials, supplies or other objects which, if unpaid, might by law become a lien upon the Parking System or any part thereof or upon the Revenues; provided, however, that nothing contained in this Section shall require the City to pay or cause to be discharged, or make provision for, any such lien or charge so long as the validity thereof shall be contested in good faith and by appropriate legal proceedings.

Section 703. Consulting Engineers. The City covenants and agrees that so long as any Bonds are Outstanding under this Resolution, it will employ an independent engineer or engineering firm or corporation having a favorable reputation for skill and experience in the construction and operation of public parking systems. Except for any fees and expenses incurred under the provisions of Section 403 of this Resolution, the cost of employing Consulting Engineers shall be treated as a part of the cost of operation and maintenance of the Parking System.

Upon request of the City, it shall be the duty of the Consulting Engineers to prepare and file with the City a report setting forth such advice and recommendations with respect to the Parking System as they may deem desirable.

The City further covenants that the Consulting Engineers shall at all times have free access to all properties of the Parking System and every part thereof for the purposes of inspection and examination and that its books, records and accounts may be examined by the Consulting Engineers at all reasonable times.

Section 704. Employment of Accountant. The City covenants and agrees that it will for the purpose of performing and carrying out the duties imposed on the Accountant by this Resolution employ an independent certified public accountant or firm of independent certified public accountants of suitable experience and responsibility, having a favorable reputation for skill and experience in the auditing of municipal enterprise funds.

Section 705. Insurance. The City covenants that it will at all times carry insurance, in a responsible insurance company or companies authorized and qualified under the laws of the State of Florida to assume the risk thereof, covering such properties belonging to the Parking System as are customarily insured, and against loss or damage from such causes as are customarily insured against by municipally-owned parking systems.

All such policies shall be for the benefit of the City, shall be made payable to the City and shall be deposited with the City, and the City shall have the sole right to receive the proceeds of such policies and to collection and receipt for claims thereunder. The proceeds of any and all such insurance shall be deposited in the name of the City.

The City covenants that, immediately after any loss or damage to any properties of the Parking System resulting from any cause, whether or not such loss or damage shall be covered by insurance, it will cause its engineers to prepare plans and specifications for repairing, replacing or reconstructing (either in accordance with the original or a different design) the damaged or destroyed property, and that it will forthwith commence and diligently prosecute the repair, replacement or reconstruction of the damaged or destroyed property unless it shall determine that

the repair, replacement or reconstruction of such property is not essential to the efficient or economic operation of the Parking System. In the event that the City shall determine that the repair or replacement of such damaged or destroyed property is not essential to the efficient or economic operation of the Parking System, the proceeds of such insurance received by the City shall be deposited to the credit of the Enterprise Fund.

The proceeds of all insurance referred to in this Section shall be available for and shall, to the extent necessary, be applied to the repair, replacement or reconstruction of the damaged or destroyed property, and shall be paid out in the manner hereinabove provided for payments from the Construction Fund. If such proceeds are more than sufficient for such purpose, the balance remaining shall be deposited to the credit of the Enterprise Fund.

All insurance policies shall be open to the inspection of the Bondholders and their representatives at all reasonable times. The Chief Financial Officer is hereby authorized in the name of the City to demand, collect, sue and receipt for the insurance money which may become due and payable under any policies payable to it. Any appraisal or adjustment of any loss or damage and any settlement or payment of indemnity therefor which may be agreed upon between the City and any insurer shall be evidenced to the Chief Financial Officer by a certificate signed by the Parking Director.

Notwithstanding the foregoing provisions of this Section, the City may institute self-insurance programs with regard to such risks as shall be consistent with the practices of municipally-owned parking systems operating in a manner similar to the Parking System.

Section 706. Use of Revenues. The City covenants and agrees that, so long as any of the Bonds secured hereby shall be outstanding, none of the Revenues will be used for any purpose other than as provided in this Resolution, and that no contract or contracts will be entered into or any action taken by which the rights of Holders of the Bonds might be impaired or diminished.

Section 707. Records, Accounts and Audits. The City covenants that it will keep the funds and accounts of the Parking System separate from all other funds and accounts of the City or any of its departments, and that it will keep accurate records and accounts of all items of costs and of all expenditures relating to the Parking System and of the Revenues collected and the application of such Revenues. Such records and accounts shall be open to the inspection of all interested persons.

The City further covenants that within six months after the close of each Fiscal Year it will cause an audit to be made of its books and accounts pertaining to the Parking System by the Accountant. Within a reasonable time thereafter the resulting Financial Statements shall be filed with the Commission and the Chief Financial Officer, and copies of such Financial Statements shall be mailed to any Bondholder who shall have filed his name and address with the Chief Financial Officer for such purpose. Such Financial Statements shall be open to the inspection of all interested persons.

The City further covenants that it will cause any additional reports or audits relating to the Parking System to be made as required by law or by any applicable rules or regulations of any governmental authority or of any securities exchange on which the Bonds may be listed or traded.

Such reports or audits may be extracted from the Financial Statements. The cost of such audits shall be treated as a part of the cost of operation.

Section 708. Supervisory Personnel. The City in operating the Parking System will employ a Parking Director with demonstrated ability and experience in operating similar facilities, and will require all employees who may have possession of money derived from the operation of the Parking System to be covered by a fidelity bond, written by a responsible indemnity company in amounts fully adequate to protect the City from loss.

Section 709. Separate Parking Facilities. In addition to the Separate Parking Facilities described in Exhibit B hereto, the Commission may by resolution determine to own or operate additional Separate Parking Facilities; provided, however, that prior to the adoption of any such resolution designating any facilities as a Separate Parking Facility, there shall be delivered to the City Manager a certificate of the Chief Financial Officer containing his determination that the ownership and operation of such Separate Parking Facility will not have a material adverse impact on the Net Revenues of the Parking System and stating his reasons for such determination.

The City may incur debt to acquire or improve Separate Parking Facilities without compliance with any test or limit contained in the Resolution so long as such debt is payable solely from the revenues generated by such Separate Parking Facility and the holders of such debt have no recourse and are in no way payable from the Revenues of the Parking System. The revenues, current expenses and debt service associated with such Separate Parking Facility and any debt of the City incurred therefor shall not be included in Revenues, Current Expenses and Principal and Interest Requirements, each as defined in this Resolution.

Any such Separate Parking Facility may be consolidated with the Parking System upon demonstration of compliance with the tests for the incurrence of Additional Bonds contained in clause (c) of Section 209 of this Resolution. In determining compliance with the test mentioned above, the revenues and current expenses of the Separate Parking Facility shall be included in computing Net Revenues and the debt service on any debt payable from revenues of such Separate Parking Facility shall be included in Principal and Interest Requirements. Prior to any such consolidation, compliance with the tests set forth in clause (c) of Section 209 shall be demonstrated regardless of whether there shall be any debt outstanding with respect to such Separate Parking Facility.

Section 710. No Free Parking. To the extent permitted by law, the City will not permit free parking or services to be supplied by the Parking System except that (i) the Commission, officers and employees may use facilities of the Parking System free of charge only while on official City business, (ii) the City may establish the hours during which meter charges shall be applicable and (iii) the City may permit free parking during hours when the volume of parking business does not justify the expense of collecting parking charges.

Section 711. Enforcement of Collections. The City will diligently enforce and collect, or cause to be enforced and collected, the rates, fees and other charges for the use of the Parking System; will take, or cause to be taken, all steps, actions and proceedings for the enforcement and collection of such rates, fees and charges to the full extent permitted or authorized by law; and will maintain accurate records with respect thereto. All such rates, fees, charges and revenues herein

pledged shall, as collected, be held in trust to be applied as provided in this Resolution and not otherwise.

Section 712. Management by Others of the Parking System. All or any part of the Parking System may be managed by independent managers or operators or by any authority created by the City for such purpose under such provisions as are acceptable to the Commission; provided, however, that prior to the approval of any such management arrangement, there shall be delivered to the City Manager (i) a certificate of the Chief Financial Officer containing his determination that such management arrangements will not have a material adverse impact on the Net Revenues of the Parking System and stating his reasons for such determination and (ii) an opinion of Bond Counsel to the effect that such management arrangement will have no adverse impact on the exclusion of interest on any of the Bonds or other System Debt from gross income for federal income tax purposes. Any and all financial considerations received by the City by reason of such management arrangement shall be regarded as Revenues for purposes of this Resolution and applied as described in Section 505 hereof.

Section 713. Sale or Other Disposition of the Parking System. Except as provided in Section 709 and this Section, the City shall not sell, lease or otherwise dispose of all or any part of the Parking System.

(a) To the extent permitted by law, the City, without restriction, may in any Fiscal Year sell, lease or otherwise dispose of assets forming a part of the Parking System, the aggregate value of which in each such Fiscal Year does not exceed the lesser of \$1,000,000 or one half of one per centum (1/2 of 1%) of the book value of the net property, plant and equipment of the Parking System as shown on the Financial Statements for the latest Fiscal Year for which such Financial Statements are available. The proceeds of a disposition pursuant to this clause (a) shall be applied as described in Section 505 of this Resolution or to the defeasance of Bonds pursuant to Section 1101 of this Resolution.

(b) To the extent permitted by law, the City may in any Fiscal Year sell, lease or otherwise dispose of assets forming a part of the Parking System in excess of the amount set forth in clause (a) of this Section if, before any such transfer, there is delivered to the City Manager a report of the Consulting Engineers or Rate Consultant demonstrating that the sale, lease or other disposition of such property will not have a material adverse impact on the Net Revenues and stating his reasons therefor. In determining whether to render such report, the Consulting Engineers or the Rate Consultant shall consider the usefulness of the assets to be disposed of to the operations of the Parking System, the uses to be made of any proceeds of a sale and the rental income to be received with respect to any lease thereof. The proceeds of a disposition pursuant to this clause (b) shall be applied as described in Section 505 of this Resolution or to the defeasance of Bonds pursuant to Section 1101 of this Resolution.

(c) To the extent permitted by law, the City may in any Fiscal Year sell, lease or otherwise dispose of any assets forming a part of the Parking System without regard to the limitations and conditions in clauses (a) and (b) above if the Commission by resolution declares that such assets are not needed or serve no useful purpose in connection with the maintenance and operation of the Parking System. The proceeds of a disposition pursuant

to this clause (c) shall be applied as described in Section 505 of this Resolution or to the defeasance of Bonds pursuant to Section 1101 of this Resolution.

(d) To the extent permitted by law, the City may sell, lease or otherwise dispose of the assets of the entire Parking System, if, upon the application of the proceeds of any such disposition as hereinafter required, there shall be no Bonds deemed to be Outstanding under the provisions of this Resolution and the City shall have paid or made full provision for the payment of all other obligations of the City payable from the Revenues of the Parking System, including but not limited to, Current Expenses then due and payable or to become due and payable, and all other System Debt payable in any way from the Revenues of the Parking System and all fees then due and owing or to become due in the future with respect to Credit Facilities. The proceeds of any sale, lease or other disposition permitted by this clause (d) shall be applied first to the payment or provision for payment of the obligations, including the Bonds, set forth above, and only after all such obligations shall have been paid or full provision for their payment been made, shall the City apply any of such proceeds to any other lawful purpose of the City.

No sale, lease or any other disposition of assets of the Parking System pursuant to clauses (a) through (d) above shall be consummated nor shall the proceeds of any such disposition be applied unless prior to such consummation or application, there shall be delivered an opinion of Bond Counsel to the effect that such disposition and the application of the proceeds as required herein will have no adverse impact on the exclusion of interest on any of the Bonds or other System Debt from gross income for Federal income tax purposes.

Notwithstanding anything to the contrary in this Resolution, including this Section, and without having to comply with the above provisions of this Section but subject to Sections 502 and 605 hereof, to the extent permitted by law, the City may permit at such rates as the City shall deem reasonable (i) the exclusive use of parking lots or structures, or any portion thereof, which are part of the Parking System in connection with special events or occasions for periods of no more than one (1) week, including renewals; (ii) the exclusive use of spaces in parking lots or structures which are part of the Parking System by individuals who are members of the general public for periods of no more than one (1) month (however, such use may be renewed for successive periods of no more than one (1) month each); (iii) the exclusive use of parking lots or structures, or any portion thereof, which are part of the Parking System during periods (e.g., at night) when there is little or no reasonably expected demand for use of such lots or structures by members of the general public and when such exclusive use for such periods will not prevent any foreseeable use of such lots or structures by members of the general public; or (iv) the rental of retail space within parking structures that are part of the Parking System and intended, upon initial acquisition or construction by the City of such structures, to be used as retail space. The income from such use pursuant to this paragraph shall be deposited in the Enterprise Fund and applied as described in Section 505 of this Resolution.

Section 714. Covenants with Providers of Credit Facilities, Liquidity Facilities, Reserve Account Insurance Policies or Reserve Account Letters of Credit. (a) Subject to the provisions of this Resolution, the City may make such covenants, including the granting of a parity or subordinate lien to the lien of Bonds hereunder, as the City may in its sole discretion determine to be appropriate with any provider that shall agree to insure or to provide for Bonds of any one or

more Series a Credit Facility or Liquidity Facility, which Credit Facility or Liquidity Facility shall enhance the security or the value of such Bonds and thereby reduce the Principal and Interest Requirements on such Bonds. Such covenants may be set forth in the applicable Series Resolution or in any agreement entered into with such provider and shall be binding on the City, the Bond Registrar and all the Holders of Bonds the same as if such covenants were set forth in full in this Resolution; provided, however, that no such covenant shall create any additional or expand any existing obligations, duties or responsibilities of the Bond Registrar hereunder or limit, waive or restrict any existing rights of the Bond Registrar hereunder, without the Bond Registrar's prior written consent.

(b) The City may make such covenants, including the granting of a subordinate lien to the lien of Bonds hereunder, as it may in its sole discretion determine to be appropriate with any provider of a Reserve Account Insurance Policy or Reserve Account Letter of Credit deposited in the Reserve Account. Such covenants may be set forth in a resolution adopted by the City or in any agreement entered into with such provider and shall be binding on the City, the Bond Registrar and all the Holders of Bonds the same as if such covenants were set forth in full in this Resolution; provided, however, that no such covenant shall create any additional or expand any existing obligations, duties or responsibilities of the Bond Registrar hereunder or limit, waive or restrict any existing rights of the Bond Registrar hereunder, without the Bond Registrar's prior written consent.

(c) All covenants for the benefit of a provider of a Credit Facility, Liquidity Facility, Reserve Account Letter of Credit or Reserve Account Insurance Policy shall remain in full force and effect only for so long as such provider has not defaulted in its obligations under the applicable Credit Facility, Liquidity Facility, Reserve Account Letter of Credit or Reserve Account Insurance Policy.

[END OF ARTICLE VII]

## ARTICLE VIII

### REMEDIES

Section 801. Extension of Interest Payment. In case the time for the payment of any interest on any Bond shall be extended, whether or not such extension be by or with the consent of the City, such interest so extended shall not be entitled in case of default hereunder to the benefit or security of this Resolution except subject to the prior payment in full of the principal of all Bonds then Outstanding and all interests the time for the payment of which shall not have been extended.

Section 802. Events of Default. Each of the following events is hereby declared an "Event of Default":

(a) payment of the principal and of the redemption premium, if any, of any of the Bonds shall not be made when the same shall become due and payable, either at maturity or by proceedings for redemption or otherwise; or

(b) payment of any installment of interest on any of the Bonds shall not be made when the same shall become due and payable; or

(c) the City shall for any reason be rendered incapable of fulfilling its obligations hereunder; or

(d) final judgment for the payment of money shall be rendered against the City as a result of the ownership, control or operation of the Parking System and any such judgment shall not be discharged within ninety (90) days from the entry thereof or an appeal shall not be taken therefrom or from the order, decree or process upon which or pursuant to which such judgment shall have been granted or entered, in such manner as to stay the execution of or levy under such judgment, order, decree or process or the enforcement thereof; or

(e) the City admits in writing its inability to pay its debts generally as they become due, or files a petition in bankruptcy or makes an assignment for the benefit of its creditors or consents to the appointment of a receiver or trustees for itself or for the whole or any part of the Parking System or a receiver or trustee for such purpose is appointed without the consent of the City; or

(f) the City is adjudged insolvent by a court of competent jurisdiction, or is adjudged a bankrupt on a petition in bankruptcy filed against the City, or an order, judgment or decree is entered by a court of competent jurisdiction appointing, without the consent of the City, a receiver or trustee of the City or of the whole or any part of its property and any of the aforesaid adjudications, orders, judgments or decrees shall not be vacated or set aside or stayed within ninety (90) days from the date of entry thereof; or

(g) the City shall file a petition or answer seeking reorganization or any arrangement under the Federal bankruptcy laws or any other applicable law or statute of the United States of America or any state thereof; or

(h) under the provisions of any other law for the relief or aid of debtors, any court of competent jurisdiction shall assume custody or control of the City or of the whole or any substantial part of its property, and such custody or control shall not be terminated within ninety (90) days from the date of assumption of such custody or control; or

(i) the City shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Resolution on the part of the City to be performed and such default shall continue for thirty (30) days after written notice specifying such default and requiring the same to be remedied shall have been given to the City by the holders of not less than ten per centum (10%) in aggregate principal amount of the Bonds then Outstanding; provided, however, if the default specified in this clause (i) shall be of a type which cannot be remedied within thirty (30) days, it shall not constitute an Event of Default if the City shall begin to remedy such default within such thirty-day period.

Section 803. Acceleration of Maturities. Upon the happening and continuance of any Event of Default specified in clauses (a) through (i) of Section 802 of this Article, then and in every such case the Holders of not less than a majority in aggregate principal amount of the Bonds then Outstanding may, by a notice in writing to the City, declare the principal of all of the Bonds then Outstanding (if not then due and payable) to be due and payable immediately, and upon such declaration the same shall become and be immediately due and payable, anything contained in the Bonds or in this Resolution to the contrary notwithstanding; provided, however, that if at any time after the principal of the Bonds shall have been so declared to be due and payable, and before the entry of final judgment of decree in any suit, action or proceeding instituted on account of such default, or before the completion of the enforcement of any other remedy under this Resolution, moneys shall have accumulated in the Debt Service Account sufficient to pay the principal of all matured Bonds and all arrears of interest, if any, upon all Bonds then Outstanding (except the principal of any Bonds not then due except by virtue of such declaration and the interest accrued on such Bonds since the last Interest Payment Date), and all amounts then payable by the City hereunder shall have been paid or a sum sufficient to pay the same have been deposited with the Bond Registrar, and every other default in the observance or performance of any covenant, condition, agreement or provision contained in the Bonds or in this Resolution (other than a default in the payment of the principal of such Bonds then due only because of a declaration under this Section) shall have been remedied, then and in every such case the Holders of not less than a majority in aggregate principal amount of the Bonds not then due except by virtue of such declaration and then Outstanding may, by written notice to the City, rescind and annul such declaration and its consequences, but no such rescission or annulment shall extend to or affect any subsequent default or impair any right consequent thereon.

Section 804. Enforcement of Remedies. Upon the happening and continuance of any Event of Default then and in every such case the Holders of not less than ten per centum (10%) in aggregate principal amount of the Bonds then Outstanding hereunder may proceed to protect and enforce the rights of the Bondholders under State law, or under this Resolution by such suits, actions or special proceedings in equity or at law, either for the specific performance of any covenant or agreement contained herein or in aid or execution of any power herein granted or for the enforcement of any proper legal or equitable remedy, as such Bondholder shall deem most effectual to protect and enforce such rights. Such Holders of Bonds, or any trustee appointed to

represent Bondholders as hereinafter provided, shall be entitled as of right to the appointment of a receiver of the Parking System in an appropriate judicial proceeding in a court of competent jurisdiction, whether or not such Holder or trustee is also seeking or shall have sought to enforce any other right or exercise any other remedy in connection with Bonds issued pursuant to this Resolution.

The receiver so appointed shall forthwith, directly or by his agents and attorneys, enter into and upon and take possession of the Parking System, and each and every part thereof, and shall hold, operate and maintain, manage and control the Parking System, and each and every part thereof, and in the name of the City shall exercise all the rights and powers of the City with respect to the Parking System as the City itself might do. Such receiver shall collect and receive all Revenues and maintain and operate the Parking System in the manner provided in this Resolution and comply under the jurisdiction of the court appointing such receiver, with all of the provisions of this Resolution.

Whenever all that is due upon the Bonds, and interest thereon, and under any covenants of this Resolution for the Funds and Accounts, and upon any other obligations and interest thereon having a charge, lien or encumbrance upon the Revenues of the Parking System shall have been paid and made good, and all defaults under the provisions of this Resolution shall have been cured and made good, possession of the Parking System shall be surrendered to the City upon the entry of an order of the court to that effect. Upon any subsequent Event of Default, any Holder of Bonds issued pursuant to this Resolution, or any trustee appointed for Bondholders as hereinafter provided, shall have the right to secure the further appointment of a receiver.

Such receiver shall in the performance of the powers hereinabove conferred upon him be under the direction and supervision of the court making such appointment, shall at all times be subject to the orders and decrees of such court and may be removed thereby and a successor receiver appointed in the discretion of such court. Nothing herein contained shall limit or restrict the jurisdiction of such court to enter such other and further orders and decrees as such court may deem necessary or appropriate for the exercise by the receiver of any function not specifically set forth herein.

Any receiver appointed as provided herein shall hold and operate the Parking System in the name of the City and for the joint protection and benefit of the City and the Holders of Bonds issued pursuant to this Resolution. Such receiver shall have no power to sell, assign, mortgage or otherwise dispose of any assets of any kind or character belonging or pertaining to the Parking System, except as provided herein, but the authority of such receiver shall be limited to the possession, operation and maintenance of the Parking System for the sole purpose of the protection of both the City and the Bondholders.

The Holder or Holders of Bonds in an aggregate principal amount of more than fifty per centum (50%) of the Bonds then Outstanding may by a duly executed certificate in writing appoint a trustee for Holders of Bonds issued pursuant to this Resolution with authority to represent such Bondholders in any legal proceedings for the enforcement and protection of the rights of such Bondholders. Such certificate shall be executed by such Bondholders or their duly authorized attorneys or representatives, and shall be filed in the office of the City Clerk of the City.

Notwithstanding anything in this Resolution to the contrary, so long as the issuer of a Credit Facility shall not be in default in its obligations under such Credit Facility, such issuer shall be deemed to be the holder of all Bonds having the benefit of such Credit Facility for all purposes of this Article VIII.

Section 805. Pro Rata Application of Funds. Anything in this Resolution to the contrary notwithstanding, if at any time the moneys in the Debt Service Account shall not be sufficient to pay the principal of or the interest on the Bonds as the same become due and payable (either by their terms or by acceleration of maturities under the provisions of Section 803 of this Article), such moneys, together with any moneys then available for such purpose, whether through the exercise of the remedies provided for in this Article or otherwise, shall be applied as follows:

(a) Unless the principal of all the Bonds shall have become due and payable or shall have been declared due and payable, all such moneys shall be applied:

First: to the payment of the persons entitled thereto of all installments of interest then due and payable, in the order in which such installments become due and payable, and, if the amount available shall not be sufficient to pay in full, any particular installment, then to the payment ratably, according to the amounts due on such installment, to the persons entitled thereto, without any discrimination or preference except as to any difference in the respective rates of interest specified in the Bonds;

Second: to the payment of the persons entitled thereto of the unpaid principal of any of the Bonds which shall have become due (other than Bonds called for redemption for the payment of which sufficient moneys are held pursuant to the provisions of this Resolution), in the order of their due dates, with interest upon such Bonds at the respective rates specified therein from the respective dates upon which they became due, and, if the amount available shall not be sufficient to pay in full the principal of Bonds due on any particular date, together with such interest, then to the payment of such principal, ratably according to the amount of such principal due on such date, to the persons entitled thereto without any discrimination or preference except as to any difference in the respective rates of interest specified in the Bonds; and

Third: to the payment of the interest on and the principal of the Bonds, to the purchase and retirement of Bonds and to the redemption of Bonds, all in accordance with the provisions of Article V of this Resolution.

(b) If the principal of all the Bonds shall have become due and payable or shall have been declared due and payable, all such moneys shall be applied to the payment of the principal and interest then due and unpaid upon the Bonds, without preference or priority of principal over interest or of interest over principal or of any installment of interest over any other installment of interest, or of any Bond over any other Bond, ratably, according to the amounts due respectively for principal and interest, to the persons entitled thereto without any discrimination or preference except as to any difference in the respective rates of interest specified in the Bonds.

(c) If the principal of all the Bonds shall have been declared due and payable and if such declaration shall thereafter have been rescinded and annulled under the provisions of Section 803 of this Article, then, subject to the provisions of paragraph (b) of this Section in the event that the principal of all the Bonds shall later become due or be declared due and payable, the moneys remaining in and thereafter accruing to the Debt Service Account shall be applied in accordance with the provisions of paragraph (a) of this Section.

The provisions of this Section are in all respects subject to the provisions of Section 801 of this Article.

Whenever moneys are to be applied by the City pursuant to the provisions of this Section, such moneys shall be applied by the City at such times, and from time to time, as the City in its sole discretion shall determine, having due regard to the amount of such moneys available for application and the likelihood of additional moneys becoming available for such application in the future; the deposit of such moneys with the Bond Registrar, or otherwise setting aside such moneys, in trust for the proper purpose, shall constitute proper application by the City; and the City shall incur no liability whatsoever to any Bondholder or to any other person for any delay in applying any such funds, so long as the City acts with reasonable diligence, having due regard to the circumstances, and ultimately applies the same in accordance with such provisions of this Resolution as may be applicable at the time of application. Whenever the City shall exercise such discretion in applying such funds, it shall fix the date upon which such application is to be made and upon such date interest on the amounts of principal to be paid on such date shall cease to accrue. The City shall give such notice as it may deem appropriate and as otherwise required herein of the fixing of any such date, and shall not be required to make payment to the Holder of any unpaid Bond until such Bond shall be surrendered to it for appropriate endorsement.

Section 806. Effect of Discontinuance of Proceedings. In case any proceeding taken by any Bondholder on account of any default shall have been discontinued or abandoned for any reason, then and in every such case the City and the Bondholder shall be restored to their former positions and rights hereunder, respectively, and all rights and remedies of the Bondholders shall continue as though no such proceeding had been taken.

Section 807. Restrictions on Individual Bondholder Actions. No Holder or Holders of any of the Bonds hereby secured shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security of this Resolution, or to enforce any right hereunder except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the benefit of all Holders of such Bonds.

Section 808. No Remedy Exclusive. No remedy herein conferred upon the Bondholders is intended to be exclusive of any other remedy or remedies herein provided, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder.

Section 809. Delay Not a Waiver. No delay or omission of any Bondholder to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or an acquiescence therein; and every power and

remedy given by this Article to the Bondholder may be exercised from time to time and as often as may be deemed expedient.

Section 810. Right to Enforce Payment of Bonds. Nothing in this Article shall affect or impair the right of any Bondholder to enforce the payment of the principal of and interest on his Bond, or the obligation of the City to pay the principal of and interest on each Bond to the Holder thereof at the time and place in said Bond expressed.

[END OF ARTICLE VIII]

## ARTICLE IX

### EXECUTION OF INSTRUMENTS BY BONDHOLDERS AND PROOF OF OWNERSHIP OF BONDS

Section 901. Execution of Instruments by Bondholders and Proof of Ownership of Bonds. Any request, direction, consent or other instrument in writing required or permitted by this Resolution to be signed or executed by Bondholders may be in any number of concurrent instruments of similar tenor and may be signed or executed by such Bondholders or their attorneys or legal representatives. Proof of the execution of any such instrument and of the ownership of Bonds shall be sufficient for any purpose of this Resolution and shall be conclusive in favor of the City with regard to any action taken by it under such instrument if made in the following manner:

(a) The fact and date of the execution by any person of any such instrument may be proved by the verification of any officer in any jurisdiction who, by the laws thereof, has power to take affidavits within such jurisdiction, to the effect that such instrument was subscribed and sworn to before him, or by an affidavit of a witness to such execution. Where such execution is on behalf of a person other than an individual such verification or affidavit shall also constitute sufficient proof of the authority of the signer thereof.

(b) The fact of the ownership of Bonds shall be proved by the registration books required to be maintained pursuant to Article II of this Resolution.

Nothing contained in this Article shall be construed as limiting the City to such proof, it being intended that the City may accept any other evidence of the matters herein stated which it may deem sufficient. Any request or consent of the Holder of any Bond shall bind every future Holder of the same Bond in respect of anything done by the City in pursuance of such request or consent.

Notwithstanding any of the foregoing provisions of this Section, the City shall not be required to recognize any person as a Holder of any Bond or to take any action at his request unless such Bond shall be deposited with it.

[END OF ARTICLE IX]

## ARTICLE X

### SUPPLEMENTAL RESOLUTIONS

Section 1001. Supplemental Resolution without Bondholders' Consent. The Commission may, without the consent of any Holders of the Bonds or providers of Credit Facilities, Liquidity Facilities, Reserve Account Insurance Policies or Reserve Account Letters of Credit, from time to time and at any time adopt such resolutions supplemental hereto as shall not be inconsistent with the terms and provisions hereof (which supplemental resolution shall thereafter form a part hereof):

(a) to cure any ambiguity or formal defect or omission or to correct any inconsistent provisions in this Resolution or in any supplemental ordinance, or

(b) to grant to or confer upon the Bondholders any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the Bondholders, or

(c) to add to the conditions, limitations and restrictions on the issuance of Bonds under the provisions of this Resolution other conditions, limitations and restrictions thereafter to be observed, or

(d) to add to the covenants and agreements of the City in this Resolution other covenants and agreements thereafter to be observed by the City or to surrender any right or power herein reserved to or conferred upon the City, or

(e) to permit the issuance of Bonds in coupon form, if as a condition precedent to the adoption of such supplemental resolution, there shall be delivered to the City an opinion of Bond Counsel to the effect that the issuance of Bonds in coupon or bearer form are then permitted by law to be issued and that the interest on such Bonds would be exempt from Federal income taxation, or

(f) to permit the City to issue Bonds the interest on which is not exempt from Federal income taxation, or

(g) to qualify the Bonds or any of them for registration under the Securities Act of 1933, as amended, or the Securities Exchange Act of 1934, as amended, or

(h) to qualify this Resolution as an "indenture" under the Trust Indenture Act of 1939, as amended, or

(i) to create additional Debt Service Accounts or subaccounts within the Reserve Account for Series of Bonds as permitted by Section 505 hereof, or

(j) to permit Bonds to be issued in denominations smaller than \$5,000, or

(k) to comply with requirements of entities providing Credit Facilities, Liquidity Facilities, Reserve Account Insurance Policies, Reserve Account Letters of Credit and Interest Rate Swaps, or

(l) to designate any parking facilities, including portions of the Parking System, as Separate Parking Facilities under the provisions of Section 709 of this Resolution.

Section 1002. Supplemental Resolution with Bondholders' Consent. Subject to the terms and provisions contained in this Section, and not otherwise, the Holders of not less than a majority in aggregate principal amount of the Bonds then outstanding shall have the right, from time to time, anything contained in this Resolution to the contrary notwithstanding, to consent to and approve the adoption of such resolutions supplemental hereto as shall be deemed necessary or desirable by the City for the purpose of modifying, altering, amending, adding to or rescinding, in any particular, any of the terms or provisions contained in this Resolution or in any supplemental resolution; provided, however, that nothing herein contained shall permit, or be construed as permitting, (a) an extension of the maturity of the principal of or the interest on any Bond issued hereunder, or (b) a reduction in the principal amount of any Bond or the redemption premium or the rate of interest thereon, or (c) the creation of a superior or parity pledge or lien to the pledge and lien created under this Resolution other than as permitted by this Resolution, or (d) a preference or priority of any Bond or Bonds over any other Bond or Bonds, or (e) a reduction in the aggregate principal amount of the Bonds required for consent to such supplemental ordinance. Nothing herein contained, however, shall be construed as making necessary the approval by Bondholders of the adoption of any supplemental ordinance as authorized in Section 1001 of this Article.

The consent of the Holders of any Series of Additional Bonds or Refunding Bonds to be issued hereunder shall be deemed given if the underwriters or initial purchasers for resale consent in writing to such supplemental resolution and the nature of the amendment effected by such supplemental resolution is disclosed in the official statement or other offering document pursuant to which such Series of Additional Bonds or Refunding Bonds is offered and sold to the public.

If at any time the City shall determine that it is necessary or desirable to adopt any supplemental resolution for any of the purposes of this Section, the City shall cause notice of the proposed adoption of such supplemental resolution to be mailed, postage prepaid, to all registered owners of Bonds then Outstanding at their addresses as they appear on the registration books at least sixty (60) days prior to the proposed adoption date. Such notice shall briefly set forth the nature of the proposed supplemental resolution and shall state that the copies thereof are on file at the office of the City Clerk for inspection by all Bondholders. The City shall not, however, be subject to any liability to any Bondholder by reason of its failure to cause the notice required by this Section to be mailed and any such failure shall not affect the validity of such supplemental resolution when consented to and approved as provided in this Section.

Whenever, after the mailing of such notice, the City shall deliver to the Chief Financial Officer an instrument or instruments in writing purporting to be executed by the Holders of not less than a majority in aggregate principal amount of the Bonds then Outstanding, which instrument or instruments shall refer to the proposed supplemental resolution described in such notice and shall specifically consent to and approve the adoption thereof in substantially the form of the copy

thereof referred to in such notice, thereupon, but not otherwise, the Commission may adopt such supplemental resolution in substantially such form, without liability or responsibility to any holder of any Bond, whether or not such Holder shall have consented thereto.

If the Holders of not less than a majority in aggregate principal amount of the Bonds then Outstanding at the time of the adoption of such supplemental resolution shall have consented to and approved the adoption thereof as herein provided, no Holder of any Bond shall have any right to object to the adoption of such supplemental resolution, or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the Commission from adopting the same or from taking any action pursuant to the provisions thereof.

Upon the adoption of any supplemental resolution pursuant to the provisions of this Section, this Resolution shall be deemed to be modified and amended in accordance therewith, and the respective rights, duties and obligations under this Resolution of the City and all Holders of Bonds then Outstanding shall thereafter be determined, exercised and enforced in all respects under the provisions of this Resolution as so modified and amended.

Notwithstanding anything to the contrary contained in this Resolution, so long as the issuer of a Credit Facility shall not be in default in its obligations under such Credit Facility, such issuer shall be deemed to be the holder of all Bonds having the benefit of such Credit Facility for purposes of this Section 1002.

Section 1003. Supplemental Resolutions Part of Resolution. Any supplemental resolution adopted in accordance with the provisions of this Article and approved as to legality by the City Attorney shall thereafter form a part of this Resolution, and all of the terms and conditions contained in any such supplemental resolution as to any provision authorized to be contained therein shall be and shall be deemed to be part of the terms and conditions of this Resolution for any and all purposes. In case of the adoption and approval of any supplemental resolution, express reference may be made thereof in the text of any Bonds issued thereafter, if deemed necessary or desirable by the City.

[END OF ARTICLE X]

## ARTICLE XI

### DEFEASANCE

Section 1101. Cessation of Interests of Bondholders. If, when the Bonds secured hereby (a) shall have become due and payable in accordance with their terms or (b) shall have been duly called for redemption or (c) irrevocable instructions to call the Bonds for redemption or to pay the Bonds at their respective maturities or combination of such payment and redemption shall have been given by the City, the whole amount of the principal and the interest and premium, if any, so due and payable upon all of the Bonds then Outstanding shall be paid or sufficient moneys or Government Obligations, the principal of and the interest on which when due will provide sufficient moneys to pay such principal, interest (which with respect to any Variable Rate Bonds shall be assumed to be the maximum interest rate permitted under the documents governing such Variable Rate Bonds) and premium, if any, on the Bonds then Outstanding shall be held by the Bond Registrar or other bank, trust company or other appropriate financial institution, acting as escrow agent, for such purpose under the provisions of this Resolution, and provision shall also be made for paying all other sums payable hereunder by the City, then and in that case the right, title and interest of the Holders of the Bonds under this Resolution shall thereupon cease, determine and become void, the City shall have no obligation with respect to such Bonds except for the payment of the principal of, redemption premium, if any, and interest thereon solely from the moneys or Government Obligations deposited pursuant to this Section, and the Commission in such case, shall repeal and cancel this Resolution and may apply any surplus in any subaccount in the Debt Service Account and all balances remaining in any other Funds or Accounts other than moneys held for the redemption or payment of Bonds or the interest thereon to any lawful purpose of the City as the Commission shall determine; otherwise this Resolution shall be, continue and remain in full force and effect; provided, however, that in the event Government Obligations shall be deposited with and held by the Bond Registrar or other bank, trust company or other appropriate financial institution, acting as escrow agent, as hereinabove provided, and in addition to the requirements set forth in Article III of this Resolution, the City shall within thirty (30) days after such Government Obligations shall have been deposited with the Bond Registrar or other bank, trust company or other appropriate financial institution, acting as escrow agent, cause a notice to be mailed, by first class mail, postage prepaid, to the Holders of such Bonds, setting forth (a) the date, if any, designated for the redemption of the Bonds or if a portion of the Outstanding Bonds are not being redeemed prior to their maturities or mandatory redemption dates, a statement to the effect that such Bonds are being paid at maturity and any Term Bonds are being redeemed in amounts and at times which will satisfy the Amortization Requirements therefor, (b) a description of the Government Obligations so held by the Bond Registrar or other bank, trust company or other appropriate financial institution, acting as escrow agent, and (c) that this Resolution has been repealed and canceled in accordance with the provisions of this Section.

With respect to Variable Rate Bonds or Optional Tender Bonds, prior to the release of this Resolution, there shall be filed with the Chief Financial Officer, the following: (i) a resolution adopted by the Commission determining (which determination may be based upon opinions of Bond Counsel or investment bankers) that the rights of the owners of such Variable Rate Bonds or Optional Tender Bonds to receive payment of interest at the Variable Rate as provided in the documents pursuant to which such Bonds were issued and the right to receive payment of the purchase price of such Bonds upon tender for purchase, as provided in the documents pursuant to

which such Bonds were issued, either pursuant to a Credit Facility provided therefor or otherwise will not be materially adversely impaired by the release of this Resolution pursuant to this Article XI; (ii) a resolution, adopted by the Commission, which may be the same resolution specified in clause (i) above, specifying the uses to which any Current Excess Interest Earnings (as hereinafter defined) may be applied, which may include the financing of Improvements, Capital Expenditures or Current Expenses, to the extent that expenditure of such sums for such purpose reduces the required Revenues, or, if the City no longer owns the Parking System, capital expenditures for other lawful purposes of the City, in each event, such uses shall be for facilities the construction or acquisition of which would, but for the receipt of such Current Excess Interest Earnings, have been constructed or acquired using proceeds of unissued Bonds or other bonds of the City or paid from future revenues of the City; and (iii) there shall have been furnished to the City, as a condition of the release of this Resolution, an opinion of Bond Counsel to the effect that such release will not have an adverse effect on the Federal income tax exemption of interest on any of such Bonds as are then exempt from such taxation.

For the purposes of this Section, "Current Excess Interest Earnings" shall mean for each period for which interest is received by the escrow agent on the Government Obligations held in escrow for the Holders of the outstanding Bonds, the excess, if any, of interest received on such Government Obligations over the amount of interest paid on the Variable Rate Bonds in such period. The agreement pursuant to which such Government Obligations are held by the escrow agent shall provide for withdrawal of such Current Excess Interest Earnings when received by the escrow agent and payment of such sums to the City for expenditure in the manner provided in the resolution mentioned in clause (ii) of the preceding paragraph.

All moneys and obligations held by the Bond Registrar or other bank, trust company or other appropriate financial institution, acting as escrow agent, pursuant to this Section shall be held in trust and the principal of and interest on said obligations when received, and said moneys, applied to the payment, when due, of the principal of, and the interest and the premium, if any, on the Bonds payable therefrom.

[END OF ARTICLE XI]

## ARTICLE XII

### MISCELLANEOUS PROVISIONS

Section 1201. Effect of Covenants. All covenants, stipulations, obligations and agreements of the City contained in this Resolution shall be deemed to be covenants, stipulations, obligations and agreements of the City and of the Commission and of each department and agency of the City to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations and agreements shall bind or inure to the benefit of the successor or successors thereof from time to time and any officer, board, body or commission to whom or to which any power or duty affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law.

Except as otherwise provided in this Resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the City or upon the Commission by the provisions of this Resolution shall be exercised or performed by the Commission, or by such other officers, board, body or commission as may be required by law to exercise such powers or to perform such duties.

No covenant, stipulation, obligation or agreement herein contained shall be deemed to be a covenant, stipulation, obligation or agreement of any member, agent or employee of the Commission in his individual capacity, and neither the members of the Commission nor any official executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

Section 1202. Manner of Giving Notice. Any notice, demand, direction, request or other instrument authorized or required by this Resolution to be given to or filed with the City shall be deemed to have been sufficiently given or filed for all purposes of this Resolution if and when sent by registered mail, return receipt requested, to the City at

City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, Florida 33139  
Attention: Chief Financial Officer and City Attorney

All documents received by the City and the Commission under the provisions of this Resolution shall be retained in their possession, subject at all reasonable times to the inspection of the City, any Bondholder, and the agents and representatives thereof.

Section 1203. Successorship of Bond Registrar. Any bank or trust company with or into which the Bond Registrar may be merged or consolidated, or to which the assets and business of such Bond Registrar may be sold, shall be deemed the successor of such Bond Registrar for the purposes of this Resolution. If the position of the Bond Registrar shall become vacant for any reason, the Commission shall, within thirty (30) days thereafter, appoint a bank or trust company located in the same city, as the Bond Registrar to fill such vacancy. The City shall have the right at any time to remove the Bond Registrar and to appoint a successor Bond Registrar; provided, however, that no such removal and appointment shall cause a delay in the payment of principal of, redemption premium, if any, or interest on any Bond Outstanding under this Resolution.

Section 1204. Successorship of City Officers. In the event that the offices of Mayor, Chief Financial Officer, City Manager, Parking Director, City Clerk or City Attorney shall be abolished or any two or more of such offices shall be merged or consolidated, or in the event of a vacancy in any such office by reason of death, resignation, removal from office or otherwise, or in the event any such officer shall become incapable of performing the duties of his office by reason of sickness, absence from the City or otherwise, all powers conferred and all obligations and duties imposed upon such officer shall be performed by the officer succeeding to the principal functions thereof or by the officer upon whom such powers, obligations and duties shall be imposed by law.

Section 1205. Inconsistent Resolutions. All resolutions and parts thereof which are inconsistent with any of the provisions of this Resolution are hereby declared to be inapplicable to the provisions of this Resolution; provided, however, that until such time as “provision for payment” with respect to the Prior Bonds has been made in accordance with Section 1101 of the Prior Bonds Resolution, the provisions of the Prior Bonds Resolution shall remain in full force and effect, and upon such “provision for payment” with respect to the Prior Bonds having been made, the Prior Bonds Resolution shall be deemed repealed and cancelled.

Section 1206. Further Acts. The officers and agents of this City are hereby authorized and directed to do all the acts and things required of them by the Bonds and this Resolution, for the full, punctual and complete performance of all of the terms, covenants, provisions and agreements contained in the Bonds and this Resolution.

Section 1207. Headings Not Part of Resolution. Any headings preceding the texts of the several Articles and Sections hereof and any table of contents, marginal notes or footnotes appended to copies hereof shall be solely for convenience of reference, and shall not constitute a part of this Resolution, nor shall they effect its meaning, construction or effect.

Section 1208. Beneficiaries under Resolution. Except as herein otherwise expressly provided, nothing in this Resolution, expressed or implied, is intended or shall be construed to confer upon any person, firm or corporation, other than the City, the Bond Registrar, the Holders of the Bonds issued under and secured by this Resolution, and the providers of any Credit Facility, Liquidity Facility, Reserve Account Insurance Policy and Reserve Account Letter of Credit, any right, remedy or claim, legal or equitable, under or by reason of the Resolution or any provisions hereof, this Resolution and all its provisions being intended to be and being for the sole and exclusive benefit of the City, the Bond Registrar, the Holders from time to time of the Bonds issued hereunder and the providers of any Credit Facility, Liquidity Facility, Reserve Account Insurance Policy and Reserve Account letter of Credit.

Section 1209. Effect of Partial Invalidity. In case any one or more of the provisions of this Resolution or of any Bonds or coupons issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Resolution or of the Bonds or coupons, but this Resolution and the Bonds and coupons shall be construed and enforced as if such illegal or invalid provision had not been contained therein. The Bonds are issued and this Resolution is adopted with the intent that the laws of the State of Florida shall govern their construction.

Section 1210. Resolution Effective. This Resolution shall take effect immediately upon its adoption.

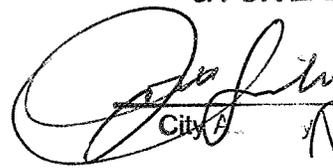
PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

[SEAL]

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City A

  
\_\_\_\_\_  
Date

9/8/10

**EXHIBIT A**

**THE PROJECT**

The Project consists of the following:

- (1) A new public parking garage to be located between 18th Street and 20th Street and between Bay Road and Purdy Avenue.
- (2) Improvements to various parking garages and lots.
- (3) Acquisition and installation of parking meters and pay stations and machines.

The Commission may approve by resolution other Improvements as part of the Project in addition to and/or in lieu of one or more of the Improvements described above.

**EXHIBIT B**

**INITIAL SEPARATE PARKING FACILITIES**

The Separate Parking Facilities initially consist of:

- (1) A parking facility located at 5<sup>th</sup> Street and Alton Road.
- (2) A parking facility located at 7th Street and Collins Avenue.
- (3) A parking facility located at 16th Street between Collins Avenue and Washington Avenue.

---

---

**CITY OF MIAMI BEACH, FLORIDA**  
**and**  
**U.S. BANK NATIONAL ASSOCIATION,**  
**as Escrow Agent**

---

**ESCROW DEPOSIT AGREEMENT**

**Relating to**  
**PARKING REVENUE BONDS,**  
**SERIES 1997**

---

**DATED AS OF \_\_\_\_\_, 2010**

---

---

## ESCROW DEPOSIT AGREEMENT

THIS ESCROW DEPOSIT AGREEMENT (the "Agreement") made and entered into as of \_\_\_\_\_, 2010, by and between the CITY OF MIAMI BEACH, FLORIDA (the "City") and U.S. BANK NATIONAL ASSOCIATION, as Escrow Agent (the "Escrow Agent").

### W I T N E S S E T H:

**WHEREAS**, the City has heretofore issued its \$21,000,000 aggregate principal amount City of Miami Beach, Florida Parking Revenue Bonds, Series 1997, dated August 1, 1997, presently outstanding in the principal amount of \$19,195,000, as more particularly described in Schedule A attached hereto and made a part hereof (the "Outstanding Series 1997 Bonds"), pursuant to the provisions of Resolution No. 96-21898, adopted by the Mayor and City Commission of the City (the "Commission") on February 20, 1996 (the "Original Resolution"), and Resolution No. 97-22482, adopted by the Commission on July 16, 1997 (together with the Original Resolution, the "Refunded Bonds Bond Resolution"); and

**WHEREAS**, the City desires to refund, defease and redeem the Outstanding Series 1997 Bonds (hereinafter referred to as the "Refunded Bonds"); and

**WHEREAS**, the City has issued its \$ \_\_\_\_\_ aggregate principal amount City of Miami Beach, Florida Parking Revenue Refunding Bonds, Series 2010A (the "Bonds"), pursuant to the provisions of Resolution No. \_\_\_\_\_, adopted by the Commission on \_\_\_\_\_, 2010 (the "Bond Resolution"), a portion of the proceeds of which Bonds is to be deposited with the Escrow Agent to provide, with investment earnings thereon and certain other available moneys, for the defeasance and redemption of the Refunded Bonds; and

**WHEREAS**, a portion of the proceeds derived from the sale of the Bonds, together with the other available moneys, will be applied to the purchase of Government Obligations (as such term is hereinafter defined), which will mature and produce investment income and earnings at such time and in such amount as will be sufficient, together with certain moneys remaining uninvested, to pay upon the redemption thereof, the principal of and interest on the Refunded Bonds as more specifically set forth herein; and

**WHEREAS**, in order to provide for the proper and timely application of the moneys deposited hereunder, the maturing principal amount of the Government Obligations purchased therewith, and investment income and earnings derived therefrom to the payment of the Refunded Bonds, it is necessary for the City to enter into this Agreement with the Escrow Agent;

**NOW, THEREFORE**, the City and the Escrow Agent, in consideration of the foregoing and the mutual covenants herein set forth and in order to secure the payment of the principal of and interest on all of the Refunded Bonds according to their tenor and effect, do hereby agree as follows:

## ARTICLE I

### CREATION AND CONVEYANCE OF TRUST ESTATE

Section 1.01. Creation and Conveyance of Trust Estate. The City hereby grants, warrants, remises, releases, conveys, assigns, transfers, aliens, pledges, sets over and confirms unto the Escrow Agent and to its successors in the trust hereby created, and to it and its assigns forever, all and singular the property hereinafter described, to wit:

#### DIVISION I

All right, title and interest in and to (i) \$ \_\_\_\_\_ in moneys deposited directly with the Escrow Agent and derived from the proceeds of the Bonds upon issuance and delivery of the Bonds and execution of and delivery of this Agreement, and (ii) \$ \_\_\_\_\_ in moneys derived from the [Bond Service Subaccount and the Reserve Account] created under the Refunded Bonds Bond Resolution (such moneys described in (ii), the "Other Moneys").

#### DIVISION II

All right, title and interest in and to the Government Obligations described in Schedule B attached hereto and made a part hereof, together with the income and earnings thereon.

#### DIVISION III

Any and all other property of every kind and nature from time to time hereafter, by delivery or by writing of any kind, conveyed, pledged, assigned or transferred as and for additional security hereunder by the City, or by anyone on behalf of the City to the Escrow Agent for the benefit of the Refunded Bonds.

#### DIVISION IV

All property which is by the express provisions of this Agreement required to be subject to the pledge hereof and any additional property that may, from time to time hereafter, by delivery or by writing of any kind, by the City, or by anyone in its behalf, be subject to the pledge hereof.

**TO HAVE AND TO HOLD**, all and singular, the Trust Estate (as such term is hereinafter defined), including all additional property which by the terms hereof has or may become subject to the encumbrances of this Agreement, unto the Escrow Agent, and its successors and assigns, forever in trust, however, for the sole benefit and security of the holders from time to time of the Refunded Bonds, but if the principal of and interest on all of the Refunded Bonds shall be fully and promptly paid upon the redemption thereof, in accordance with the terms thereof, then this Agreement shall be and become void and of no further force and effect except as otherwise provided herein; otherwise the same shall remain in full force and effect, and upon the trusts and subject to the covenants and conditions hereinafter set forth.

## ARTICLE II

### DEFINITIONS

Section 2.01. Definitions. In addition to words and terms elsewhere defined in this Agreement, the following words and terms as used in this Agreement shall have the following meanings, unless some other meaning is plainly intended.

“Government Obligations” shall mean direct general non-callable obligations of the United States of America.

“Trust Estate”, “trust estate” or “pledged property” shall mean the property, rights and interests described or referred to under Divisions I, II, III and IV in Article I above.

Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Words importing the singular number shall include the plural number and vice versa unless the context shall otherwise indicate. The word “person” shall include corporations, associations, natural persons and public bodies unless the context shall otherwise indicate. Reference to a person other than a natural person shall include its successors.

## ARTICLE III

### ESTABLISHMENT OF ESCROW DEPOSIT TRUST FUND; FLOW OF FUNDS

Section 3.01. Creation of Escrow Deposit Trust Fund and Deposit of Moneys. There is hereby created and established with the Escrow Agent a special and irrevocable trust fund designated “City of Miami Beach, Florida Parking Revenue Bonds, Series 1997 Escrow Deposit Trust Fund” (the “Escrow Deposit Trust Fund”), to be held by the Escrow Agent for the sole benefit of the holders of the Refunded Bonds and accounted for separate and apart from the other funds of the City and, to the extent required by law, of the Escrow Agent.

Concurrently with the delivery of this Agreement, the City herewith causes to be deposited with the Escrow Agent and the Escrow Agent acknowledges receipt of immediately available moneys for deposit in the Escrow Deposit Trust Fund in the amount of \$ \_\_\_\_\_, consisting of \$ \_\_\_\_\_ from the proceeds of the Bonds and \$ \_\_\_\_\_ in Other Moneys, all of which, when invested in Government Obligations (other than \$ \_\_\_\_\_ from the Other Moneys to be held uninvested), will provide moneys sufficient to pay the principal of and interest on the Refunded Bonds, upon the redemption thereof, as more particularly described in Schedule C attached hereto and made a part hereof.

Section 3.02. Payment of Refunded Bonds. The Bond proceeds and Other Moneys received by the Escrow Agent will be sufficient to purchase \$ \_\_\_\_\_ par amount of Government Obligations, all as listed in Schedule B attached hereto and made a part hereof, which will mature in principal amounts and earn income at such times so that sufficient moneys will be available to pay when redeemed all principal of and interest on the Refunded Bonds. Notwithstanding the foregoing, if the amounts deposited in the Escrow Deposit Trust Fund are insufficient to make said payments of principal and interest, the City shall cause to be deposited

into the Escrow Deposit Trust Fund the amount of any deficiency immediately upon notice from the Escrow Agent.

Section 3.03. Irrevocable Trust Created. The deposit of moneys and Government Obligations or other property hereunder in the Escrow Deposit Trust Fund shall constitute an irrevocable deposit of said moneys and Government Obligations and other property hereunder for the sole benefit of the holders of the Refunded Bonds, subject to the provisions of this Agreement. The holders of the Refunded Bonds, subject to the provisions of this Agreement, shall have an express lien on all moneys and principal of and earnings on the Government Obligations and other property in the Escrow Deposit Trust Fund. The moneys deposited in the Escrow Deposit Trust Fund and the matured principal of the Government Obligations and other property hereunder and the interest thereon shall be held in trust by the Escrow Agent, and shall be applied for the payment of Refunded Bonds, as more specifically set forth in Schedule C hereto.

Section 3.04. Purchase of Government Obligations.

The Escrow Agent is hereby directed immediately to purchase the Government Obligations listed in Schedule B from the proceeds of the Bonds and the Other Moneys as described in Sections 3.01 and 3.02 hereof. The Escrow Agent shall purchase the Government Obligations solely from the moneys deposited in the Escrow Deposit Trust Fund as provided in this Agreement. The Escrow Agent shall apply the moneys deposited in the Escrow Deposit Trust Fund and the Government Obligations purchased therewith, together with all income or earnings thereon, in accordance with the provisions hereof. The Escrow Agent shall have no power or duty to invest any moneys held hereunder or to make substitutions of the Government Obligations held hereunder or to sell, transfer or otherwise dispose of the Government Obligations held hereunder except as provided in this Agreement. The Escrow Agent is hereby directed not to invest \$\_\_\_\_\_ from the Other Moneys deposited in the Escrow Deposit Trust Fund simultaneously with the delivery of this Agreement.

The City covenants to take no action in the investment, reinvestment or security of the Escrow Deposit Trust Fund in violation of this Agreement and recognizes that any such action in contravention of this Agreement might cause the Refunded Bonds or the Bonds to be classified as "arbitrage bonds" under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code").

Section 3.05. Substitution of Certain Government Obligations.

(a) If so directed in writing by the City on the date of delivery of this Agreement, the Escrow Agent shall accept in substitution for all or a portion of the Government Obligations listed in Schedule B, Government Obligations (the "Substituted Securities"), the principal of and interest on which, together with any Government Obligations listed in Schedule B for which no substitution is made and moneys held uninvested by the Escrow Agent, will be sufficient to pay all principal of and interest of the Refunded Bonds as set forth in Schedule C hereof. The foregoing notwithstanding, the substitution of Substituted Securities for any of the Government Obligations listed in Schedule B may be effected only upon compliance with Section 3.05(b)(1) and (2) below.

(b) If so directed in writing by the City at any time during the term of this Agreement, the Escrow Agent shall sell, transfer, exchange or otherwise dispose of, or request the redemption of, all or a portion of the Government Obligations then held in the Escrow Deposit Trust Fund and shall substitute for such Government Obligations other Government Obligations, designated by the City, and acquired by the Escrow Agent with the proceeds derived from the sale, transfer, disposition or redemption of or by the exchange of such Government Obligations held in the Escrow Deposit Trust Fund, but only upon the receipt by the Escrow Agent of:

(1) an opinion of nationally recognized counsel in the field of law relating to municipal bonds stating that such substitution will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Refunded Bonds and the Bonds and is not inconsistent with the statutes and regulations applicable to the Refunded Bonds and the Bonds; and

(2) verification by a firm of independent certified public accountants stating that the principal of and interest on the substituted Government Obligations, together with any Government Obligations and any uninvested moneys remaining in the Escrow Deposit Trust Fund, will be sufficient, without reinvestment, to pay the principal of and interest on the Refunded Bonds as set forth in Schedule C hereof.

Any moneys resulting from the sale, transfer, disposition or redemption of the Government Obligations held hereunder and the substitution therefor of other Government Obligations not required to be applied for the payment of such principal of and interest on the Refunded Bonds (as shown in the verification report described in Section 3.05(b)(2) hereof delivered in connection with such substitution), shall be transferred to the City for deposit in the Enterprise Fund described in the Bond Resolution. Upon any such substitution of Government Obligations pursuant to Section 3.05, Schedule B hereto shall be appropriately amended to reflect such substitution.

The Escrow Agent shall be under no duty to inquire whether the Government Obligations as deposited in the Escrow Deposit Trust Fund are properly invested under the Code. The Escrow Agent may rely on all specific directions in this Agreement providing for the investment or reinvestment of the Escrow Deposit Trust Fund.

Section 3.06. Transfers from Escrow Deposit Trust Fund. As the principal of the Government Obligations set forth in Schedule B shall mature and be paid, and the investment income and earnings thereon are paid, the Escrow Agent, in its capacity of Bond Registrar (as defined in the Refunded Bonds Bond Resolution) with respect to the Refunded Bonds (the "Refunded Bonds Bond Registrar"), no later than the payment date for the Refunded Bonds, as specified in Schedule C hereof, shall pay from such moneys the principal of and interest on the Refunded Bonds, as specified in Schedule C hereof. The City hereby irrevocably determines, and irrevocably instructs the Refunded Bonds Bond Registrar, to call the Refunded Bonds for redemption on \_\_\_\_\_, 2010 at a redemption price of 100% of the principal amount thereof in accordance with the Refunded Bonds Bond Resolution. The City shall perform, and shall cause the Refunded Bonds Bond Registrar to perform, as applicable, the responsibilities, described in the Refunded Bonds Bond Resolution, in connection with the redemption of the Refunded Bonds, including the giving of notice of redemption as required therein. The City shall mail, or cause the Refunded Bonds Bond Registrar to mail, a copy of such notice of

redemption to Financial Security Assurance Inc. ("FSA"). The City shall also file, or cause to be filed, a copy of such notice of redemption with the Municipal Securities Rulemaking Board (the "MSRB").

Section 3.07. Investment of Certain Moneys Remaining in Escrow Deposit Trust Fund. Subject to the provisions of Section 3.04, the Escrow Agent shall invest and reinvest, at the written direction of the City, in Government Obligations any moneys remaining from time to time in the Escrow Deposit Trust Fund until such time as they are needed. Such moneys shall be reinvested in such Government Obligations for such periods and at such interest rates as the Escrow Agent shall be directed to invest by the City, which periods and interest rates shall be set forth in an opinion from nationally recognized counsel in the field of law relating to municipal bonds to the City and to the Escrow Agent, which opinion shall also be to the effect that such reinvestment of such moneys in such Government Obligations for such period and at such interest rates will not, under the statutes and regulations applicable to the Refunded Bonds and the Bonds, cause the interest on the Refunded Bonds or the Bonds to be included in gross income for federal income tax purposes and that such investment is not inconsistent with the statutes and regulations applicable to the Refunded Bonds and the Bonds. Any interest income resulting from reinvestment of moneys pursuant to this Section 3.07 not required to be applied for the payment of the principal of and interest on the Refunded Bonds shall be transferred to the City for deposit in the Enterprise Fund.

Section 3.08. Escrow Deposit Trust Fund Constitutes Trust Fund. The Escrow Deposit Trust Fund created and established pursuant to this Agreement shall be and constitute a trust fund for the purposes provided in this Agreement and shall be kept separate and distinct from all other funds of the City and, to the extent required by law, of the Escrow Agent and used only for the purposes and in the manner provided in this Agreement.

Section 3.09. Transfer of Funds After All Payments Required by this Agreement are Made. After all of the transfers by the Escrow Agent to the payment of the principal of and interest on the Refunded Bonds provided in Schedule C have been made, all remaining moneys and securities, together with any income and interest thereon, in the Escrow Deposit Trust Fund shall be transferred to the City for deposit in the Enterprise Fund; provided, however, that no such transfers (except transfers made in accordance with Sections 3.05 and 3.07 hereof) shall be made until all of the principal of and interest on the Refunded Bonds have been paid.

## ARTICLE IV

### CONCERNING THE ESCROW AGENT

Section 4.01. Liability of Escrow Agent. The Escrow Agent shall not be liable in connection with the performance of its duties hereunder except for its own negligence, misconduct or default. The Escrow Agent shall not be liable for any loss resulting from any investments made pursuant to the terms of this Agreement. The Escrow Agent shall not be liable for the accuracy of the calculations as to the sufficiency of moneys and of the principal amount of the Government Obligations and the earnings thereon to pay the Refunded Bonds. So long as the Escrow Agent applies any moneys, Government Obligations and interest earnings therefrom to pay the Refunded Bonds as provided herein, and complies fully with the terms of this

Agreement, the Escrow Agent shall not be liable for any deficiencies in the amounts necessary to pay the Refunded Bonds caused by such calculations.

The duties and obligations of the Escrow Agent shall be determined by the express provisions of this Agreement. The Escrow Agent may consult with counsel with respect to any matter relevant to this Agreement, who may or may not be counsel to the City, and be entitled to receive from the City reimbursement of the reasonable fees and expenses of such counsel, and in reliance upon the opinion of such counsel have full and complete authorization and protection in respect of any action taken, suffered or omitted by it in good faith in accordance therewith. Whenever the Escrow Agent shall deem it necessary or desirable that a matter be proved or established prior to taking, suffering or omitting any action under this Agreement, such matter may be deemed to be conclusively established by a certificate signed by an authorized officer of the City and the Escrow Agent may in good faith conclusively rely upon such certificate.

The Escrow Agent shall have no lien, security interest or right of set-off whatsoever upon any of the moneys or investments in the Escrow Deposit Trust Fund for the payment of fees or expenses for the services rendered by the Escrow Agent under this Agreement.

Section 4.02. Permitted Acts. The Escrow Agent and its affiliates may become the owner of all or may deal in the Refunded Bonds as fully and with the same rights as if it were not the Escrow Agent.

Section 4.03. Payment to Escrow Agent. The City shall pay to the Escrow Agent reasonable compensation for all services rendered by it hereunder and also its reasonable expenses, charges and other disbursements and those of its attorneys, agents and employees incurred in and about the administration and execution of the trusts hereby created, and the performance of its powers and duties hereunder, including, without limitation, all advances, counsel fees and other expenses reasonably made or incurred by the Escrow Agent in connection with such services, all as provided in Schedule D hereto.

## ARTICLE V

### MISCELLANEOUS

Section 5.01. Amendments to this Agreement. This Agreement is made for the benefit of the holders from time to time of the Refunded Bonds and shall not be repealed, revoked, altered or amended without the written consent of all such holders of the Refunded Bonds, the Escrow Agent and the City; provided, however, that the City and the Escrow Agent may, without the consent of, or notice to, such holders, enter into such agreements supplemental to this Agreement which shall not adversely affect the rights of such holders and shall not be inconsistent with the terms and provisions of this Agreement for any one or more of the following purposes:

- (a) to cure any ambiguity or formal defect or omission in this Agreement; or
- (b) to grant to or confer upon the Escrow Agent for the benefit of the holders of the Refunded Bonds any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Escrow Agent.

The Escrow Agent shall be entitled to rely upon an unqualified opinion of a nationally recognized counsel in the field of law relating to municipal bonds with respect to compliance with this Section.

Prior to any repeal, revocation, alteration or amendment of this Agreement, the City shall provide written notice of such proposed repeal, revocation, alteration or amendment to Standard & Poor's Ratings Services and Moody's Investors Service, Inc. at their addresses set forth below:

Standard & Poor's Ratings Services  
55 Water Street  
New York, New York 10041  
Attn: Municipal Ratings Desk/Refunded Bonds

Moody's Investors Service, Inc.  
7 World Trade Center  
250 Greenwich Street, 23<sup>rd</sup> Floor  
New York, New York 10007

Section 5.02. Severability. If any one or more of the covenants or agreements provided in this Agreement on the part of the City or the Escrow Agent to be performed should be determined by a court of competent jurisdiction to be contrary to law, such covenant or agreement shall be deemed and construed to be severable from the remaining covenants and agreements herein contained and shall in no way affect the validity of the remaining provisions of this Agreement.

Section 5.03. Agreement Binding. All the covenants, proposals and agreements in this Agreement contained by or on behalf of the City or by or on behalf of the Escrow Agent shall bind and inure to the benefit of their respective successors and assigns, whether so expressed or not.

Section 5.04. Notices to Escrow Agent and City. Any notice, demand, direction, request or other instrument authorized or required by this Agreement to be given to or filed with the Escrow Agent or the City, shall be deemed to have been sufficiently given or filed for all purposes of this Agreement if personally delivered and receipted for, or if sent by registered or certified United States mail, return receipt requested, addressed as follows:

(a) As to the City -

City of Miami Beach, Florida  
1700 Convention Center Drive  
Miami Beach, Florida 33139  
Attention: Chief Financial Officer

(b) As to the Escrow Agent -

U.S. Bank National Association  
200 South Biscayne Boulevard  
Suite 1870  
Miami, Florida 33131  
Attention: Corporate Trust Services

Any party hereto may, by notice sent to the other parties hereto, designate a different or additional address to which notices under this Agreement are to be sent.

Section 5.05. Termination. This Agreement shall terminate when all transfers and payments required to be made by the Escrow Agent under the provisions hereof shall have been made.

Section 5.06. Execution by Counterparts. This Agreement may be executed in several counterparts, all or any of which shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

Section 5.07. Notice of Defeasance. The Chief Financial Officer is hereby instructed to (i) publish in accordance with Section 1101 of the Original Resolution, (ii) mail, or cause the Refunded Bonds Bond Registrar to mail, to FSA, and (iii) file, or cause to be filed, with the MSRB, a notice of defeasance of the Refunded Bonds, substantially in the form attached hereto as Schedule E.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, each of the parties hereto has caused this Agreement to be executed by its duly authorized officers and, with respect to the City, its official seal to be hereunto affixed and attested as of the date first above written.

CITY OF MIAMI BEACH, FLORIDA

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

U.S. BANK NATIONAL ASSOCIATION,  
as Escrow Agent

(SEAL)

By: \_\_\_\_\_  
Vice President

U.S. Bank National Association, as Refunded Bonds Bond Registrar, hereby agrees to the provisions of this Agreement applicable to the Refunded Bonds Bond Registrar.

U.S. BANK NATIONAL ASSOCIATION,  
as Refunded Bonds Bond Registrar

By: \_\_\_\_\_  
Vice President

**SCHEDULE A**  
**REFUNDED BONDS**

**REFUNDED BONDS**

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
09/01/2015	\$ 6,650,000	5.000%
09/01/2022	12,545,000	5.125

**SCHEDULE B**  
**INVESTMENT OF BOND PROCEEDS**  
**AND OTHER MONEYS**

<u>Type of Security</u>	<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
		\$	%

**SCHEDULE C**  
**SCHEDULE OF PAYMENTS ON**  
**REFUNDED BONDS**

<u>Date</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
__/__/10	\$19,195,000	\$	\$

## SCHEDULE D

### ESCROW AGENT FEES AND EXPENSES

- (i) In consideration of the services to be rendered by the Escrow Agent under the Agreement, the City upon execution hereof agrees to pay the Escrow Agent a one-time fee of \$ \_\_\_\_\_ to be paid at closing for all services to be incurred as Escrow Agent in connection with such services, plus agrees to pay as incurred reimbursement at cost for ordinary out-of-pocket expenses. The term "ordinary out-of-pocket expenses" means expenses of holding, investing and disbursing the Escrow Deposit Trust Fund as provided herein and includes, but is not limited to publication costs, postage and legal fees as incurred.
- (ii) The City shall also reimburse the Escrow Agent for any extraordinary expenses incurred by it in connection herewith. The term "extraordinary expenses" includes (a) expenses arising out of the assertion of any third party to any interest in the Escrow Deposit Trust Fund or any challenge to the validity hereof, including reasonable attorneys' fees, (b) expenses relating to any reinvestment under Section 3.07 or substitution under Section 3.05 hereof, and (c) expenses (other than ordinary expenses) not occasioned by the Escrow Agent's misconduct or negligence.
- (iii) The fees and expenses payable by the City under clause (i) or (ii) above shall not be paid from the Escrow Deposit Trust Fund, but shall be paid by the City from legally available funds of the City.

**SCHEDULE E**

**NOTICE OF DEFEASANCE**

City of Miami Beach, Florida  
Parking Revenue Bonds, Series 1997

Dated: August 1, 1997

<u>Maturity Date</u> <u>(September 1,)</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP Numbers*</u>
2015	\$ 6,650,000	5.000%	593235EZ3
2022	12,545,000	5.125	593235EU4

NOTICE IS HEREBY GIVEN that monies have been deposited with U.S. Bank National Association, as Escrow Agent, for the payment of the principal and interest on the above bonds (the "Bonds"), and such monies, except to the extent maintained in cash, have been invested in direct obligations of the United States of America. U.S. Bank National Association, as Bond Registrar for the Bonds, has been irrevocably instructed to call the Bonds for redemption on \_\_\_\_\_, 2010 (the "Redemption Date") at a redemption price of 100% of the principal amount thereof.

The amount so deposited as aforesaid has been calculated to be adequate to pay the principal of and interest on the Bonds through and including the Redemption Date. The Bonds are therefore deemed not to be "Outstanding" within the meaning of Resolution No. 96-21898 adopted by the Mayor and City Commission of the City of Miami Beach, Florida (the "Commission") on February 20, 1996 (as supplemented, the "Bond Resolution"). The Bond Resolution has been repealed and cancelled in accordance with the provisions of Section 1101 thereof.

CITY OF MIAMI BEACH, FLORIDA

By: \_\_\_\_\_  
Patricia D. Walker,  
Chief Financial Officer

Dated: \_\_\_\_\_, 2010

\* No representation is made as to the correctness of these CUSIP numbers either as printed on the Bonds or contained in this Notice.

## DISCLOSURE DISSEMINATION AGENT AGREEMENT

This Disclosure Dissemination Agent Agreement (the "Disclosure Agreement"), dated as of \_\_\_\_\_, 2010, is executed and delivered by the City of Miami Beach, Florida (the "Issuer") and Digital Assurance Certification, L.L.C., as exclusive Disclosure Dissemination Agent (the "Disclosure Dissemination Agent" or "DAC") for the benefit of the Holders (hereinafter defined) of the Bonds (hereinafter defined) and in order to provide certain continuing disclosure with respect to the Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time (the "Rule").

SECTION 1. Definitions. Capitalized terms not otherwise defined in this Disclosure Agreement shall have the meaning assigned in the Rule or, to the extent not in conflict with the Rule, in the Official Statement (hereinafter defined). The capitalized terms shall have the following meanings:

"Annual Report" means an Annual Report described in and consistent with Section 3 of this Disclosure Agreement.

"Annual Filing Date" means the date, set in Sections 2(a) and 2(f), by which the Annual Report is to be filed with the MSRB.

"Annual Financial Information" means annual financial information as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(a) of this Disclosure Agreement.

"Audited Financial Statements" means the financial statements (if any) of the Issuer for the prior Fiscal Year, certified by an independent auditor as prepared in accordance with generally accepted accounting principles or otherwise, as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(b) of this Disclosure Agreement.

"Bonds" means the bonds as listed on the attached Exhibit A, with the 9-digit CUSIP numbers relating thereto.

"Certification" means a written certification of compliance signed by the Disclosure Representative stating that the Annual Report, Audited Financial Statements, Voluntary Report or Notice Event notice delivered to the Disclosure Dissemination Agent is the Annual Report, Audited Financial Statements, Voluntary Report or Notice Event notice required to be submitted to the MSRB under this Disclosure Agreement. A Certification shall accompany each such document submitted to the Disclosure Dissemination Agent by the Issuer and include the full name of the Bonds and the 9-digit CUSIP numbers for all Bonds to which the document applies.

"Disclosure Representative" means the Chief Financial Officer of the Issuer or his or her designee, or such other person as the Issuer shall designate in writing to the Disclosure Dissemination Agent from time to time as the person responsible for providing Information to the Disclosure Dissemination Agent.

“Disclosure Dissemination Agent” means Digital Assurance Certification, L.L.C, acting in its capacity as Disclosure Dissemination Agent hereunder, or any successor Disclosure Dissemination Agent designated in writing by the Issuer pursuant to Section 9 hereof.

“Holder” means any person (a) having the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries) or (b) treated as the owner of any Bonds for federal income tax purposes.

“Information” means the Annual Financial Information, the Audited Financial Statements (if any), the Notice Event notices, and the Voluntary Reports.

“MSRB” means the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934.

“Notice Event” means an event listed in Section 4(a) of this Disclosure Agreement.

“Official Statement” means that Official Statement prepared by the Issuer in connection with the Bonds.

“Voluntary Report” means the information provided to the Disclosure Dissemination Agent by the Issuer pursuant to Section 7.

## SECTION 2. Provision of Annual Reports.

(a) The Issuer shall provide, annually, an electronic copy of the Annual Report and Certification to the Disclosure Dissemination Agent, not later than 30 days prior to the Annual Filing Date. Promptly upon receipt of an electronic copy of the Annual Report and the Certification, the Disclosure Dissemination Agent shall provide an Annual Report to the MSRB not later than two hundred forty (240) days after the end of each Fiscal Year, commencing with the Fiscal Year ended September 30, 2010. Such date and each anniversary thereof is the Annual Filing Date. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 3 of this Disclosure Agreement.

(b) If on the fifteenth (15th) day prior to the Annual Filing Date, the Disclosure Dissemination Agent has not received a copy of the Annual Report and Certification, the Disclosure Dissemination Agent shall contact the Disclosure Representative by telephone and in writing (which may be by e-mail) to remind the Issuer of its undertaking to provide the Annual Report pursuant to Section 2(a). Upon such reminder, the Disclosure Representative shall either (i) provide the Disclosure Dissemination Agent with an electronic copy of the Annual Report and the Certification no later than two (2) business days prior to the Annual Filing Date, or (ii) instruct the Disclosure Dissemination Agent in writing that the Issuer will not be able to file the Annual Report within the time required under this Disclosure Agreement, state the date by which the Annual Report for such year will be provided and instruct the Disclosure Dissemination Agent that a Notice Event as described in Section 4(a)(12) has occurred and to immediately send a notice to the MSRB in substantially the form attached as Exhibit B.

(c) If the Disclosure Dissemination Agent has not received an Annual Report and Certification by 12:00 noon on the first business day following the Annual Filing Date for the Annual Report, a Notice Event described in Section 4(a)(12) shall have occurred and the Issuer irrevocably directs the Disclosure Dissemination Agent to immediately send a notice to the MSRB in substantially the form attached as Exhibit B.

(d) If Audited Financial Statements of the Issuer are prepared but not available prior to the Annual Filing Date, the Issuer shall, when the Audited Financial Statements are available, provide in a timely manner an electronic copy to the Disclosure Dissemination Agent, accompanied by a Certification, for filing with the MSRB.

(e) The Disclosure Dissemination Agent shall:

(i) determine the address of the MSRB each year prior to the Annual Filing Date;

(ii) upon receipt, promptly file each Annual Report received under Section 2(a) with the MSRB;

(iii) upon receipt, promptly file each Audited Financial Statement received under Section 2(d) with the MSRB;

(iv) upon receipt, promptly file the text of each disclosure to be made with the MSRB together with a completed copy of the Event Notice Cover Sheet in the form attached as Exhibit C, describing the event by checking the box indicated below when filing pursuant to the Section of this Disclosure Agreement indicated:

1. "Principal and interest payment delinquencies," pursuant to Sections 4(c) and 4(a)(1);

2. "Non-Payment related defaults," pursuant to Sections 4(c) and 4(a)(2);

3. "Unscheduled draws on debt service reserves reflecting financial difficulties," pursuant to Sections 4(c) and 4(a)(3);

4. "Unscheduled draws on credit enhancements reflecting financial difficulties," pursuant to Sections 4(c) and 4(a)(4);

5. "Substitution of credit or liquidity providers, or their failure to perform," pursuant to Sections 4(c) and 4(a)(5);

6. "Adverse tax opinions or events affecting the tax-exempt status of the security," pursuant to Sections 4(c) and 4(a)(6);

7. "Modifications to rights of securities holders," pursuant to Sections 4(c) and 4(a)(7);

8. "Bond calls," pursuant to Sections 4(c) and 4(a)(8);
9. "Defeasances," pursuant to Sections 4(c) and 4(a)(9);
10. "Release, substitution, or sale of property securing repayment of the securities," pursuant to Sections 4(c) and 4(a)(10);
11. "Ratings changes," pursuant to Sections 4(c) and 4(a)(11);
12. "Failure to provide annual financial information as required," pursuant to Section 2(b)(ii) or Section 2(c), together with a completed copy of Exhibit B to this Disclosure Agreement;
13. "Other material event notice (specify)," pursuant to Section 7 of this Agreement, together with the summary description provided by the Disclosure Representative.

(v) provide the Issuer evidence of the filings of each of the above when made, which shall be by means of the DAC system, for so long as DAC is the Disclosure Dissemination Agent under this Disclosure Agreement.

(f) The Issuer may adjust the Annual Filing Date upon change of its Fiscal Year by providing written notice of such change and the new Annual Filing Date to the Disclosure Dissemination Agent and the MSRB, provided that the period between the existing Annual Filing Date and new Annual Filing Date shall not exceed one year.

### SECTION 3. Content of Annual Reports.

(a) Each Annual Report shall contain the following Annual Financial Information with respect to the System for the prior Fiscal Year:

[Number of parking spaces, parking rates, Revenues, Current Expenses, Net Revenues, Principal and Interest Requirements, debt service coverage ratio, incurrence of additional Parking System debt, major expansion of the Parking System and changes in the senior management of the Parking System.]

(b) Audited Financial Statements prepared in accordance with generally accepted accounting principles ("GAAP") will be included in the Annual Report, but may be provided in accordance with Section 2(d).

Any or all of the items listed above may be included by specific reference from other documents, including official statements of debt issues with respect to which the Issuer is an "obligated person" (as defined by the Rule), which have been previously filed with the Securities and Exchange Commission or available on the MSRB Internet Website. If the document incorporated by reference is a final official statement, it must be available from the MSRB. The Issuer will clearly identify each such document so incorporated by reference.

Any annual financial information containing modified operating data or financial information is required to explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

SECTION 4. Reporting of Notice Events.

(a) The occurrence of any of the following events, if material, with respect to the Bonds constitutes a Notice Event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements relating to the Bonds reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions or events affecting the tax-exempt status of the Bonds;
7. Modifications to rights of Bond holders;
8. Bond calls;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds;
11. Rating changes on the Bonds;
12. Failure to provide annual financial information as required; and
13. Other material event notice (specify).

The Issuer shall promptly notify the Disclosure Dissemination Agent in writing upon the occurrence of a Notice Event. Such notice shall instruct the Disclosure Dissemination Agent to report the occurrence pursuant to subsection (c). Such notice shall be accompanied with the text of the disclosure that the Issuer desires to make, the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information.

(b) The Disclosure Dissemination Agent is under no obligation to notify the Issuer or the Disclosure Representative of an event that may constitute a Notice Event. In the event the Disclosure Dissemination Agent so notifies the Disclosure Representative, the Disclosure Representative will within five business days of receipt of such notice, instruct the Disclosure

Dissemination Agent that (i) a Notice Event has not occurred and no filing is to be made or (ii) a Notice Event has occurred and the Disclosure Dissemination Agent is to report the occurrence pursuant to subsection (c), together with the text of the disclosure that the Issuer desires to make, the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information.

(c) If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in subsection (a) or (b)(ii) of this Section 4 to report the occurrence of a Notice Event, the Disclosure Dissemination Agent shall promptly file a notice of such occurrence with the MSRB in accordance with Section 2(e)(iv) hereof.

SECTION 5. CUSIP Numbers. Whenever providing information to the Disclosure Dissemination Agent, including but not limited to Annual Reports, documents incorporated by reference to the Annual Reports, Audited Financial Statements, notices of Notice Events, and Voluntary Reports filed pursuant to Section 7(a), the Issuer shall indicate the full name of the Bonds and the 9-digit CUSIP numbers for the Bonds as to which the provided information relates.

SECTION 6. Additional Disclosure Obligations. The Issuer acknowledges and understands that other state and federal laws, including but not limited to the Securities Act of 1933 and Rule 10b-5 promulgated under the Securities Exchange Act of 1934, may apply to the Issuer, and that the failure of the Disclosure Dissemination Agent to so advise the Issuer shall not constitute a breach by the Disclosure Dissemination Agent of any of its duties and responsibilities under this Disclosure Agreement. The Issuer acknowledges and understands that the duties of the Disclosure Dissemination Agent relate exclusively to execution of the mechanical tasks of disseminating information as described in this Disclosure Agreement.

SECTION 7. Voluntary Reports.

(a) The Issuer may instruct the Disclosure Dissemination Agent to file information with the MSRB, from time to time pursuant to a Certification of the Disclosure Representative accompanying such information (a "Voluntary Report").

(b) Nothing in this Disclosure Agreement shall be deemed to prevent the Issuer from disseminating any other information through the Disclosure Dissemination Agent using the means of dissemination set forth in this Disclosure Agreement or including any other information in any Annual Report, Annual Financial Statement, Voluntary Report or Notice Event notice, in addition to that required by this Disclosure Agreement. If the Issuer chooses to include any information in any Annual Report, Annual Financial Statement, Voluntary Report or Notice Event notice in addition to that which is specifically required by this Disclosure Agreement, the Issuer shall have no obligation under this Disclosure Agreement to update such information or include it in any future Annual Report, Annual Financial Statement, Voluntary Report or Notice Event notice.

SECTION 8. Termination of Reporting Obligation. The obligations of the Issuer and the Disclosure Dissemination Agent under this Disclosure Agreement shall terminate with

respect to the Bonds upon the legal defeasance, prior redemption or payment in full of all of the Bonds, when the Issuer is no longer an obligated person with respect to the Bonds, or upon delivery by the Disclosure Representative to the Disclosure Dissemination Agent of an opinion of nationally recognized bond counsel to the effect that continuing disclosure is no longer required.

SECTION 9. Disclosure Dissemination Agent. The Issuer has appointed Digital Assurance Certification, L.L.C. as exclusive Disclosure Dissemination Agent under this Disclosure Agreement. The Issuer may, upon thirty days written notice to the Disclosure Dissemination Agent, replace or appoint a successor Disclosure Dissemination Agent. Upon termination of DAC's services as Disclosure Dissemination Agent, whether by notice of the Issuer or DAC, the Issuer agrees to appoint a successor Disclosure Dissemination Agent or, alternately, agrees to assume all responsibilities of Disclosure Dissemination Agent under this Disclosure Agreement for the benefit of the Holders of the Bonds. Notwithstanding any replacement or appointment of a successor, the Issuer shall remain liable until payment in full for any and all sums owed and payable to the Disclosure Dissemination Agent. The Disclosure Dissemination Agent may resign at any time by providing thirty days' prior written notice to the Issuer.

SECTION 10. Remedies in Event of Default. In the event of a failure of the Issuer or the Disclosure Dissemination Agent to comply with any provision of this Disclosure Agreement, the Holders' rights to enforce the provisions of this Agreement shall be limited solely to a right, by action in mandamus or for specific performance, to compel performance of the parties' obligation under this Disclosure Agreement. Any failure by a party to perform in accordance with this Disclosure Agreement shall not constitute a default on the Bonds or under any other document relating to the Bonds, including the Bond Resolution, and all rights and remedies shall be limited to those expressly stated herein.

SECTION 11. Duties, Immunities and Liabilities of Disclosure Dissemination Agent.

(a) The Disclosure Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Agreement. The Disclosure Dissemination Agent's obligation to deliver the information at the times and with the contents described herein shall be limited to the extent the Issuer has provided such information to the Disclosure Dissemination Agent as required by this Disclosure Agreement. The Disclosure Dissemination Agent shall have no duty with respect to the content of any disclosures or notice made pursuant to the terms hereof. The Disclosure Dissemination Agent shall have no duty or obligation to review or verify any Information or any other information, disclosures or notices provided to it by the Issuer and shall not be deemed to be acting in any fiduciary capacity for the Issuer, the Holders of the Bonds or any other party. The Disclosure Dissemination Agent shall have no responsibility for the Issuer's failure to report to the Disclosure Dissemination Agent a Notice Event or a duty to determine the materiality thereof. The Disclosure Dissemination Agent shall have no duty to determine, or liability for failing to determine, whether the Issuer has complied with this Disclosure Agreement. The Disclosure Dissemination Agent may conclusively rely upon certifications of the Issuer at all times.

The obligations of the Issuer under this Section shall survive resignation or removal of the Disclosure Dissemination Agent and defeasance, redemption or payment of the Bonds.

(b) The Disclosure Dissemination Agent may, from time to time, consult with legal counsel (either in-house or external) of its own choosing in the event of any disagreement or controversy, or question or doubt as to the construction of any of the provisions hereof or its respective duties hereunder, and neither of them shall incur any liability and shall be fully protected in acting in good faith upon the advice of such legal counsel. The fees and expenses of such counsel shall be payable by the Issuer.

(c) All documents, reports, notices, statements, information and other materials provided to the MSRB under this Disclosure Agreement shall be provided in an electronic format and accompanied by identifying information as prescribed by the MSRB.

SECTION 12. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Agreement, the Issuer and the Disclosure Dissemination Agent may amend this Disclosure Agreement and any provision of this Disclosure Agreement may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws acceptable to both the Issuer and the Disclosure Dissemination Agent to the effect that such amendment or waiver does not materially impair the interests of Holders of the Bonds and would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule; provided neither the Issuer or the Disclosure Dissemination Agent shall be obligated to agree to any amendment modifying their respective duties or obligations without their consent thereto.

Notwithstanding the preceding paragraph, the Disclosure Dissemination Agent shall have the right to adopt amendments to this Disclosure Agreement necessary to comply with modifications to and interpretations of the provisions of the Rule as announced by the Securities and Exchange Commission from time to time by giving not less than 20 days written notice of the intent to do so together with a copy of the proposed amendment to the Issuer. No such amendment shall become effective if the Issuer shall, within 10 days following the giving of such notice, send a notice to the Disclosure Dissemination Agent in writing that it objects to such amendment.

SECTION 13. Sources of Payments; No Personal Liability. Notwithstanding anything to the contrary contained in this Disclosure Agreement, the Issuer shall be required to use only Revenues to pay any costs and expenses to be incurred in the performance of this Disclosure Agreement by it, and the performance of its obligations hereunder shall be subject to the availability of Revenues for that purpose; provided, that any such costs and expenses shall constitute Current Expenses under the Bond Resolution. This Disclosure Agreement does not and shall not constitute a general obligation of the Issuer. No covenant, stipulation, obligation or agreement of the Issuer contained in this Disclosure Agreement shall be deemed to be a covenant, stipulation, obligation or agreement of any present or future officer, agent or employee of the Issuer in other than that person's official capacity.

SECTION 14. Beneficiaries. This Disclosure Agreement shall inure solely to the benefit of the Issuer, the Disclosure Dissemination Agent, the Underwriter, and the Holders from time to time of the Bonds, and shall create no rights in any other person or entity.

SECTION 15. Governing Law. This Disclosure Agreement shall be governed by the laws of the State of Florida.

SECTION 16. Counterparts. This Disclosure Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

The Disclosure Dissemination Agent and the Issuer have caused this Disclosure Agreement to be executed, on the date first written above, by their respective officers duly authorized.

DIGITAL ASSURANCE CERTIFICATION,  
L.L.C., as Disclosure Dissemination Agent

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

CITY OF MIAMI BEACH, FLORIDA,  
as Issuer

By: \_\_\_\_\_  
Patricia D. Walker  
Chief Financial Officer

**EXHIBIT A**

**NAME AND CUSIP NUMBERS OF BONDS**

Name of Issuer: City of Miami Beach, Florida  
Obligated Person: City of Miami Beach, Florida  
Name of Bond Issue: Parking Revenue Refunding Bonds, Series 2010A and Parking  
Revenue Bonds, Series 2010B  
Date of Issuance: \_\_\_\_\_, 2010  
Date of Official Statement: \_\_\_\_\_, 2010

CUSIP Numbers:

**EXHIBIT B**

**NOTICE TO MSRB OF FAILURE TO FILE ANNUAL REPORT**

Issuer: City of Miami Beach, Florida  
Obligated Person: City of Miami Beach, Florida  
Name of Bond Issue: Parking Revenue Refunding Bonds, Series 2010A and Parking Revenue Bonds, Series 2010B  
Date of Issuance: \_\_\_\_\_, 2010

NOTICE IS HEREBY GIVEN that the Issuer has not provided an Annual Report with respect to the above-named Bonds as required by the Disclosure Agreement, dated as of \_\_\_\_\_, 2010, between the Issuer and Digital Assurance Certification, L.L.C., as Disclosure Dissemination Agent. The Issuer has notified the Disclosure Dissemination Agent that it anticipates that the Annual Report will be filed by \_\_\_\_\_.

Dated: \_\_\_\_\_

Digital Assurance Certification, L.L.C., as  
Disclosure Dissemination Agent, on behalf  
of the Issuer

---

cc: City of Miami Beach, Florida

**EXHIBIT C**  
**EVENT NOTICE COVER SHEET**

This cover sheet and material event notice will be sent to the Municipal Securities Rulemaking Board pursuant to Securities and Exchange Commission Rule 15c2-12(b)(5)(i)(C) and (D).

Issuer's and/or Other Obligated Person's Name:

\_\_\_\_\_

Issuer's Six-Digit CUSIP Number:

\_\_\_\_\_

\_\_\_\_\_

or Nine-Digit CUSIP Number(s) of the bonds to which this material event notice relates:

\_\_\_\_\_

Number of pages of attached material event notice: \_\_\_\_\_

Description of Material Event Notice (Check One):

1.  Principal and interest payment delinquencies
2.  Non-Payment related defaults
3.  Unscheduled draws on debt service reserves reflecting financial difficulties
4.  Unscheduled draws on credit enhancements reflecting financial difficulties
5.  Substitution of credit or liquidity providers, or their failure to perform
6.  Adverse tax opinions or events affecting the tax-exempt status of the security
7.  Modifications to rights of securities holders
8.  Bond calls
9.  Defeasances
10.  Release, substitution, or sale of property securing repayment of the securities
11.  Rating changes
12.  Failure to provide annual financial information as required
13.  Other material event notice (specify) \_\_\_\_\_

I hereby represent that I am authorized by the issuer or its agent to distribute this information publicly:

Signature:

\_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Employer: Digital Assurance Certification, L.L.C.

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Voice Telephone Number: \_\_\_\_\_

PRELIMINARY OFFICIAL STATEMENT DATED OCTOBER \_\_\_\_, 2010

Moody's: " \_\_"  
S&P: " \_\_"  
(See "RATINGS" herein)

NEW ISSUE – BOOK-ENTRY ONLY

In the opinion of Squire, Sanders & Dempsey L.L.P., Bond Counsel, under existing law (i) assuming continuing compliance with certain covenants and the accuracy of certain representations, interest on the Series 2010 Bonds is excluded from gross income for federal income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations, and (ii) the Series 2010 Bonds and the income thereon are exempt from taxation under the laws of the State of Florida, except estate taxes imposed by Chapter 198, Florida Statutes, as amended, and net income and franchise taxes imposed by Chapter 220, Florida Statutes, as amended. Interest on the Series 2010 Bonds may be subject to certain federal taxes imposed only on certain corporations, including, solely with respect to the Series 2010A Bonds, the federal corporate alternative minimum tax on a portion of that interest. For a more complete discussion of the tax aspects, see "TAX MATTERS" in this Official Statement.

CITY OF MIAMI BEACH, FLORIDA

\$ \_\_\_\_\_ \*

**Parking Revenue Refunding Bonds,  
Series 2010A**

\$ \_\_\_\_\_ \*

**Parking Revenue Bonds,  
Series 2010B**

Dated: Date of Delivery

Due: September 1, as shown on the inside cover

The City of Miami Beach, Florida (the "City") is issuing in two separate series, its \$ \_\_\_\_\_ \* aggregate principal amount of Parking Revenue Refunding Bonds, Series 2010A (the "Series 2010A Bonds") and its \$ \_\_\_\_\_ \* aggregate principal amount of Parking Revenue Bonds, Series 2010B (the "Series 2010B Bonds" and, together with the Series 2010A Bonds, the "Series 2010 Bonds"), as fully registered bonds, which initially will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the Series 2010 Bonds. Individual purchases will be made in book-entry form only through Participants (defined herein) in principal denominations of \$5,000 each or any whole multiple thereof. Purchasers will not receive certificates representing their ownership interest in the Series 2010 Bonds purchased. Transfer of ownership interests in the Series 2010 Bonds will be effected through the DTC book-entry system as described herein. As long as CEDE & Co. is the registered owner as nominee of DTC, principal and interest payments will be made directly to such registered owner, who will in turn remit such payments to the Participants for subsequent disbursement to the purchasers of the Series 2010 Bonds. See "THE SERIES 2010 BONDS - Book-Entry Only System" herein. Interest on the Series 2010 Bonds will accrue from the dated date and is payable semiannually on March 1, 2011 and each September 1 and March 1 thereafter. U.S. Bank National Association, Miami, Florida shall serve as Bond Registrar for the Series 2010 Bonds.

The Series 2010A Bonds are being issued by the City for the purpose of providing funds, together with other available moneys, to (i) current refund the City's outstanding Parking Revenue Bonds, Series 1997, previously issued in the aggregate principal amount of \$21,000,000, of which \$19,195,000 are now

outstanding, (ii) fund a deposit to the Reserve Account [pay the premium for a Reserve Account Insurance Policy] and (iii) pay costs of issuance of the Series 2010A Bonds.

The Series 2010B Bonds are being issued by the City for the purpose of providing funds, together with other available moneys, to (i) pay the costs of acquiring and constructing a new parking garage and other capital improvements (see "THE PROJECT" herein), (ii) fund a deposit to the Reserve Account [pay the premium for a Reserve Account Insurance Policy] and (iii) pay costs of issuance of the Series 2010B Bonds.

The Series 2010 Bonds are subject to redemption by the City prior to maturity as set forth herein.

The Series 2010 Bonds are payable from and secured by a first lien on and a pledge of the Net Revenues derived from the operation of the Parking System of the City on a parity with any additional Bonds hereafter issued. See "SECURITY FOR THE SERIES 2010 BONDS" herein.

THE CITY IS NOT OBLIGATED TO PAY THE SERIES 2010 BONDS OR THE INTEREST THEREON EXCEPT FROM THE PLEDGED REVENUES, AS HEREAFTER DEFINED. THE ISSUANCE OF THE SERIES 2010 BONDS SHALL NOT DIRECTLY OR INDIRECTLY OR CONTINGENTLY OBLIGATE THE CITY TO LEVY OR TO PLEDGE ANY TAXES WHATEVER THEREFOR OR TO MAKE ANY APPROPRIATION FOR THEIR PAYMENT EXCEPT FROM THE PLEDGED REVENUES. NEITHER THE FULL FAITH AND CREDIT NOR THE TAXING POWER OF THE CITY, MIAMI-DADE COUNTY, FLORIDA, THE STATE OF FLORIDA OR ANY OTHER POLITICAL SUBDIVISION THEREOF IS PLEDGED TO PAYMENT OF THE SERIES 2010 BONDS.

The City has applied for a bond insurance policy to guarantee the scheduled payment of principal of and interest on the Series 2010 Bonds. The City may choose to insure all, some or none of the Series 2010 Bonds. Such determination will be made by the City at the time the Series 2010 Bonds are marketed.

This cover page contains certain information for quick reference only. It is not a summary of the issue. Investors must read the entire Official Statement to obtain information essential to making an informed investment decision.

*The Series 2010 Bonds are offered when, as and if issued and accepted by the Underwriters subject to the delivery of an opinion as to legality by Squire, Sanders & Dempsey L.L.P., Miami, Florida, Bond Counsel. Certain legal matters will be passed upon for the City by Jose Smith, Esq., City Attorney, and for the Underwriters by Bryant Miller Olive P.A., Miami, Florida. RBC Capital Markets Corporation has served as Financial Advisor to the City in connection with the issuance of the Series 2010 Bonds. It is expected that the Series 2010 Bonds will be available for delivery in New York, New York through the facilities of DTC on or about \_\_\_\_\_, 2010.*

**STERNE, AGEE & LEACH, INC.**

**LOOP CAPITAL MARKETS, LLC**

**CITIGROUP GLOBAL MARKETS, INC.**

**RAYMOND JAMES & ASSOCIATES, INC.**

Dated: October \_\_, 2010.

\$ \_\_\_\_\_  
SERIES 2010A BONDS

MATURITIES, PRINCIPAL AMOUNTS, INTEREST RATES, YIELDS, PRICES  
AND INITIAL CUSIP NUMBERS\*

<u>Maturity</u> (September 1)	<u>Principal</u> <u>Amount</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>Price</u>	<u>Initial CUSIP</u> <u>Number</u>
----------------------------------	-----------------------------------	----------------------	--------------	--------------	---------------------------------------

\$ \_\_\_\_\_ Term Bond Due September 1, 20\_\_ at \_\_\_\_% Yield \_\_\_\_% Price \_\_\_\_% Initial CUSIP: \_\_\_\_\_

\$ \_\_\_\_\_  
SERIES 2010B BONDS

MATURITIES, PRINCIPAL AMOUNTS, INTEREST RATES, YIELDS, PRICES  
AND INITIAL CUSIP NUMBERS

<u>Maturity</u> (September 1)	<u>Principal</u> <u>Amount</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>Price</u>	<u>Initial CUSIP</u> <u>Number</u>
----------------------------------	-----------------------------------	----------------------	--------------	--------------	---------------------------------------

\$ \_\_\_\_\_ Term Bond Due September 1, 20\_\_ at \_\_\_\_% Yield \_\_\_\_% Price \_\_\_\_% Initial CUSIP: \_\_\_\_\_

---

\* The City is not responsible for the use of the CUSIP number, nor is any representation made as to its correctness.

**THE CITY OF MIAMI BEACH, FLORIDA**

**MAYOR**

Matti Herrera Bower

**VICE MAYOR**

Jorge Exposito

**CITY COMMISSIONERS**

Michael Gongora

Jerry Libbin

Edward L. Tobin

Deede Weithorn

Jonah Wolfson

**CITY MANAGER**

Jorge M. Gonzalez

**CITY ATTORNEY**

Jose Smith, Esq.

**CHIEF FINANCIAL OFFICER**

Patricia D. Walker

**CITY CLERK**

Robert Parcher

**DIRECTOR OF THE PARKING DEPARTMENT**

Saul Frances

**BOND COUNSEL**

Squire, Sanders & Dempsey L.L.P.

Miami, Florida

**FINANCIAL ADVISOR**

RBC Capital Markets Corporation

Miami, Florida

No dealer, broker, salesman or other person has been authorized by the City or the Underwriters to give any information or to make any representations with respect to the Series 2010 Bonds other than those contained in this Official Statement, and if given or made, such information or representations must not be relied upon as having been authorized by any of the foregoing. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Series 2010 Bonds by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information set forth herein has been obtained from the City of Miami Beach, Florida and other sources which are believed to be reliable, but is not guaranteed as to accuracy or completeness by, and is not to be construed as a representation of, the Underwriters. The information and expressions of opinion stated herein are subject to change without notice. The delivery of this Official Statement shall not, under any circumstances, create any implication that there has been no change in the affairs of the City since the date hereof.

The Underwriters have provided the following sentence for inclusion in this Official Statement. The Underwriters have reviewed the information in this Official Statement pursuant to their responsibilities to investors under the federal securities laws, but the Underwriters do not guarantee the accuracy or completeness of such information.

No registration statement relating to the Series 2010 Bonds has been filed with the Securities and Exchange Commission (the "SEC") or with any state securities agency. The Series 2010 Bonds have not been approved or disapproved by the SEC or any state securities agency, nor has the SEC or any state securities agency passed upon the accuracy or adequacy of this Official Statement. Any representation to the contrary is a criminal offense.

IN CONNECTION WITH THE OFFERING OF THE SERIES 2010 BONDS, THE UNDERWRITERS MAY OVERALLOT OR EFFECT TRANSACTIONS WHICH STABILIZE OR MAINTAIN THE MARKET PRICE OF SUCH SERIES 2010 BONDS OFFERED HEREBY AT LEVELS ABOVE THAT WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME.

This Official Statement contains certain "forward-looking statements" concerning the City's operations, performance and financial condition, including its future economic performance, plans and objectives. These statements are based upon a number of assumptions and estimates which are subject to significant uncertainties, many of which are beyond the control of the City. The words "may," "would," "could," "will," "expect," "anticipate," "believe," "intend," "plan," "estimate" and similar expressions are meant to identify these forward-looking statements. Actual results may differ materially from those expressed or implied by these forward-looking statements.

**THIS PRELIMINARY OFFICIAL STATEMENT IS IN A FORM DEEMED FINAL BY THE CITY FOR PURPOSES OF RULE 15C2-12 ISSUED UNDER THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, EXCEPT FOR CERTAIN INFORMATION PERMITTED TO BE OMITTED PURSUANT TO SUCH RULE.**

**RED HERRING LANGUAGE:**

This Preliminary Official Statement and the information contained herein are subject to completion or amendment. The Series 2010 Bonds may not be sold, nor may any offer to buy be accepted, prior to the time the Official Statement is delivered in final form. Under no circumstances shall this Preliminary Official Statement constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale, of the Series 2010 Bonds in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration, qualification or exemption under the securities laws of any such jurisdiction.

**TABLE OF CONTENTS**

Page

INTRODUCTION ..... 1

PURPOSE OF THE SERIES 2010 BONDS..... 1

PLAN OF REFUNDING ..... 2

THE PROJECT ..... 2

ESTIMATED SOURCES AND USES OF FUNDS..... 3

THE SERIES 2010 BONDS ..... 4

    General ..... 4

    Book-Entry Only System ..... 4

    Optional Redemption of Series 2010 Bonds ..... 6

    Mandatory Sinking Fund Redemption ..... 6

    Notice of Redemption..... 7

SECURITY FOR THE SERIES 2010 BONDS ..... 8

    General ..... 8

    Flow of Funds..... 9

    Reserve Account..... 10

    Rate Covenant ..... 12

    Additional Bonds..... 13

    Refunding Bonds ..... 14

    Other Indebtedness ..... 15

THE PARKING SYSTEM ..... 15

    General ..... 15

    Organization ..... 16

    Operations..... 17

    Parking Rates..... 17

    Proposed Facility ..... 18

    Additional Parking Facilities ..... 19

    Parking System Covenants ..... 19

    Summary Statement of Revenues and Expenses ..... 23

    Management Discussion of Parking System ..... 24

    Future Plans for Parking Projects ..... 26

DEBT SERVICE SCHEDULE..... 27

THE CITY OF MIAMI BEACH ..... 28

General .....	28
City Government .....	28
Pension Plans.....	28
Other Post Employment Benefits .....	33
Management Discussion.....	34
LITIGATION .....	35
TAX MATTERS.....	35
General .....	35
Original Issue Discount and Original Issue Premium .....	37
UNDERWRITING.....	38
FINANCIAL ADVISOR .....	38
FINANCIAL STATEMENTS .....	39
RATINGS .....	39
INSURANCE RISK FACTORS.....	39
LEGAL MATTERS.....	40
CONTINUING DISCLOSURE .....	41
VERIFICATION OF MATHEMATICAL COMPUTATIONS .....	41
DISCLOSURE REQUIRED BY FLORIDA BLUE SKY REGULATIONS.....	41
CONTINGENT FEES.....	42
INVESTMENT POLICY.....	42
MISCELLANEOUS .....	42
CERTIFICATE CONCERNING THE OFFICIAL STATEMENT.....	43

## APPENDICES

APPENDIX A	General Information Regarding the City of Miami Beach and Miami-Dade County, Florida
APPENDIX B	Audited Financial Statements of the City's Parking System
APPENDIX C	Form of Bond Resolution
APPENDIX D	Form of Bond Counsel Opinion
APPENDIX E	Form of Disclosure Dissemination Agent Agreement

**OFFICIAL STATEMENT  
RELATING TO**

**CITY OF MIAMI BEACH, FLORIDA**

\$ \_\_\_\_\_ \*  
**Parking Revenue Refunding Bonds,  
Series 2010A**

\$ \_\_\_\_\_ \*  
**Parking Revenue Bonds,  
Series 2010B**

**INTRODUCTION**

The purpose of this Official Statement, including the cover page and all appendices hereto, is to set forth certain information in connection with the sale by the City of Miami Beach, Florida (the "City") of its \$ \_\_\_\_\_ \* aggregate principal amount of Parking Revenue Refunding Bonds, Series 2010A (the "Series 2010A Bonds") and \$ \_\_\_\_\_ \* aggregate principal amount of Parking Revenue Bonds, Series 2010B (the "Series 2010B Bonds" and together with the Series 2010A Bonds, the "Series 2010 Bonds"). The Series 2010 Bonds are being issued pursuant to the Constitution and Laws of the State of Florida, including Chapter 166, Florida Statutes, and the City of Miami Beach Charter (collectively, the "Act") and other applicable provisions of law and pursuant and subject to the terms and conditions of Resolution No. \_\_\_\_\_ adopted by the Mayor and City Commission of the City (the "Commission") on \_\_\_\_\_, 2010 (the "Bond Resolution"). The lien of the Series 2010 Bonds on Pledged Revenues (hereinafter defined) is on parity with any Additional Bonds and Refunding Bonds hereafter issued under the Bond Resolution. The Series 2010 Bonds and any Additional Bonds and Refunding Bonds issued on parity therewith, are collectively referred to as the "Bonds."

All capitalized terms used in this Official Statement and not otherwise defined herein have the same meaning as provided in the Bond Resolution, a copy of which has been included as APPENDIX C attached hereto. Descriptions of the Series 2010 Bonds, certain provisions of the Bond Resolution, and other agreements and documents contained herein constitute summaries of certain provisions thereof, and do not purport to be complete. Reference is made to the Bond Resolution, a copy of which is attached hereto as APPENDIX C, and to such other agreements and documents, copies of which are on file at the offices of the City, for a more complete description of such provisions.

All documents of the City referred to herein may be obtained from the Chief Financial Officer, 1700 Convention Center Drive, Miami Beach, Florida 33139, Telephone (305) 673-7466.

**PURPOSE OF THE SERIES 2010 BONDS**

The Series 2010A Bonds are being issued by the City for the purpose of providing funds, together with other available moneys, to (i) current refund the City's outstanding Parking Revenue Bonds, Series 1997, previously issued in the aggregate principal amount of \$21,000,000 (the "Series 1997 Bonds"), of which \$19,195,000 are now outstanding (the "Refunded Bonds"), (ii) fund a deposit to the Reserve Account [pay the premium for a Reserve Account Insurance Policy] and (iii) pay costs of issuance of the Series 2010A Bonds.

The Series 2010B Bonds are being issued by the City for the purpose of providing funds, together with other available moneys, to (i) pay the costs of acquiring and constructing a new parking garage and other capital improvements (see "THE PROJECT" herein), (ii) fund a deposit to the Reserve Account [pay the premium for a Reserve Account Insurance Policy] and (iii) pay costs of issuance of the Series 2010B Bonds.

## PLAN OF REFUNDING

The Series 1997 Bonds were issued for the purpose of funding the improvement and expansion of the City's Parking System (as defined herein). Concurrently with the delivery of the Series 2010A Bonds, a portion of the proceeds of Series 2010A Bonds and other available moneys will be applied to the refunding of the Refunded Bonds.

To effect the refunding of the Refunded Bonds, the City will enter into an escrow deposit agreement (the "Escrow Agreement") with U.S. Bank National Association, as escrow agent (the "Escrow Agent"). Pursuant to the terms of the Escrow Agreement, the City will deposit with the Escrow Agent a portion of the proceeds of the Series 2010A Bonds and other available moneys to refund the Refunded Bonds. Such proceeds and other available moneys, other than cash balances remaining uninvested, will be applied on the date of the delivery of the Series 2010A Bonds to the purchase of direct obligations of the United States of America (the "Government Obligations"). The Government Obligations shall mature at such times and in such amounts as shall be sufficient, together with the cash balances, to pay the principal of and interest on the Refunded Bonds to their redemption date. The Refunded Bonds will be redeemed on \_\_\_\_\_ at a redemption price of 100% of the principal amount thereof, plus accrued interest to the redemption date. Upon execution and delivery of the Escrow Agreement and the deposit of such proceeds and other available moneys into the escrow deposit trust fund (the "Escrow Deposit Trust Fund") and investment thereof in Government Obligations, all as provided in the Escrow Agreement, in the opinion of Bond Counsel, rendered in reliance on the report of \_\_\_\_\_ (see "VERIFICATION OF MATHEMATICAL COMPUTATIONS" herein), the Refunded Bonds will no longer be Outstanding under Resolution No. 96-21898 adopted by the Commission on February 20, 1996, as supplemented, which authorized the Series 1997 Bonds.

The Government Obligations and other moneys held pursuant to the Escrow Agreement will not be available to pay debt service on the Series 2010 Bonds.

## THE PROJECT

The Series 2010B Bonds are being issued, in part, for the purpose of paying the costs of the Project. The Project will constitute a part of the City's Parking System. The Project consists of:

(i) the acquisition and construction of a new public parking garage to be located between 18<sup>th</sup> Street and 20<sup>th</sup> Street and between Bay Road and Purdy Avenue (the "Purdy Avenue Garage"). This parking garage is a joint venture project with Scott Robins Company and will consist of approximately [43,500] square feet, with 458 parking spaces on four levels, and will include approximately 31,000 square feet of ground floor retail space. The project cost for this parking garage is expected to be [\$\_\_\_\_\_], of which \$19,860,000 will be funded from a portion of the proceeds of the Series 2010B Bonds. The ground floor of the parking structure will be owned and operated by the Scott Robins Company and will not be financed with proceeds of the Series 2010 Bonds. See "THE PARKING SYSTEM – Proposed Facility" herein;

(ii) improvements to various parking garages and lots at a cost of \$2,510,000; and

(iii) the acquisition and installation of parking meters and pay stations and machines at a cost of \$1,812,000.

The Commission may determine by resolution to undertake authorized capital improvements to the Parking System in addition to and/or in lieu of one or more of the capital improvements described above.

## ESTIMATED SOURCES AND USES OF FUNDS

The following table sets forth the estimated sources and uses of funds from the proceeds of the Series 2010A and the Series 2010B Bonds:

<b>Sources of Funds</b>	<b>Series 2010A <u>Bonds</u></b>	<b>Series 2010B <u>Bonds</u></b>	<b><u>Total</u></b>
Principal Amount			
Net Original Issue [Discount/Premium]			
Other Available Moneys <sup>(1)</sup>			
Total Estimated Sources of Funds			
<b>Uses of Funds</b>			
Deposit to Escrow Deposit Trust Fund			
Deposit to Series 2010B Construction Account			
Deposit to Reserve Account			
Costs of Issuance <sup>(2)</sup>			
Underwriters' Discount			
Total Estimated Uses of Funds			

<sup>(1)</sup> Moneys from the debt service account and reserve account related to the Refunded Bonds.

<sup>(2)</sup> Costs of Issuance includes [premiums for a bond insurance policy and/or Reserve Account Insurance Policy], financial advisory and legal fees and expenses, rating agency fees and miscellaneous costs of issuance.

[Remainder of page intentionally left blank]

## THE SERIES 2010 BONDS

### General

The Series 2010 Bonds will be issued as fully registered bonds without coupons in principal denominations of \$5,000 or any whole multiple thereof through the book-entry only system maintained by DTC (defined below). The Series 2010 Bonds will be dated the date of their delivery. The Series 2010 Bonds will bear interest at the rates, and will mature on the dates and in the amounts, set forth on the inside cover page of this Official Statement. Interest on the Series 2010 Bonds, which shall be calculated on the basis of a 360-day year comprised of twelve (12) 30-day months, is payable semiannually commencing on March 1, 2011 and each September 1 and March 1 thereafter. U.S. Bank National Association, Miami, Florida, is acting as paying agent and bond registrar for the Series 2010 Bonds (collectively, the "Bond Registrar").

The Series 2010 Bonds, when issued, will be registered in the name of Cede & Co., as nominee for DTC (as defined herein). Payment of the principal of and interest on the Series 2010 Bonds will be made directly to DTC or its nominee, Cede & Co., by the Bond Registrar.

### Book-Entry Only System

THE FOLLOWING INFORMATION CONCERNING DTC AND DTC'S BOOK-ENTRY ONLY SYSTEM HAS BEEN OBTAINED FROM SOURCES THAT THE CITY BELIEVES TO BE RELIABLE, BUT NEITHER THE CITY NOR THE UNDERWRITERS TAKE ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS THEREOF.

The Depository Trust Company ("DTC"), New York, New York, will act as securities depository for the Series 2010 Bonds. The Series 2010 Bonds will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered certificate will be issued for each maturity of each Series of the Series 2010 Bonds, each in the aggregate principal amount of such maturity, and will be deposited with DTC.

DTC, the world's largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity, corporate and municipal debt issues, and money market instruments from over 100 countries that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). DTC has Standard &

Poor's highest rating: AAA. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at [www.dtcc.com](http://www.dtcc.com) and [www.dtc.org](http://www.dtc.org).

Purchases of Series 2010 Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Series 2010 Bonds on DTC's records. The ownership interest of each actual purchaser of each Series 2010 Bond ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Series 2010 Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Series 2010 Bonds, except in the event that use of the book-entry system for the Series 2010 Bonds is discontinued.

To facilitate subsequent transfers, all Series 2010 Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co. or such other name as may be requested by an authorized representative of DTC. The deposit of Series 2010 Bonds with DTC and their registration in the name of Cede & Co. or such other nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Series 2010 Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such Series 2010 Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time.

Beneficial Owners of Series 2010 Bonds may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Series 2010 Bonds, such as redemptions and proposed amendments to the Series 2010 Bond documents. For example, Beneficial Owners of Series 2010 Bonds may wish to ascertain that the nominee holding the Series 2010 Bonds for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the Bond Registrar and request that copies of notices be provided directly to them.

Redemption notices shall be sent to DTC. If less than all of the Series 2010 Bonds are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to the Series 2010 Bonds unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the City as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Series 2010 Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal and interest payments on the Series 2010 Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts, upon DTC's receipt of funds and corresponding detail information from the City on the payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with Series 2010 Bonds held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, the Bond Registrar or the City, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal and interest payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the City or the Bond Registrar, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as securities depository with respect to the Series 2010 Bonds at any time by giving reasonable notice to the City. Under such circumstances, in the event that a successor securities depository is not obtained, Series 2010 Bond certificates are required to be printed and delivered.

The City may decide to discontinue use of the system of book-entry only transfers through DTC (or a successor securities depository). In that event, Series 2010 Bond certificates will be printed and delivered to DTC. Thereafter, Series 2010 Bond certificates may be transferred and exchanged as described in the Bond Resolution.

THE CITY AND THE BOND REGISTRAR WILL HAVE NO RESPONSIBILITY OR OBLIGATION TO THE BENEFICIAL OWNERS, DTC PARTICIPANTS OR THE PERSONS FOR WHOM DTC PARTICIPANTS ACT AS NOMINEES WITH RESPECT TO THE SERIES 2010 BONDS, FOR THE ACCURACY OF RECORDS OF DTC, CEDE & CO. OR ANY DTC PARTICIPANT WITH RESPECT TO THE SERIES 2010 BONDS OR THE PROVIDING OF NOTICE OR PAYMENT OF PRINCIPAL OR INTEREST ON THE SERIES 2010 BONDS, TO DTC PARTICIPANTS OR BENEFICIAL OWNERS, OR THE SELECTION OF SERIES 2010 BONDS FOR REDEMPTION.

#### **Optional Redemption of Series 2010 Bonds**

The Series 2010 Bonds of each Series maturing prior to September 1, \_\_\_ are not redeemable prior to their stated dates of maturity. The Series 2010 Bonds of each Series maturing on September 1, \_\_\_ and thereafter may be redeemed prior to their stated dates of maturity, at the option of the City, from any moneys that may be available for such purpose, as a whole or in part on any date on or after September 1, \_\_\_, and if in part in any order of maturity selected by the City and by lot or by such other manner as the Bond Registrar shall deem appropriate within a maturity if less than a full maturity is to be redeemed, at a redemption price equal to \_\_\_% of the principal amount thereof, plus accrued interest to the redemption date.

#### **Mandatory Sinking Fund Redemption**

*Series 2010A Bonds.* The Series 2010A Bonds maturing on September 1, \_\_\_\_\_ are subject to mandatory redemption prior to maturity, in part, by lot or by such other manner as the Bond Registrar shall deem appropriate, on September 1, \_\_\_\_\_ and on each September 1 thereafter set forth below, at a

redemption price equal to 100% of the principal amount thereof, without premium, from Amortization Requirements, as follows:

<u>September 1</u>	<u>Principal Amount</u>
--------------------	-----------------------------

\_\_\_\_\_  
\*Final Maturity

*Series 2010B Bonds.* The Series 2010B Bonds maturing on September 1, \_\_\_\_\_ are subject to mandatory redemption prior to maturity, in part, by lot or by such other manner as the Bond Registrar shall deem appropriate, on September 1, \_\_\_\_\_ and on each September 1 thereafter set forth below, at a redemption price equal to 100% of the principal amount thereof, without premium, from Amortization Requirements, as follows:

<u>September 1</u>	<u>Principal Amount</u>
--------------------	-----------------------------

\_\_\_\_\_  
\*Final Maturity

**Notice of Redemption**

At least thirty (30) days, but not more than sixty (60) days, before the redemption date, a notice of any such redemption, either in whole or in part, signed by the Chief Financial Officer, (a) shall be filed with the Bond Registrar, and (b) shall be mailed, first class mail, postage prepaid, to all registered owners of Series 2010 Bonds (which, so long as DTC shall act as securities depository for the Series 2010 Bonds, shall be Cede & Co.) to be redeemed at their addresses as they appear on the registration books of the Bond Registrar, but failure so to mail any such notice to any registered owner shall not affect the validity of the proceedings for such redemption. No assurance can be given by the City that DTC and DTC Participants will promptly transmit notices of redemption to Beneficial Owners. Subject to the next paragraph, after such redemption date, interest will cease to accrue on such Series 2010 Bonds called for redemption, so long as the required funds are on deposit for their redemptions. Owners of such Series 2010 Bonds should thereafter look solely to such funds for payment.

In the case of an optional redemption of Series 2010 Bonds, the redemption notice may state that (a) it is conditioned upon the deposit of moneys with the Bond Registrar or with a bank, trust company or other appropriate fiduciary institution acting as escrow agent (the "escrow agent"), in amounts necessary to effect the redemption, no later than the redemption date, or (b) the City retains the right to rescind

such notice on or prior to the scheduled redemption date (in either case, a "Conditional Redemption"), and such notice and optional redemption shall be of no effect if such moneys are not so deposited or if the notice is rescinded as described in this paragraph. Any such notice of Conditional Redemption shall be captioned "Conditional Notice of Redemption." Any Conditional Redemption may be rescinded at any time prior to the redemption date if the City delivers a written direction to the Bond Registrar directing the Bond Registrar to rescind the redemption notice. The Bond Registrar shall give prompt notice of such rescission to the affected Bondholders. Any Series 2010 Bonds subject to Conditional Redemption where redemption has been rescinded shall remain Outstanding, and neither the rescission nor the failure by the City to make such moneys available shall constitute an Event of Default.

## SECURITY FOR THE SERIES 2010 BONDS

### General

The Bonds issued under the Bond Resolution are limited obligations of the City, payable solely from and secured by a lien upon and pledge of Net Revenues, and all moneys held in the respective Funds and Accounts established under the Bond Resolution other than the Subordinated Indebtedness Account and the Arbitrage Rebate Fund (collectively, the "Pledged Revenues"). See APPENDIX C hereto for a further description of the Pledged Revenues.

"Net Revenues" is defined in the Bond Resolution as being, for any particular period, the amount of Revenues for such period less Current Expenses for such period.

"Revenues" is defined in the Bond Resolution as all moneys received by the City in connection with or as a result of its ownership or operation of the Parking System, including, but not limited to, the income derived by the City from the direct fees and charges made for parking, all indirect revenues received through the supplying of any other services legally supplyable by the City to users of the Parking System, all rents received by the City from the rental of space comprising any part of the Parking System, including receipts from concessionaires, all fees received by the City from the management by other parties of all or any part of the Parking System, income received by the City from parking violation fines imposed upon users of the Parking System which under State law may be applied to purposes consistent with the Bond Resolution, Federal Direct Payments received by the City, any proceeds of use and occupancy insurance on the Parking System or any part thereof, payments made to the City under Interest Rate Swap arrangements, and income from investments made under the Bond Resolution; provided, however, Revenues shall not include grants, contributions or donations, investment income from investments of moneys on deposit in the Construction Fund and the Subordinated Indebtedness Account, proceeds of insurance (except use and occupancy insurance) and condemnation awards, moneys held in the Subordinated Indebtedness Account and in any Arbitrage Rebate Fund created pursuant to the Bond Resolution, proceeds of sales of property constituting a part of the Parking System, and the proceeds of Bonds or other System Debt, and provided further, however, Revenues shall not include Federal Direct Payments for purposes of the calculations of Net Revenues in connection with the issuance of Additional Bonds and Refunding Bonds and in connection with the rate covenant. No Federal Direct Payments will be received by the City with respect to the Series 2010 Bonds.

"Current Expenses" is defined in the Bond Resolution as the City's reasonable and necessary current expenses of maintenance, repair and operation of the Parking System and shall include, without limiting the generality of the foregoing, all ordinary and usual expenses of maintenance, repair and operation, which may include expenses not annually recurring, any reasonable payments to pension or retirement funds properly chargeable to the Parking System, insurance premiums, engineering expenses

relating to maintenance, repair and operation, management fees paid by the City to any independent operators or managers of any part of the Parking System, fees and expenses of the Bond Registrar and Escrow Agent, legal and accounting expenses, expenses incurred in the collection of parking violation fines imposed on users of the Parking System which under State law may be applied to purposes consistent with the Bond Resolution, costs of complying with the continuing disclosure requirements under the Rule, any fees, fines, or penalties lawfully imposed on the Parking System, any taxes which may be lawfully imposed on the Parking System or its income or operations and reserves for such taxes, annual fees for the maintenance of Credit Facilities, Liquidity Facilities, Reserve Account Insurance Policies, Reserve Account Letters of Credit or Interest Rate Swaps (other than payments due under an Interest Rate Swap on a parity with interest due on the Bonds and termination payments thereunder), and any other expenses required to be paid by the City in connection with the Parking System under the provisions of the Bond Resolution or by law, including any amounts required from time to time to pay arbitrage rebate to the United States of America directly or to fund the Arbitrage Rebate Fund, but shall not include any reserves for extraordinary maintenance or repair, or any allowance for depreciation, or any administrative expenses payable to the City's General Fund, or any deposits or transfers to the credit of the Debt Service Account, the Reserve Account, or the Subordinated Indebtedness Account.

"Parking System" is defined in the Bond Resolution as the City's parking system pursuant to which parking facilities are made available by the City for public parking of automobiles and other motor vehicles upon payment of a fee or charge for the privilege of parking, whether such facilities are owned by the City, leased by the City as lessor or lessee, or consist of parking spaces on public streets (whether such streets are City streets, County roads or State roads) for which the City lawfully charges a parking fee by meter or otherwise, and shall (i) include the Project, any Improvements and any Separate Parking Facilities consolidated with the Parking System pursuant to Section 709 of the Bond Resolution, and (ii) exclude any Separate Parking Facilities not so consolidated with the Parking System.

The lien of the Series 2010 Bonds on the Pledged Revenues will be on a parity with any Additional Bonds and Refunding Bonds issued on a parity therewith. See "Additional Bonds" and "Refunding Bonds" herein for a description of the conditions under which Additional Bonds and Refunding Bonds may be issued.

The City is not obligated to pay the Series 2010 Bonds or the interest thereon except from the Pledged Revenues. The issuance of the Series 2010 Bonds shall not directly or indirectly or contingently obligate the City to levy or to pledge any taxes whatever therefor or to make any appropriation for their payment except from the Pledged Revenues. Neither the full faith and credit nor the taxing power of the City, Miami-Dade County, Florida (the "County"), the State of Florida or any political subdivision thereof are pledged to the payment of the Series 2010 Bonds.

### **Flow of Funds**

The Bond Resolution establishes the Construction Fund and the City currently maintains an Enterprise Fund. The Bond Resolution establishes within the Enterprise Fund, the Debt Service Account (and within the Debt Service Account, the Bond Service Subaccount and Redemption Subaccount), Reserve Account and Subordinated Indebtedness Account. All such funds and accounts held under the Bond Resolution are held by the City, and no independent trustee has been appointed to hold the moneys in such funds for the benefit of the Bondholders.

The City deposits all Revenues collected from the Parking System's operations into the Enterprise Fund. Not later than the 20th day of each month, the City withdraws from amounts on deposit in the

Enterprise Fund (except for an amount equal to the next ensuing two months' Current Expenses under the Annual Budget, which amount is held for the payment of Current Expenses), the amounts required to make the deposits described below (or if the available amounts on deposit in the Enterprise Fund are less than the required amounts, the entire balance (other than the amount required to be retained therein for the payment of Current Expenses) and deposit the funds withdrawn in the following order:

(a) To the Bond Service Subaccount of the Debt Service Account, an amount equal to one-sixth (1/6) of the interest payable on the Bonds of each Series on the next succeeding Interest Payment Date, plus one-twelfth (1/12) or, if principal is payable semiannually, one-sixth (1/6) of the next maturing installment of principal on all Serial Bonds then Outstanding; provided that in each month intervening between the date of delivery of Bonds and the next succeeding Interest Payment Date and the next succeeding principal payment date, respectively, the amount specified in this subparagraph shall be that when multiplied by the number of deposits to the credit of the Bond Service Subaccount required to be made during such respective periods as provided above will equal the amount required in addition to any amounts received as accrued interest or capitalized interest from the proceeds of the Bonds) for such next succeeding interest payment and next maturing installment of principal, respectively;

(b) To the Redemption Subaccount of the Debt Service Account, an amount equal to one-twelfth (1/12) or, if any Bonds are required to be retired semiannually, one-sixth (1/6) of the principal amount of Term Bonds of each Series to be retired, in satisfaction of the Amortization Requirements, if any, for such Fiscal Year;

(c) To the Reserve Account, if necessary, the amount needed to make the amount deposited to the credit of the Reserve Account in such month equal to the Reserve Account Deposit Requirement for such month; provided, however, that if the Reserve Account Deposit Requirement is being satisfied by the restoration of any amount drawn or paid under a Reserve Account Insurance Policy or a Reserve Account Letter of Credit, there shall be paid to the provider thereof such amount, if any, of any balance remaining after the deposits under clauses (a) and (b) above, as may be required to cause the Reserve Account Deposit Requirement to be satisfied; and

(d) To the Subordinated Indebtedness Account, one-twelfth (1/12) of the amount required to satisfy the principal, redemption premium, if any, and interest requirements of Subordinated Indebtedness for the succeeding twelve month period and the amount, if any, required to be deposited in any special reserve subaccount established within the Subordinated Indebtedness Account.

#### Reserve Account

Under the Bond Resolution, the City has established the Reserve Account within the Enterprise Fund. The Reserve Account is held for the benefit of all Bonds Outstanding, except (i) for a Series of Bonds that is not secured by the Revenue Account, and (ii) that the Series Resolution for one or more particular Series of Bonds may establish a separate subaccount within the Reserve Account for such particular Series of Bonds and, in such event, such Series of Bonds shall be secured only by the moneys held for the credit of such subaccount and by no other amounts held for the credit of the Reserve Account, and the Bonds Outstanding of any other Series will have no claim whatsoever on the moneys held for the credit of such separate subaccount in the Reserve Account. No separate subaccount is being established within the Reserve Account for the benefit of the Series 2010 Bonds.

The Reserve Account Requirement under the Bond Resolution is an amount equal to the lesser of (i) the Maximum Principal and Interest Requirements for all Outstanding Bonds, or (ii) the maximum

amount allowed to be funded from proceeds of Bonds under the Code; provided that if the Series Resolution corresponding to a Series of Bonds provides for the establishment of a separate subaccount in the Reserve Account to secure only such Series of Bonds (with such Series of Bonds having no claim on the other moneys deposited to the credit of the Reserve Account), the Reserve Account Requirement for such Series of Bonds shall be calculated as set forth in the corresponding Series Resolution; and provided further that, if the Series Resolution corresponding to a Series of Bonds provides that such Series of Bonds shall not be secured by the Reserve Account or any separate subaccount therein, the Reserve Account Requirement shall be calculated without taking into account such Series of Bonds.

Upon the issuance of a Series of Bonds, unless funded from the proceeds of such Series of Bonds, the City is required to provide for the funding of the Reserve Account in equal monthly installments over a period of twelve (12) months (the "Reserve Account Deposit Requirement") in an amount equal to the increase in the Reserve Account Requirement resulting from the issuance of such Series of Bonds, unless the Series Resolution for such Bonds establishes a separate subaccount in the Reserve Account to secure only such Series of Bonds (with such Series of Bonds having no claim on the other moneys deposited to the credit of the Reserve Account). If the Reserve Account contains less than the Reserve Account Requirement, then the City is required to make deposits therein from the Enterprise Fund each month (after making deposits to the Debt Service Account and Redemption Account), of one-twelfth (1/12) of the deficiency, until the Reserve Account Requirement is met.

Moneys held for the credit of the Reserve Account will first be used for the purpose of paying the interest on and the principal of the Bonds which are secured by the Reserve Account whenever and to the extent that the moneys held for the credit of the Bond Service Subaccount shall be insufficient for such purpose and thereafter for the purpose of making deposits to the credit of the Redemption Subaccount in respect of such Bonds whenever and to the extent that withdrawals from the Enterprise Fund are insufficient for such purposes; provided, however, that moneys held for the credit of a separate subaccount in the Reserve Account shall be applied to the foregoing purposes and in the foregoing manner, but only for the benefit of the Series of Bonds for which such separate subaccount was established. Unless otherwise specified by a Series Resolution, if the moneys held in the Reserve Account exceed the Reserve Account Requirement, such excess is required to be withdrawn and deposited to the credit of the Enterprise Fund.

The Bond Resolution permits the City to provide all or a portion of the Reserve Account Requirement by depositing in the Reserve Account (or any subaccount therein) an insurance policy, surety bond, letter of credit or other acceptable evidence of insurance maintained by the City, in lieu of or in partial substitution for cash or securities on deposit in the Reserve Account (or the applicable subaccount therein), covering such amount of the Reserve Account Requirement provided that the entity providing such facility is, at the time of so providing, of sufficient credit quality to enable debt backed by its facilities to be rated in one of the two highest rating categories (without regard to any gradations within such categories) by Fitch Rating Inc., Standard & Poor's Ratings Services or Moody's Investors Service, Inc.

In the event that upon the occurrence of any deficiency in the Debt Service Account, the Reserve Account is then funded with one or more Reserve Account Insurance Policies and/or Reserve Account Letters of Credit, the City or the Bond Registrar, as applicable pursuant to the provisions of any such facilities, shall, on the Interest Payment Date or principal payment date or redemption date to which such deficiency relates, draw upon or cause to be paid under such facilities, on a pro-rata basis thereunder, an amount sufficient to remedy such deficiency, in accordance with the terms and provisions of such facilities and any corresponding reimbursement or other agreement governing such facilities; provided

however, that if at the time of such deficiency the Reserve Account is only partially funded with one or more Reserve Account Insurance Policies and/or Reserve Account Letters of Credit, prior to drawing on such facilities or causing payments to be made thereunder, there shall first be applied any cash and securities on deposit in the Reserve Account to remedy the deficiency and, if after such application a deficiency still exists, the City or the Bond Registrar, as applicable, shall make up the balance of the deficiency by drawing on such facilities or causing payments to be made thereunder, as provided in this paragraph.

Notwithstanding anything to the contrary, the Series Resolution for a Series of Bonds may provide that such Series of Bonds shall not be secured by the Reserve Account or any subaccount therein and, in such event, such Series of Bonds shall not be secured by the Reserve Account or any subaccount therein and shall not have a claim upon any moneys held for the credit of the Reserve Account or any subaccount therein and such moneys shall not be applied for the benefit of such Series of Bonds.

[The City will, on the date of issuance of the Series 2010 Bonds, deposit into the Reserve Account from proceeds of the Series 2010 Bonds and other available moneys an amount equal to the Reserve Account Requirement for the Series 2010 Bonds.] [Reserve Account Insurance Policy]

### **Rate Covenant**

The City has covenanted in the Bond Resolution that it will fix, charge and collect reasonable rates and charges for the use of the services and facilities furnished by the Parking System and that from time to time, and as often as it shall appear necessary, it will adjust such rates and charges by increasing or decreasing the same or any selected categories of rates and charges so that the Net Revenues (excluding from the computation of Current Expenses for any Fiscal Year any amount received from any source other than Revenues and applied to the payment of Current Expenses in such Fiscal Year) will be sufficient to provide an amount in each Fiscal Year at least equal to 135% of the Principal and Interest Requirements on all Bonds then Outstanding for such Fiscal Year and 100% of all amounts required to be deposited to the Reserve Account (or paid to the provider of a Reserve Account Insurance Policy or Reserve Account Letter of Credit) and Subordinated Indebtedness Account for such Fiscal Year.

If in any Fiscal Year the Net Revenues are less than the amount required under the preceding paragraph, within 30 days of the receipt of the audit report for such Fiscal Year (which, under the Bond Resolution, may be the provisions of the City's Consolidated Audited Financial Report relating to the Parking System), the City is required to employ a Rate Consultant to review and analyze the financial status and operations of the Parking System, and to submit, within 60 days thereafter, a written report to the City recommending revisions of the rates, fees and charges of the Parking System and the methods of operation of the Parking System that will result in producing the amount so required in the following Fiscal Year. Promptly upon its receipt of such recommendations, the City is required to transmit copies thereof to the City Manager, the Parking Director and the Chief Financial Officer, and the City shall revise its rates, fees and charges, or alter its methods of operation and take such other action as will conform to such recommendations.

If the City fails to comply with the recommendations of the Rate Consultant, the registered owners of not less than 10% in principal amount of all Bonds then Outstanding may institute and prosecute an action or proceeding in any court or before any board or commission having jurisdiction to compel the City to comply with the recommendations and the requirements of the preceding paragraph.

If the City complies with all recommendations of the Rate Consultant in respect to its rates, fees, charges and methods of operation, the failure of Net Revenues to meet the rate covenant described above shall not constitute an Event of Default so long as the Revenues, together with available moneys in the Funds and Accounts created under the Bond Resolution other than the Construction Fund and the Arbitrage Rebate Fund, are sufficient to pay in cash the Current Expenses and to pay the Principal and Interest Requirements on all Outstanding Bonds and other System Debt for such Fiscal Year.

### **Additional Bonds**

Additional Bonds of the City may be issued under and secured by the Bond Resolution, on a parity as to the pledge of the Net Revenues of the Parking System with the Series 2010 Bonds and any Bonds on a parity therewith theretofore issued and secured by the Bond Resolution and then Outstanding, subject to the conditions described below, from time to time, for the purpose of paying all or any part of the Cost of any Improvements and the funding as necessary of the Reserve Account.

Before any Additional Bonds are permitted to be issued under the Bond Resolution, the City shall adopt a Series Resolution authorizing the issuance of such Additional Bonds and there shall be filed with the City, among other things, the following:

(a) a certificate of the Chief Financial Officer, an Accountant or the Rate Consultant, demonstrating that either (i) (A) the percentage derived by dividing the Net Revenues for any period of twelve consecutive months selected by the City out of the eighteen months preceding the delivery of such certificate by the Maximum Principal and Interest Requirements, including the Principal and Interest Requirements with respect to the Additional Bonds then to be delivered, for any future Fiscal Year is not less than one hundred ten per centum (110%) and (B) the percentage derived by dividing the Net Revenues projected for the Parking System for the Fiscal Year following the Fiscal Year in which the Completion Date of the Improvements to be financed by the Additional Bonds then to be delivered is expected to occur, including the Net Revenues attributable to the Improvements, as certified by the Rate Consultant, adjusted as permitted below, by the Maximum Principal and Interest Requirements, including the Principal and Interest Requirements with respect to the Additional Bonds then to be delivered, for any future Fiscal Year is not less than one hundred fifty per centum (150%); or (ii) the percentage derived by dividing the Net Revenues for any period of twelve consecutive months selected by the City out of the eighteen months preceding the delivery of such certificate, by the Maximum Principal and Interest Requirements, including the Principal and Interest Requirements with respect to the Additional Bonds then to be delivered, for any future Fiscal Year is not less than one hundred fifty per centum (150%) (the period during which Net Revenues are determined being referred to hereinafter as the "Measurement Period"); and

(b) if the certificate described in (a)(i) above is being delivered, a certificate of the Rate Consultant setting forth the projected Net Revenues for the Fiscal Year following the Fiscal Year in which the Completion Date of the Improvements to be financed by the Additional Bonds then to be delivered is expected to occur; and

(c) a certificate of the Chief Financial Officer to the effect that no event of default under the Bond Resolution and no event which with the passage of time, the giving of notice or both would become an event of default, has occurred within the twelve consecutive calendar months prior to the date of such certificate and is continuing, or, if any such event or events of default has occurred and is continuing, that the issuance of such Series of Additional Bonds will cure the same.

In determining whether to execute and deliver the certificate mentioned in paragraph (a) above, the following adjustments to Net Revenues may be made:

(1) If the City, prior to the issuance of the proposed Additional Bonds, shall have increased the rates, fees, rentals or other charges for the services of the Parking System, the Net Revenues for the Measurement Period shall be adjusted to show the Net Revenues which would have been derived from the Parking System in such Measurement Period as if such increased rates, fees, rentals or other charges for the services of the Parking System had been in effect during all of such Measurement Period.

(2) If the City shall have acquired or has contracted to acquire any privately or publicly owned existing automobile parking facilities, then the Net Revenues derived from the Parking System during the Measurement Period shall be increased by addition to the Net Revenues for the Measurement Period of the Net Revenues which would have been derived from said existing automobile parking facilities as if such existing automobile parking facilities had been a part of the Parking System during the Measurement Period. For the purposes of this paragraph, the Net Revenues derived from said existing automobile parking facilities during the Measurement Period shall be adjusted by deducting the cost of operation and maintenance of said existing automobile parking facilities from the gross revenues of said existing automobile parking facilities in the same manner provided in the Bond Resolution for the determination of Net Revenues.

(3) If the City, in connection with the issuance of Additional Bonds, shall enter into a contract (with a duration not less than the final maturity of such Additional Bonds) with any public or private entity whereby the City agrees to furnish services in connection with any automobile parking facilities then the Net Revenues of the Parking System during the Measurement Period shall be increased by the least amount which said public or private entity shall guarantee to pay in any one year for the furnishing of said services by the City, after deducting therefrom the proportion of operating expenses and repair, renewal and replacement cost attributable in such year to such services. Such payments shall be deemed to be Net Revenues of the Parking System and pledged for the Bonds in the same manner as other Net Revenues of the Parking System.

### **Refunding Bonds**

Under the provisions of the Bond Resolution, Refunding Bonds of the City may be issued under and secured by the Bond Resolution, on a parity with the Series 2010 Bonds, and any Additional Bonds issued on a parity therewith, for the purpose of providing funds for refunding all or any portion of the outstanding Bonds of any one or more Series, funding as necessary the Reserve Account and paying any expenses in connection with such refunding; provided that, before such Refunding Bonds are permitted to be issued, the Commission shall adopt a Series Resolution and there shall be filed with the City, among other things, either (i) a certificate of the Chief Financial Officer that the issuance of the Refunding Bonds will result in a decrease in total Principal and Interest Requirements for all Bonds Outstanding, or (ii) the certificates required by (a), (b) and (c) under the caption "Additional Bonds" above; provided, however, that with respect to the certificates required by (a)(i) and (b), the projected Net Revenues shall be computed for the Fiscal Year immediately following the issuance of the Refunding Bonds.

## Other Indebtedness

The City may also, issue other forms of indebtedness as provided in the Bond Resolution. The City may issue (i) Short-Term Indebtedness on a parity with the Series 2010 Bonds without any parity test, so long as immediately after incurring the Short-Term Indebtedness, the outstanding principal amount of all Short-Term Indebtedness does not exceed ten per centum (10%) of the Net Revenues of the Parking System as shown on the Annual Budget for the current Fiscal Year, (ii) Subordinated Indebtedness without limit as to amount, (iii) Convertible Bonds secured on a parity as to pledge of Net Revenues with the Series 2010 Bonds in compliance with the parity test, and (iv) Alternative Parity Debt, which includes indebtedness of the City or borrowed money, in compliance with the parity test.

## **THE PARKING SYSTEM**

### General

The Parking System includes all parking facilities made available by the City for public parking of automobiles and other motor vehicles upon payment of a fee or charge for the privilege of parking, whether such facilities are owned by the City, leased by the City as lessor or lessee, or consist of parking spaces on public streets (whether such streets are City streets, County roads or State roads) for which the City lawfully charges a parking fee by meter or otherwise, and any space within such parking facilities which is intended to be used as retail space as of the date of issuance of the Series 2010 Bonds, and shall (i) include the Project, any Improvements and any Separate Parking Facilities consolidated with the Parking System pursuant to the Bond Resolution and (ii) exclude any Separate Parking Facilities not so consolidated with the Parking System.

At the time of issuance of the Series 2010 Bonds, the excluded Separate Parking Facilities will consist of the three (3) parking facilities located at (i) Seventh Street and Collins Avenue; (ii) Sixteenth Street between Washington Avenue and Collins Avenue; and (iii) Fifth Street and Alton Road.

In addition to the Separate Parking Facilities described above, the Commission may by resolution determine to own or operate additional Separate Parking Facilities; provided, however, that prior to the adoption of any such resolution designating any facilities as a Separate Parking Facility, there shall be delivered to the City Manager a certificate of the Chief Financial Officer containing his determination that the ownership and operation of such Separate Parking Facility will not have a material adverse impact on the Net Revenues of the Parking System and stating his reasons for such determination.

The City may incur debt to acquire or improve Separate Parking Facilities without compliance with any test or limit contained in the Bond Resolution so long as such debt is payable solely from the revenues generated by such Separate Parking Facilities and the holders of such debt have no recourse and are in no way payable from the Revenues of the Parking System. The revenues, current expenses and debt service associated with such Separate Parking Facilities and any debt of the City incurred therefor shall not be included in Revenues, Current Expenses and Principal and Interest Requirements, each as defined in the Bond Resolution.

Any such Separate Parking Facilities may be consolidated with the Parking System upon demonstration of compliance with the tests for the incurrence of Additional Bonds contained in the Bond Resolution.

As of September 30, 2009, the Parking System consisted of 13,377 parking spaces. Of this total, 8,447 were metered spaces on streets and in off-street lots and 4,930 were spaces contained in six garages.

Currently, two of the six garages have metered spaces. A third garage has an attendant collecting a flat fee at entry. The remaining three garages have state-of-the-art revenue control systems and collect the rate of \$1.00 per hour. The City is in the process of converting the three garages without state-of-the-art revenue control systems to ticket dispenser, card reader and cashier operations.

### Organization

The City exercises exclusive jurisdiction, control and supervision over the Parking System. The Commission has the legal authority to fix rates, fees and charges, and to acquire, construct, finance and operate the Parking System and any additions thereto, without supervision or regulation by any other commission, board, bureau, agency or other political subdivision of Miami-Dade County or the State of Florida.

The City uses the concept of private sector expertise with public sector oversight. The City has a management team in place consisting of an Assistant Director, an Operations (Project) Manager, and seven (7) parking operations supervisors, all of whom are employed by the City. The City has competitively bid for contract services, including, but not limited to cashiers, attendants, supervisors, security services, janitorial services, and landscaping services. Competitively bidding these contract services assures the lowest cost and best value is obtained. The City manages and operates all municipal parking facilities by retaining all operating controls. All contracts are based on a unit price-either through an hourly rate or set unit price-and all contracts may be terminated at the convenience of the City with a thirty (30) day notice. There is no provision for contractors to terminate their contract. Other services that have been successfully outsourced include parking meter collections and towing.

Below is a description of the management officials of the City who are responsible for the operation of the Parking System:

**Jorge M. Gonzalez, City Manager.** Jorge M. Gonzalez was selected on June 7, 2000 to serve as the City Manager of the City of Miami Beach and began serving the City on August 21, 2000. Prior to his appointment as the City Manager, Mr. Gonzalez served as Senior Assistant Chief Administrative Officer in Montgomery County, Maryland. From 1995-1999, he served as an Assistant County Manager in Arlington County, Virginia. Prior to that post, he served as the Assistant Director of Administration for the Center for the Fine Arts in Miami-Dade County and as the Management Consultant for the Audit and Management Services Department in Miami-Dade County. Mr. Gonzalez received both his Bachelor of Arts degree in Politics and Public Affairs and his Masters degree in Public Administration from the University of Miami.

**Patricia D. Walker, Chief Financial Officer.** Patricia D. Walker was appointed Chief Financial Officer for the City of Miami Beach in March 1997. Prior to her appointment as Chief Financial Officer, Ms. Walker served as Director of Airports in Broward County, Florida, 1994-1997; Deputy Director, Broward County Aviation Department, 1992-1994; Director of Finance, 1992, Executive Assistant to the Aviation Director, 1991-1992; Comptroller, Dade County Aviation Department, 1980-1990, Chief Accountant 1978-1980; and Senior Accountant, Price Waterhouse & Co., 1973-1978. Ms. Walker received her Bachelor of Science in Accounting from Florida State University and her Masters degree in Accounting from Florida International University. She is also a licensed Certified Public Accountant in the State of Florida.

**Saul Frances, Parking Director.** Saul Frances was appointed Parking Director for the City of Miami Beach in October 2000. Prior to his appointment as Parking Director, Mr. Frances served as

Assistant Parking Director for the City, December 1993 to October 2000; Director of Planning and Development for the Miami Parking System, April 1987 to December 1993. Mr. Frances received his Bachelor of Science in Business Administration from Florida International University. He was awarded the certification of Certified Administrator of Public Parking from the International Parking Institute, and he is a Certified Parking Enforcement Specialist in the State of Florida.

### Operations

Parking meters are the main collection devices, and the major portion of revenues is received from these meter operations. The City is currently in the process of converting three of its garages without state-of-the-art revenue control systems to ticket dispenser, card reader and cashier operations. Any on-street and off-street parking spaces that are currently operated with a single space parking meter and not scheduled to be converted to multi-space pay stations will be upgraded with new single space meters including a new "In-car Meter" option, known as "iPark". An iPark is a device that can be preloaded and reloaded with a value of time that may be purchased via telephone or on-line. All functionalities of the device can be accomplished remotely from the comfort of the user's home or vehicle.

In addition, monthly parking permits with respect to off-street parking and semi-annual and annual parking permits with respect to overnight on-street parking for residents enable permit holders with identification emblems to park within designated parking locations. A limited number of spaces are also leased to private organizations when such an arrangement is legally permissible and practical from a financial and operating standpoint.

Meter collections are normally carried out on a rotating five-day basis by a private contractor retained by the City. The majority of the meters are collected on this five-day basis, while the most active meters are collected more frequently. Collections involve scheduling of routes, removing the meter coin boxes, which remain locked upon removal, and depositing contents into a larger locked container for transport. The containers are then transferred to a secure central site, which offers the capability of close supervision, before they are unlocked. The collections are then counted and delivered to the Parking System's bank depository. In a continuing effort to strengthen monetary controls, a modern, automated coin counting operation has been established.

The standard hours of parking enforcement are from 8:00 a.m. to either 6:00 p.m. or midnight, depending on location, daily.

### Parking Rates

[The Parking System has historically performed well, which has allowed the City to maintain a healthy fund balance.] This has allowed the City to fund projects from revenues of the Parking System. A notable example of this is the City Hall Garage ("CHG") located on Meridian Avenue and 17th Street, which supports the City Center area and was fully funded without debt. The CHG was funded with Parking Impact Fees, pay-as-you-go, City Center Redevelopment Agency funds, and the Parking Operations fund. An internal review of the Parking System's rates is conducted annually as a component of the department's budget process. The parking rates are reviewed from various perspectives, including: (1) revenue versus expenses and overall financial position of the Parking System Enterprise Fund; (2) local private and public sector rates; and (3) other communities with similar economic generators/land uses. If this internal review warrants further examination, a rate analysis is conducted by a reputable and nationally recognized firm-typically, an engineering firm with experience as a parking consultant. The firm's recommendations are analyzed by the City staff and, in turn, recommendations are provided to the

Commission. In 2006, a rate analysis was conducted by Timothy Haahs and Associates. This ultimately resulted in parking meter rate increases in 2008 from \$1.00 per hour to an hourly rate of \$1.25 for all meters south of 23<sup>rd</sup> Street and in 2009 from \$.050 per hour to an hourly rate of \$1.00 for all meters north of 23<sup>rd</sup> Street. Additionally, the Parking System receives parking fine revenue from the Miami-Dade County Clerk of Courts, the entity that performs all processing, collection, and adjudication of parking fines for all jurisdictions in the County. The City receives two-thirds and the State (formerly the County) receives one-third of all parking fines.

On-Street Meters: The rates at on-street meters are \$1.00 per hour in the Middle and North Beach areas and \$1.25 per hour in the South Beach area. Similarly, time limits at the meters range from one hour to twelve hours, depending on rate and location. In general, the short-term meters are located to serve customers of nearby businesses and promote turnover of the parking spaces. The longer-term meters serve employees and visitors to some beach areas.

Parking Lots: The rates at metered parking lots are \$1.00 or \$1.25 per hour south of 23<sup>rd</sup> Street. The lower rates are generally at the long-term lots and the higher rates at the short-term lots. Generally, when lots are used for special events, a flat rate of \$15.00 per vehicle is charged upon entry. Parking lots have both transient revenues and monthly permit parking revenues. Monthly parking revenues are at the rate of \$70.00 per month plus tax for all municipal parking lots.

Garages: The 12<sup>th</sup> Street and 13<sup>th</sup> Street Municipal Parking Garages charge for parking at the rate of \$1.00 per hour or any part thereof, up to fifteen hours for \$15.00. A maximum rate of \$20.00 per 24-hour maximum is charged. The 42<sup>nd</sup> Street Garage charges \$1.00 per hour up to twenty-four hours, with a maximum of \$8.00 for the entire day. The 17<sup>th</sup> Street Garage charges \$1.00 per hour for up to six hours, \$8.00 for six hours to seven hours, \$10.00 for seven to eight hours, \$15.00 for eight to fifteen hours and \$20.00 for fifteen to twenty hours. Monthly parking revenues are at the rate of \$70.00 per month plus tax for all garages. Storage in municipal parking garages is prohibited.

### Proposed Facility

The Purdy Avenue Garage to be financed in part with a portion of the proceeds of the Series 2010B Bonds is a joint venture "project" with the Scott Robins Company ("SRC") to provide a 458-space parking garage which will be owned and operated by the City on top of 31,000 square feet of ground floor retail to be owned and operated by SRC. No portion of the proceeds of the Series 2010B Bonds will be used to finance costs associated with the SRC portion of the Project.

The Sunset Harbor neighborhood, bounded by Purdy Avenue on the west, Alton Road on the east, 20th Street on the north and Dade Boulevard on the south is part of the Middle Beach commercial service area. The neighborhood has limited public parking inventory in the form of one surface lot on the west end and scattered on-street metered parking. While this neighborhood is in transition with a number of restaurants, bars, and clubs thriving as well as a Whole Foods Market currently under construction, it still demonstrates a deficiency in neighborhood retail. The City performed an initial economic development site analysis, which indicates that retail should perform well in this neighborhood, primarily serving Middle Beach residents. These residents currently have to travel to other areas in light of insufficient retail in Middle Beach to meet their needs. The proposed development could provide sustainable neighborhood retail, which would generate the need for approximately 135 parking spaces. The City believes that there are currently peak periods with a parking shortage in the area, such as evening hours and lunchtime. The estimated parking demand for these peak periods is 30 spaces.

There is also demand for valet parking storage in the area for commercial and residential uses. It is anticipated that commercial valet demand will be supported by the private sector, as it will not be permitted at the Purdy Avenue Garage; however, incidental valet storage is contemplated for single-family residents in adjacent neighborhoods who have large events in their homes yet little to no parking inventory to service their needs. Residential valet use is for a one (1) day event and is limited to a few times a year. There have been discussions regarding a parking overlay district in this area that could serve as a catalyst for redevelopment of properties in the area, with the potential of expanding the neighborhood retail opportunities beyond that which would be included in the garage. However, if the overlay district initiative is pursued, it would be crafted in such a manner as to preserve the tax-exempt status of the Series 2010 Bonds. The preliminary estimate for this demand is 150-175 spaces. This equates to an overall demand for approximately 390 parking spaces. The Project contemplates a 458-space garage to build some additional capacity.

The portion of the Purdy Avenue Garage that will be owned and operated by the City is anticipated to cost \$19,860,000 which includes \$\_\_\_\_\_ to reimburse the City for the cost of the land and \$\_\_\_\_\_ to finance the cost to construct and equip the facility. The Purdy Avenue Garage will be constructed by \_\_\_\_\_ pursuant to the terms of a [design build] [guaranteed maximum price] contract. The architect for the facility is \_\_\_\_\_. It is anticipated that construction will commence \_\_\_\_\_ and be complete in \_\_\_\_\_ months.

### **Additional Parking Facilities**

In addition to the Project being funded in part with proceeds of the Series 2010B Bonds, the City is seeking to increase the supply of parking in the commercial areas of North Beach. To this end, the City has recently issued a RFLI (Request for Letters of Interest) seeking qualified development teams to submit letters of interest to develop a multi-level parking facility or facilities involving the use of any publicly and/or privately owned property. The City is seeking strategically located property to develop a public parking garage which will serve as a catalyst for redevelopment of the North Beach Town Center, as described in the North Beach Town Center Plan. The City will also consider sites located within or adjoining the CD-2 or MXE zoning districts where sufficient public parking demand can be documented. The City has a strong preference to work with a development team which will design and build the parking facility; however, it will also consider offers to sell or trade property suitably located for the City to develop a parking garage. Mixed-use projects are preferred. At a minimum, the ground floor facing all streets will be required to have commercial uses which would be managed by the developer. Twelve (12) responses to the RFLI have been received and are currently under review. *[need to update] [Collins Garage]*

### **Parking System Covenants**

The Bond Resolution contains the following covenants of the City:

*Construction of Project and Improvements; Operation of Parking System.* The City covenants that it will construct the Project and all other Improvements for the construction or acquisition of which Bonds or other System Debt shall be issued under the provisions of the Bond Resolution, or for which moneys repayable from the proceeds of Bonds or other System Debt issued under the provisions of the Bond Resolution shall have been advanced to the City, in accordance with the plans theretofore approved by the Consulting Engineers and that upon the completion of the Project or any such other Improvements it will operate and maintain the same as a part of the Parking System. Any contract with any person for the construction of all or a portion of the Project or any other Improvements shall provide for such

performance and payment bonds or security in lieu thereof and for such ratings as shall be in compliance with the laws of the State of Florida and the normally established practices of the City from time to time in effect.

The City further covenants that it will establish and enforce reasonable rules and regulations governing the use of the Parking System and the operations thereof, that all compensation, salaries, fees and wages paid by it in connection with the maintenance, repair and operation of the Parking System will be reasonable, that it will operate the Parking System in an efficient and economical manner, that it will at all times maintain the Parking System or any part thereof in good repair and in sound operating condition and will make all necessary repairs, renewals and replacements, that it will duly observe and comply with all valid requirements of any municipal or governmental authority relative to the Parking System, that, except as permitted by the Bond Resolution, the City will not create or suffer to be created any lien or charge upon the Parking System or any part thereof or upon the Net Revenues ranking equally with or prior to the Bonds, and that, out of the Net Revenues, it will pay or cause to be discharged, within sixty (60) days after the same shall accrue, all lawful claims and demands for labor, materials, supplies or other objects which, if unpaid, might by law become a lien upon the Parking System or any part thereof or upon the Revenues; provided, however, that nothing contained in this paragraph shall require the City to pay or cause to be discharged, or make provision for, any such lien or charge so long as the validity thereof shall be contested in good faith and by appropriate legal proceedings.

No Free Parking. To the extent permitted by law, the City will not permit free parking or services to be supplied by the Parking System except that (i) the Commission, officers and employees may use facilities of the Parking System free of charge only while on official City business, (ii) the City may establish the hours during which meter charges shall be applicable and (iii) the City may permit free parking during hours when the volume of parking business does not justify the expense of collecting parking charges.

Enforcement of Collections. The City will diligently enforce and collect, or cause to be enforced and collected, the rates, fees and other charges for the use of the Parking System; will take, or cause to be taken, all steps, actions and proceedings for the enforcement and collection of such rates, fees and charges to the full extent permitted or authorized by law; and will maintain accurate records with respect thereto. All such rates, fees, charges and revenues herein pledged shall, as collected, be held in trust to be applied as provided in the Bond Resolution and not otherwise.

Management by Others of the Parking System. All or any part of the Parking System may be managed by independent managers or operators or by any authority created by the City for such purpose under such provisions as are acceptable to the Commission; provided, however, that prior to the approval of any such management arrangement, there shall be delivered to the City Manager (i) a certificate of the Chief Financial Officer containing his determination that such management arrangements will not have a material adverse impact on the Net Revenues of the Parking System and stating his reasons for such determination and (ii) an opinion of Bond Counsel to the effect that such management arrangement will have no adverse impact on the exclusion of interest on any of the Bonds or other System Debt from gross income for federal income tax purposes. Any and all financial considerations received by the City by reason of such management arrangement shall be regarded as Revenues for purposes of the Bond Resolution.

Sale or Other Disposition of the Parking System. Except as otherwise provided in the Bond Resolution, the City shall not sell, lease or otherwise dispose of all or any part of the Parking System.

(a) To the extent permitted by law, the City, without restriction, may in any Fiscal Year sell, lease or otherwise dispose of assets forming a part of the Parking System, the aggregate value of which in each such Fiscal Year does not exceed the lesser of \$1,000,000 or one half of one per centum (1/2 of 1%) of the book value of the net property, plant and equipment of the Parking System as shown on the Financial Statements for the latest Fiscal Year for which such Financial Statements are available. The proceeds of a disposition pursuant to this clause (a) shall be applied as described in the Bond Resolution or to the defeasance of Bonds pursuant to the Bond Resolution.

(b) To the extent permitted by law, the City may in any Fiscal Year sell, lease or otherwise dispose of assets forming a part of the Parking System in excess of the amount set forth in clause (a) above if, before any such transfer, there is delivered to the City Manager a report of the Consulting Engineers or Rate Consultant demonstrating that the sale, lease or other disposition of such property will not have a material adverse impact on the Net Revenues and stating his reasons therefor. In determining whether to render such report, the Consulting Engineers or the Rate Consultant shall consider the usefulness of the assets to be disposed of to the operations of the Parking System, the uses to be made of any proceeds of a sale and the rental income to be received with respect to any lease thereof. The proceeds of a disposition pursuant to this clause (b) shall be applied as described in the Bond Resolution or to the defeasance of Bonds pursuant to the Bond Resolution.

(c) To the extent permitted by law, the City may in any Fiscal Year sell, lease or otherwise dispose of any assets forming a part of the Parking System without regard to the limitations and conditions in clauses (a) and (b) above if the Commission by resolution declares that such assets are not needed or serve no useful purpose in connection with the maintenance and operation of the Parking System. The proceeds of a disposition pursuant to this clause (c) shall be applied as described in the Bond Resolution or to the defeasance of Bonds pursuant to the Bond Resolution.

(d) To the extent permitted by law, the City may sell, lease or otherwise dispose of the assets of the entire Parking System, if, upon the application of the proceeds of any such disposition as hereinafter required, there shall be no Bonds deemed to be Outstanding under the provisions of the Bond Resolution and the City shall have paid or made full provision for the payment of all other obligations of the City payable from the Revenues of the Parking System, including but not limited to, Current Expenses then due and payable or to become due and payable, and all other System Debt payable in any way from the Revenues of the Parking System and all fees then due and owing or to become due in the future with respect to Credit Facilities. The proceeds of any sale, lease or other disposition permitted by this clause (d) shall be applied first to the payment or provision for payment of the obligations, including the Bonds, set forth above, and only after all such obligations shall have been paid or full provision for their payment been made, shall the City apply any of such proceeds to any other lawful purpose of the City.

No sale, lease or any other disposition of assets of the Parking System pursuant to clauses (a) through (d) above shall be consummated nor shall the proceeds of any such disposition be applied unless prior to such consummation or application, there shall be delivered an opinion of Bond Counsel to the effect that such disposition and the application of the proceeds as required herein will have no adverse impact on the exclusion of interest on any of the Bonds or other System Debt from gross income for federal income tax purposes.

The Bond Resolution provides that without complying with the above provisions but subject to compliance with the rate covenant and the tax covenants contained in the Bond Resolution, to the extent permitted by law, the City may permit at such rates as the City shall deem reasonable (i) the exclusive use

of parking lots or structures, or any portion thereof, which are part of the Parking System in connection with special events or occasions for periods of no more than one (1) week, including renewals; (ii) the exclusive use of spaces in parking lots or structures which are part of the Parking System by individuals who are members of the general public for periods of no more than one (1) month (however, such use may be renewed for successive periods of no more than one (1) month each); (iii) the exclusive use of parking lots or structures, or any portion thereof, which are part of the Parking System during periods (e.g., at night) when there is little or no reasonably expected demand for use of such lots or structures by members of the general public and when such exclusive use for such periods will not prevent any foreseeable use of such lots or structures by members of the general public; or (iv) the rental of retail space within parking structures that are part of the Parking System and intended, upon initial acquisition or construction by the City of such structures, to be used as retail space. The income from such use pursuant to this paragraph shall be deposited in the Enterprise Fund and applied in accordance with the provisions of the Bond Resolution.

[Remainder of page intentionally left blank]

## Summary Statement of Revenues and Expenses

A summary of historical and current comparative financial information of the Parking System Enterprise Fund as prepared by the City is presented below.

### STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET ASSETS PARKING SYSTEM ENTERPRISE FUND

	Fiscal Year 2005 <sup>(1)</sup>	Fiscal Year 2006 <sup>(1)</sup>	Fiscal Year 2007 <sup>(1)</sup>	Fiscal Year 2008 <sup>(1)</sup>	Fiscal Year 2009 <sup>(1)</sup>	Actual for the Period ending June 30, 2010 <sup>(2)</sup>	Actual for the Period ending June 30, 2009 <sup>(2)</sup>
Operating revenues:							
Charges for services	\$21,107,793	\$22,118,981	\$25,063,379	\$25,626,973	\$28,267,558	\$22,903,591	\$21,430,962
Permits, rentals, and other	<u>7,318,664</u>	<u>2,525,512</u>	<u>4,173,420</u>	<u>4,200,458</u>	<u>4,194,518</u>	<u>2,983,339</u>	<u>2,337,492</u>
Total operating revenues	<u>28,426,457</u>	<u>24,644,493</u>	<u>29,236,799</u>	<u>29,827,431</u>	<u>32,462,076</u>	<u>25,886,930</u>	<u>23,768,454</u>
Operating expenses:							
Personal services	5,765,775	6,356,133	7,479,309	8,351,507	9,037,670	6,641,376	6,582,494
Operating supplies	818,389	269,952	319,633	377,105	300,168	121,190	179,097
Contractual services	5,221,870	5,875,681	6,856,165	7,385,458	6,937,697	4,001,046	4,795,085
Utilities	535,822	586,653	686,484	717,475	693,560	657,732	497,170
Internal charges	—	—	—	—	2,674,955	1,991,053	1,885,771
Insurance	1,849,986	2,026,870	2,171,415	2,443,532	—	72,102	—
Depreciation	1,217,687	1,261,064	1,199,652	1,167,141	1,251,937	1,196,995	872,702
Administrative fees	2,433,400	2,433,400	2,433,400	2,433,400	2,433,401	2,068,965	1,825,049
Amortization	161,015	161,261	270,257	170,859	170,738	60,130	128,053
Other operating	—	<u>326,500</u>	<u>227,930</u>	<u>336,958</u>	<u>264,148</u>	<u>115,454</u>	<u>144,575</u>
Total operating expenses	<u>18,003,944</u>	<u>19,297,514</u>	<u>21,644,245</u>	<u>23,383,435</u>	<u>23,764,274</u>	<u>16,926,043</u>	<u>16,909,996</u>
Operating income (loss)	<u>10,422,513</u>	<u>5,346,979</u>	<u>7,592,554</u>	<u>6,443,996</u>	<u>8,697,802</u>	<u>8,960,887</u>	<u>6,858,458</u>
Non-operating revenues (expenses):							
Interest and fiscal charges	(967,986)	(942,425)	(1,034,159)	(1,026,024)	(1,305,199)	(735,354)	(790,236)
Gain (Loss) on disposal of capital assets	30,278	8,801	(12,645)	7,170	2,000	2,070	—
Interest income	<u>1,023,275</u>	<u>1,414,637</u>	<u>2,333,913</u>	<u>1,589,254</u>	<u>1,016,413</u>	<u>488,398</u>	<u>658,564</u>
Total non-operating revenues (expenses)	<u>85,567</u>	<u>481,013</u>	<u>1,287,109</u>	<u>570,400</u>	<u>(286,786)</u>	<u>(244,886)</u>	<u>(131,672)</u>
Income (loss) before contributions and transfers	<u>10,508,080</u>	<u>5,827,992</u>	<u>8,879,663</u>	<u>7,014,396</u>	<u>8,411,016</u>	<u>8,716,001</u>	<u>6,726,786</u>
Capital Contributions	<u>20,334</u>	<u>672,482</u>	<u>(16,931)</u>		<u>3,500.00</u>		<u>10,892</u>
Transfers in					<u>384,248</u>		<u>384,248</u>
Transfers out	<u>(1,809,458)</u>	<u>(579,413)</u>	<u>(1,162,806)</u>	<u>(930,538)</u>	<u>(1,079,172)</u>	<u>(845,937)</u>	<u>(422,929)</u>
Change in net assets	<u>8,718,956</u>	<u>5,921,061</u>	<u>7,699,926</u>	<u>6,083,858</u>	<u>11,216,092</u>	<u>7,870,064</u>	<u>6,698,997</u>
Total net assets -beginning	<u>66,296,532</u>	<u>75,015,488</u>	<u>80,936,549</u>	<u>88,636,475</u>	<u>94,720,333</u>	<u>105,936,425</u>	<u>94,720,334</u>
Total net assets - ending	<u>\$ 75,015,488</u>	<u>\$80,936,549</u>	<u>\$ 88,636,475</u>	<u>\$ 94,720,333</u>	<u>105,936,425</u>	<u>\$ 113,806,489</u>	<u>\$ 101,419,331</u>

- (1) Source: Audited Financial Statements of the Parking System Enterprise Fund for Fiscal Years ended September 30, 2005 through September 30, 2009
- (2) Source: City of Miami Beach, Florida -For the periods of October 1, 2009 through June 30, 2010 and October 1, 2008 through June 30, 2009

**HISTORICAL SCHEDULE OF NET REVENUES,  
DEBT SERVICE AND DEBT SERVICE COVERAGE**

The information in the following table sets forth the historical revenues, expenditures and debt service coverage of the Parking System.

	<u>AUDITED</u>					<u>UNAUDITED</u>
	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	12 month period ended <u>June 30, 2010</u>
Revenues <sup>(1)</sup>	\$29,449,732	\$26,059,130	\$31,570,712	\$31,416,685	\$33,478,489	\$35,426,799
Current Expenses <sup>(2)</sup>	14,191,842	15,441,789	17,740,936	19,612,035	19,908,198	19,423,956
Net Revenues (Available for Debt Service)	15,257,890	10,617,341	13,829,776	11,804,650	13,570,291	16,002,843
Debt Service	2,966,798	2,967,659	2,968,997	2,966,998	2,966,934	2,940,191
Debt Service Coverage Ratio	5.14x	3.58x	4.66x	3.98x	4.57x	5.44x

Source: Information related to Fiscal Years ended September 30, 2005 through 2009 was obtained from the City of Miami Beach Comprehensive Annual Financial Report Fiscal Year Ended September 30, 2009, and the information related to the 12-month period ended June 30, 2010 was obtained from the City's Finance Department.

(1) Revenues include operating revenues and non-operating interest income

(2) Current Expenses do not include interest, depreciation, amortization or administrative fees.

**Management Discussion of Parking System**

The City has prepared the Fiscal Year 2009-2010 Budget for the Parking System and it was adopted by the Commission on September 24, 2009. Such Fiscal Year 2009-2010 Parking System Budget is approximately \$32,305,678 and represents an increase of \_\_\_\_% (\$\_\_\_\_) from the Fiscal Year 2008-2009 Budget. For the Fiscal Year ending September 30, 2010, the City expects to see an increase in Parking System Revenues of about \$\_\_\_\_ due to:

- an increase in hourly parking rates in the Middle Beach and North Beach areas
- an increase in the sales of iPark reloads
- online real-time approval of credit cards at pay stations which reduced the amount of bad debt and increased collections
- a projected 2% increase in revenues for multi-space meter pay stations
- an increase in the number of parking spaces available from 13,377 to 15,195

Additionally, the City also expects a decrease in expenses for the Fiscal Year ending September 30, 2010 of about \$\_\_\_\_ due to:

- savings in technology systems
- a decrease in the amount allocated to security by moving from a stationary guard system to a roving guard system in the parking garages
- a decrease in the amount allocated to maintenance and repairs due to the entering of a contract with a maintenance firm to repair parts and provide an extended warranty
- a decrease in the amount allocated to landscaping

For Fiscal Year 2010-2011, the City expects that the budget will not have any significant increases in comparison to the budget for Fiscal Year 2009-2010. The following revenue enhancement recommendations will be made to the Commission for the Fiscal Year 2010-2011 budget: (i) increase the hours of enforcement by zone for an estimated increase in revenues of \$2.1 million, (ii) increase the hotel hang tag rate from \$6 to \$10 for an estimated increase of \$124,000 and (iii) consideration of a valet franchise fee to be instituted.

The chart below shows the City's budget to actual expenditures for the Parking System as of June 30, 2010.

**BUDGET FOR THE PARKING SYSTEM  
FISCAL YEAR 2009-2010**

	Budget	Actual (through June 30, 2010)	Variance
Operating revenues:			
Charges for services	\$28,511,678	\$22,903,591	\$(5,608,087)
Permits, rentals, and other	<u>3,794,000</u>	<u>2,983,339</u>	<u>(810,661)</u>
Total operating revenues	<u>32,305,678</u>	<u>25,886,930</u>	<u>(6,418,748)</u>
Operating expenses:			
Personal services	9,430,558	6,641,376	2,789,182
Operating supplies	653,390	121,190	532,202
Contractual services	8,892,713	4,001,046	4,891,667
Utilities	880,900	657,732	223,168
Internal charges	2,518,208	1,991,053	527,155
Insurance	0	72,102	(72,102)
Depreciation <sup>(1)</sup>	1,202,970	1,196,995	5,975
Administrative fees	2,758,620	2,068,965	689,655
Amortization	170,740	60,130	110,610
Other operating	<u>402,500</u>	<u>115,454</u>	<u>287,046</u>
Total operating expenses	<u>26,910,599</u>	<u>16,926,043</u>	<u>9,984,556</u>
Operating income (loss)	<u>5,395,079</u>	<u>8,960,887</u>	<u>3,565,808</u>
Non-operating revenues (expenses):			
Interest and fiscal charges	(1,830,978)	(735,354)	1,095,624
Gain (Loss) on disposal of capital assets	0	2,070	2,070
Interest income	1,040,000	488,398	(551,602)
Total non-operating revenues (expenses)	<u>(790,978)</u>	<u>(244,886)</u>	<u>546,092</u>
Income (loss) before contributions and transfers	<u>\$ 4,604,101</u>	<u>\$ 8,716,001</u>	<u>\$ 4,111,900</u>

Source: City of Miami Beach

(1) Amounts estimated

### **Future Plans for Parking Projects**

The City approved a Five-Year (Fiscal Years 2010-2014) Proposed Capital Budget and updated Capital Improvement Plan on September 24, 2009, which included capital projects for the Parking System. Such plan included funding for a parking garage expansion, construction of new parking garages, surface lot maintenance and improvements and technology enhancements. The financing of such projects may involve the issuance of Additional Bonds, which issuance would be required to comply with the provisions set forth under the caption "SECURITY FOR THE SERIES 2010 BONDS--Additional Bonds."

Future development of parking facilities will be determined based on demand by location and identification of available funding sources.

[Remainder of page intentionally left blank]

## DEBT SERVICE SCHEDULE

The table below shows the debt service payable on the Series 2010 Bonds.

Period Ending <u>September 1</u>	<u>Series 2010A Bonds</u>			<u>Series 2010B Bonds</u>			<u>Total Debt Service</u>
	<u>Principal</u>	<u>Interest</u>	<u>Total</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>	

## THE CITY OF MIAMI BEACH

### General

The City comprises approximately seven square miles of land area and approximately ten square miles of Biscayne Bay. The climate is tropical with an average annual temperature of 75 degrees Fahrenheit, 24 degrees Celsius. The City is the home of the Art Deco Historic District, consisting of one of the greatest concentrations of this style of architecture in the United States. Within this Historic District is the world famous Ocean Drive, which has been called the "Riviera" of Florida. The economy of the area is based on tourism. For fiscal year 2009, room rents, food and alcohol sales accounted for over \$1.6 billion of sales within the City. The population demographics of the City have drastically changed over the last thirty years. In the 1980 Census, the average age of the population was 65.3 years old. In the 1990 Census, the average age had declined to 44.5 and the 2000 Census places it at 39 years old. The City is a group of islands between Biscayne Bay and the Atlantic Ocean and is connected to the mainland by four causeways. For additional information concerning the City, see "APPENDIX A - GENERAL INFORMATION REGARDING THE CITY OF MIAMI BEACH AND MIAMI-DADE COUNTY, FLORIDA."

### City Government

The City is governed by an elected mayor and six-member commission. The City operates under a Commission-Manager form of government. The term for the Mayor is two years, with a term limit of six consecutive years. The term for the Commission is four years, with a term limit of eight consecutive years. The Commission is responsible, among other things, for passing ordinances, adopting the budget, approval of property tax levies, outstanding debt secured by the full faith and credit of the City or any of its revenue streams, appointing committees, and hiring both the City Manager and City Attorney. The City Manager is responsible for carrying out the policies and ordinances of the Commission, for overseeing the day-to-day operations of the City, and for appointing the heads of the various departments.

The Mayor of the City is presently Matti Herrera Bower whose term expires in November 2011.

The current members of the Commission and expiration of their current terms of office are:

<u>Commission Members</u>	<u>Date Term Expires</u>
Jerry Libbin, Vice Mayor	November 2013
Jorge Exposito	November 2013
Michael Gongora	November 2013
Edward L. Tobin	November 2011
Deede Weithorn	November 2011
Jonah Wolfson	November 2011

### Pension Plans

The City provides separate defined benefit pension plans for general employees and for police and fire department personnel.

*Employee Pension Plan.* All full-time employees of the City who work more than 30 hours per week and hold classified and unclassified positions, except for Policemen and Firemen and persons who elected to join the defined contribution retirement plan sponsored by the City, are covered by the City of

Miami Beach, Florida, Miami Beach Employees' Retirement Plan (the "Employee Plan"). A classified employee and/or an unclassified employee is one who is employed by the City on a regular basis, receives compensation from the City for personal services, and who is within a group or classification of employees designated by the Board of Trustees of the Employee Plan as eligible for membership in the Employee Plan. The Employee Plan is the administrator of a single-employer pension plan that was established by the City under Ordinance #2006-3504. Effective on March 18, 2006, the Miami Beach Employees' Retirement System was created under and by the authority of Chapter 18691, Laws of Florida, Acts of 1937, as amended, by merging the Retirement System for General Employees of the City of Miami Beach created by Ordinance #1901 with the Retirement System for Unclassified Employees and Elected Officials of the City of Miami Beach created by Ordinance #88-2603, as amended. All full-time classified and unclassified employees of the City, except those who joined the 401(a) Plan, must participate in the Employee Plan. The Employee Plan provides retirement benefits as well as death and disability benefits at two different tiers depending on when the employees entered the Employee Plan. All employees who entered the Employee Plan on certain enumerated dates prior to February 21, 1994 are required to contribute 10% of their salary to the Employee Plan. All employees who entered the Employee Plan on or after February 21, 1994 are required to contribute 8% of their salary.

The chart below shows the funding progress for the Employee Pension Plan which presents multiyear trend information about whether the actuarial value of plan assets are increasing or decreasing over time relative to the actuarial accrued liability for benefits.

### Employee Pension Plan

Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (AAL) - Entry Age (b)	Unfunded ML (UAAL) (b-a)	Funded Ratio (a/b)	Covered Payroll (c)	UAAL As % of Covered Payroll (b-a)/c
10/1/04	\$320,735,755	\$352,105,058	\$31,369,303	91.1%	\$34,619,199	90.6%
10/1/05	325,727,087	368,096,409	42,369,322	88.5	36,680,110	115.5
10/1/06	358,458,949	448,933,278	90,474,329	79.8	57,390,894	157.6
10/1/07	412,824,235	478,067,829	65,243,594	86.4	59,632,425	109.4
10/1/08	425,714,565	526,481,586	100,767,021	80.9	68,009,550	148.2

Source: City of Miami Beach Employees' Retirement Plan Actuarial Valuation Report as of October 1, 2008 prepared by Gabriel Roeder Smith & Company

The actuarial assumptions used in the valuation are as follows:

- Actuarial Cost Method-normal cost and the allocation of benefit values between service rendered before and after the valuation date were determined using an Individual Entry-Age Actuarial Cost Method having the following characteristics: (i) the annual normal cost for each individual active member, payable from the date of employment to the date of retirement, is sufficient to accumulate the value of the member's benefit at the time of retirement; and (ii) each normal cost is a constant percentage of the member's year by year projected covered pay. Actuarial gains/(losses), as they occur, reduce (increase) the Unfunded Actuarial Accrued Liability.
- Financing of Unfunded Actuarial Liabilities-Unfunded Actuarial Accrued Liabilities (full funding credit if assets exceed liabilities) were amortized by level (principal & interest combined) dollar contributions over a reasonable period of future years.

- Actuarial Value of Assets-the Actuarial Value of Assets phase in the difference between the expected actuarial value and actual market value of assets at the rate of 20% per year. The Actuarial Value of Assets will be further adjusted to the extent necessary to fall within the corridor whose lower limit is 80% of the Market Value of plan assets and whose upper limit is 120% of the Market Value of plan assets. During periods when investment performance exceeds the assumed rate, Actuarial Value of Assets will tend to be less than Market Value. During periods when investment performance is less than assumed rate, Actuarial Value of Assets will tend to be greater than Market Value.
- Investment Return Rate-the investment return rate assumed in the valuations is 8.50% per year, compounded annually (net after investment expenses).
- Wage Inflation Rate-the wage inflation rate assumed in the valuation was 4.00% per. The wage inflation rate is defined to be the portion of total pay increases for an individual that are due to macro economic forces including productivity, price inflation, and labor market conditions. The wage inflation rate does not include pay changes related to individual merit and seniority effects.
- Real Rate of Return-the assumed real rate of return over wage inflation is defined to be the portion of total investment return that is more than the assumed wage inflation rate. Considering other economic assumptions, the 8.5% investment return rate translates to an assumed real rate of return over wage inflation of 4.5%.

Annually Required Contribution for the Employee Pension Plan. State of Florida law requires that the City annually contribute to each of its defined benefit pension plans the actuarial determined Annually Required Contribution (the "ARC") as calculated by an independent actuary. The chart below shows amounts contributed by the City to the Employee Pension Plan and the percentage of such contribution to the ARC.

<u>Year Ended</u> <u>September 30</u>	<u>Annual Required</u> <u>Contribution</u>	<u>Annual</u> <u>Contribution</u>	<u>Percentage</u> <u>Contributed</u>
2006	\$5,500,329	\$5,500,329	100%
2007	12,234,519	12,234,519	100
2008	13,911,545	13,911,545	100
2009	12,863,823	12,863,823	100
2010	17,137,394	N/A	N/A

Source: City of Miami Beach Employees' Retirement Plan Actuarial Valuation Report as of October 1, 2008 prepared by Gabriel Roeder Smith & Company

Police and Fire Pension Plan. The City's Pension Fund for Firefighters and Police (the "Police and Fire Plan") was formally known as City Pension Fund for Fireman and Policeman – City of Miami Beach and City Supplemental Pension Fund for Firefighters and Police Officers – City of Miami Beach. The former plans were merged and the name was changed to City Pension Fund for Firefighters and Police Officers in the City of Miami Beach. The Police and Fire Plan is a defined benefit pension plan covering substantially all police officers and firefighters of the City, as established by Chapter 23414, Laws of Florida, Special Acts of 1945 as amended through November 4, 2003.

Any member may retire on a service retirement pension upon the attainment of age 50 or, if earlier, the date when age and length of creditable service equals to at least 70. Upon retirement, a member will receive a monthly pension, payable for life, equal to 3% of the average monthly salary for each of the first 15 years of creditable service and 4% of the average monthly salary for each year of creditable service in excess of 15 years, provided that the pension does not exceed 90% of the average monthly salary. The average monthly salary of the member is computed based on the salary for the two

highest paid years prior to the date of retirement or the average of the last two paid years of the member prior to the date of retirement.

The chart below shows the funding progress for the Firefighters and Police Officers Pension Plan which presents multiyear trend information about whether the actuarial value of plan assets are increasing or decreasing over time relative to the actuarial accrued liability for benefits.

### Firefighters and Police Officers Pension Plan

Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (ML) - Entry Age Normal (b)	Unfunded ML (UAAL) (b-a)	Funded Ratio (a/b)	Covered Payroll (c)	UAAL As % of Covered Payroll (b-a)/c
10/1/05	\$457,680,582	\$551,907,648	\$94,227,066	82.9%	\$31,259,918	3014%
10/1/06	470,603,144	582,016,296	114,413,152	80.9	35,354,776	315.1
10/1/07	495,993,904	632,992,587	136,998,684	78.4	38,705,407	354.0
10/1/08	507,363,812	683,731,944	176,368,132	74.2	40,661,885	433.7
10/1/09	517,602,834	784,395,822	266,792,988	66.0	41,574,935	641.7

Source: City Pension Fund for Firefighters and Police Officers in the City of Miami Beach Actuarial Valuation Report as of October 1, 2009 prepared by buckconsultants

The actuarial assumptions used in the valuation are as follows:

- Actuarial Cost Method-Entry Age Normal Cost Method
- Retirements-all members are assumed to retire at age 50 with 26.25 years of service, but not later than age 65. Members under age 50 meeting the Rule of 70 are assumed to retire at the rate of 40% per year. Otherwise retirement is assumed to occur in accordance with the rates provided in the report.
- Interest Rates-interest rates were assumed at 8.30% per annum, net of investment expenses and commissions.
- Assumed certain annual future salary increases, with the average salary increase rate being 3.83% for the 2009 plan year and 6.00% thereafter.
- Assumed certain annual rates of disability among members in active service, certain mortality rates, certain post-retirement health rates, certain post-retirement disabled rates, and certain annual rates of withdrawal among members of active service.
- Contingencies-salary rates have been increased by 16.00% to load for overtime and other pays and a City contribution of 6.00% of loaded compensation is assumed sufficient to provide for the purchase of pre-employment service by the membership.
- Marriage-assumed 77% of members are married or entitled to benefits for dependents, including registered domestic partners, and male spouses to be three years older than female spouses.
- Expenses-anticipated administrative expenses, exclusive of investment expenses and commissions, are assumed to be funded through future City normal contributions.
- Assets-actuarial value of assets is equal to the market value of assets adjusted to reflect a five-year phase-in of the net investment gain or loss. At October 1, 2005, the "fresh start method" using the current market value of assets

and starting a new five year phase-in of realized and unrealized gains and losses was implemented, recognizing one year of asset performance in the actuarial value of assets.

- Aggregate Compensation-the aggregate compensation used to compute the accrued liability contribution rate was assumed to increase at a rate of 3.50% per year.

Annually Required Contribution for the Police and Fire Pension Plan. State of Florida law requires that the City annually contribute to each of its defined benefit pension plans the actuarial determined Annually Required Contribution (the "ARC") as calculated by an independent actuary. The chart below shows amounts contributed by the City to the Police and Fire Pension Plan and the percentage of such contribution to the ARC.

<u>Year Ended</u> <u>September 30</u>	<u>Annual Required</u> <u>Contribution</u>	<u>Annual</u> <u>Contribution</u>	<u>Percentage</u> <u>Contributed</u>
2007	\$15,231,417	\$15,231,417	100
2008	\$17,618,045	\$17,618,045	100
2009	\$19,236,989	\$19,236,989	100
2010	\$23,283,269	N/A	N/A
2011	35,243,726	N/A	N/A

Source: City Pension Fund for Firefighters and Police Officers in the City of Miami Beach  
Actuarial Valuation Report as of October 1, 2009 prepared by buckconsultants

Firemen's and Police Relief and Pension Funds. The City's firefighters and police officers are members of two separate non-contributory money purchase benefit plans established under the provisions of Florida Statutes, Chapters 175 and 185, respectively. These plans are funded solely from proceeds of certain excise taxes levied by the City and imposed upon property and casualty insurance coverage within City limits. This tax, which is collected from insurers by the State of Florida, is remitted to the Plans' Boards of Trustees. The City is under no obligation to make any further contributions to the plans.

Defined Contribution Retirement Plan-401(a). The City has a defined contribution pension plan which was created in accordance with Internal Revenue Code Section 401(a) (the "Defined Contribution Plan"). The Defined Contribution Plan provides retirement and other related benefits for eligible employees as an option over the other retirement systems sponsored by the City. However, the Defined Contribution Plan for employees was closed to new participants on March 19, 2006. Current employees are still participating in the Defined Contribution Plan.

The Defined Contribution Plan is administrated by a Board of Trustees, which has the general responsibility for the proper operation and management of the Defined Contribution Plan. The Defined Contribution Plan complies with the provisions of section 401(a) of the Internal Revenue Code of 1986 and may be amended by the City Commission of the City. The City has no fiduciary responsibility for the Defined Contribution Plan; consequently, amounts accrued for benefits are not recorded in the fiduciary fund.

Deferred Compensation Plan. The City also offers an optional deferred compensation plan created in accordance with Internal Revenue Code Section 457.

For a more detailed discussion of the City's Pension Plans, see Notes to Financial Statements included in the City's Comprehensive Annual Financial Report for the fiscal year ended September 30, 2009.

**Other Post Employment Benefits**

In accordance with Section 112.0801, Florida Statutes, the City is required to permit eligible retirees and their eligible dependents to participate in the City's health insurance program at a cost to the retirees that is no greater than the cost at which coverage is available for active employees. Although not required by law, the City pays a portion of such cost of participation for its retirees. The City also provides life insurance to the retirees. As with all governmental entities providing similar plans, the City is required to comply with the Governmental Accounting Standard's Board Statement No. 45 - Accounting and Financial Reporting by Employers for Postemployment Benefits Other than Pensions ("GASB 45") which applies accounting methodology similar to that used for pension liabilities to other post employment benefits ("OPEB") and attempts to more fully reveal the costs of employment by requiring governmental units to include future OPEB costs in their financial statements. While GASB 45 requires recognition and disclosure of the unfunded OPEB liability, there is no requirement that the liability of such plan be funded.

The City has established an OPEB Trust and began funding its OPEB obligation. For the year ended September 30, 2009, the City paid \$7.6 million in OPEB benefits on a pay-as-you go basis and \$1.5 million to the OPEB Trust. The City's net OPEB obligation as of September 30, 2009 was \$6.9 million. For the actuarial valuation date of October 1, 2008, the funded ratio for OPEB was 4.9 %.

The chart below shows the funding progress for OPEB which presents multiyear trend information about whether the actuarial value of plan assets are increasing or decreasing over time relative to the actuarial accrued liability for benefits.

**Postemployment Benefits Other Than Pension (OPEB) (in thousands)**

Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (AAL) Projected Unit Credit (b)	Unfunded AAL(UAAL) (b-a)	Funded Ratio (a/b)	Covered Payroll (c)	UAAL As % of Covered Payroll (b-1)c
10/1/07	-0-	\$ 155,956	\$155,956	0.0 %	\$ 111,008	71.2 %
10/1/08	\$ 8,640	177,586	168,946	4.9	116,841	69.2

Source: City of Miami Beach Comprehensive Annual Financial Report Fiscal Year Ended September 30, 2009

The assumptions used in the valuation are as follows:

- Actuarial Cost Method-projected unit credit with benefits attributed from the date of hire to expected retirement age.
- Amortization Method-the unfunded actuarial accrued liability is amortized over the maximum acceptable period of 30 years on an open basis. It is calculated assuming a level percentage of projected payroll.

- Per Capita Health Claim Cost-per capita health claim costs are developed from a combination of historical claim experience and manual claim costs developed using a representative database. There are currently 44 retirees in the HMO high plan that do not have Medicare coordinating with their plans, therefore an implicit rate subsidy is valued for this group.
- Non-Claim Expenses-non-claim expenses are based on the current amount charged per retired employee. The administrative costs for the Fire and Police Trust plans were assumed to be 15% of the premiums.
- Retiree Contributions-retiree contributions are assumed to increase with healthcare cost trend.
- Age Based Morbidity-the assumed per capita health claim costs are adjusted to reflect expected increases related to age.
- Retirement Age-annual retirement probabilities have been determined based on the City's Employee Pension Plan valuation and the City's Police and Fire Pension Plan valuation as of October 1, 2008.
- Plan Participation Percentage-it is assumed that 50% of all future retirees and their dependents who are eligible for benefits participate in the postemployment benefit plan. It is also assumed that 100% of retirees participate in the life insurance benefit.
- Salary Increase-assumed 3.5% per annum.
- Medicare Part D-excluded the Medicare Part D employer subsidy from the valuation.
- Discount Rate- 8.50% annual discount rate was used.

### Management Discussion

The City has prepared the Fiscal Year 2009-2010 Budget for the City and it was adopted by the City Commission on September 24, 2009 in the amount of \$388,746,046 and is comprised of the General Fund, the General Obligation Debt Service Fund, Enterprise Funds and transfers to the Redevelopment Agency. The General Fund Budget for Fiscal Year 2009-2010 is approximately \$226,336,026 and is a decrease of 3.83% (\$235,366,925) from the Fiscal Year 2008-2009 adopted General Fund Budget. This decrease was due in part to the decrease in ad valorem revenues from \$103.8 million to \$9.9 million and a decrease in non-ad valorem revenues because of the downturn in the economy which caused a decline in sales tax revenues, golf course revenues and interest earnings. However, the City implemented the following measures to provide an increase in revenues, (i) implemented a non-profit vendor lottery application fee, (ii) increased business tax application fees, (iii) increased fees for online and certified lien searches, (iv) increased the resort tax contribution to the general fund and (iv) used building operations reserves. The General Fund expenditures increased by \$6.8 million due to salary adjustments and increases in pension costs because of the decline in investment earnings. The City addressed the shortfall between revenues and expenditures by (i) cost cutting and efficiency measures, reorganizations, reallocations, reductions in service adjustments, (iii) reductions in capital transfers, (iv) the revenue enhancements described above, and (v) the proposed elimination of merit and step increases to salaries, and increased employee pension contributions ("employee givebacks").

For the Fiscal Year 2009-2010 Budget, the City is currently projecting an operating budget shortfall of \$2.3 million (approximately 1%) in the General Fund. The City will continue to work to address the shortfall by pursuing further contract savings by rebidding contracts and holding off on

hiring for non-essential positions. To the extent that the City is successful in continuing to negotiate employee givebacks in the near future, this shortfall will be reduced.

[The City is in the process of developing its Fiscal Year 2010-2011 Budget and expects such budget to generally the same as compared to the Fiscal Year 2009-2010 Budget.] [Discuss July 1, 2010 Certification of Taxable Values]

Although the City has other sources of revenues, the Series 2010 Bonds are secured solely by the Pledged Revenues.

## LITIGATION

There is no litigation or controversy of any nature now pending for which the City has received service of process or, to the actual knowledge of the City Attorney, threatened against the City which, in the opinion of the City Attorney, will have any material adverse effect upon the financial condition or operation of the Parking System or the City.

## TAX MATTERS

### General

In the opinion of Squire, Sanders & Dempsey L.L.P., Bond Counsel, under existing law: (i) interest on the Series 2010 Bonds is excluded from gross income for federal income tax purposes under Section 103 of the Code, and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; and (ii) the Series 2010 Bonds and the income thereon are exempt from taxation under the laws of the State of Florida, except estate taxes imposed by Chapter 198, Florida Statutes, as amended, and net income and franchise taxes imposed by Chapter 220, Florida Statutes, as amended. Bond Counsel expresses no opinion as to any other tax consequences regarding the Series 2010 Bonds.

The opinion on tax matters will be based on and will assume the accuracy of certain representations and certifications, and continuing compliance with certain covenants, of the City contained in the transcript of proceedings and that are intended to evidence and assure the foregoing, including that the Series 2010 Bonds are and will remain obligations the interest on which is excluded from gross income for federal income tax purposes. Bond Counsel will not independently verify the accuracy of the City's representations and certifications or the continuing compliance with the City's covenants.

The opinion of Bond Counsel is based on current legal authority and covers certain matters not directly addressed by such authority. It represents Bond Counsel's legal judgment as to exclusion of interest on the Series 2010 Bonds from gross income for federal income tax purposes but is not a guaranty of that conclusion. The opinion is not binding on the Internal Revenue Service ("IRS") or any court. Bond Counsel expresses no opinion about (i) the effect of future changes in the Code and the applicable regulations under the Code or (ii) the interpretation and the enforcement of the Code or those regulations by the IRS.

The Code prescribes a number of qualifications and conditions for the interest on state and local government obligations to be and to remain excluded from gross income for federal income tax purposes, some of which require future or continued compliance after issuance of the obligations. Noncompliance

with these requirements by the City may cause loss of such status and result in the interest on the Series 2010 Bonds being included in gross income for federal income tax purposes retroactively to the date of issuance of the Series 2010 Bonds. The City has covenanted to take the actions required of it for the interest on the Series 2010 Bonds to be and to remain excluded from gross income for federal income tax purposes, and not to take any actions that would adversely affect that exclusion. After the date of issuance of the Series 2010 Bonds, Bond Counsel will not undertake to determine (or to so inform any person) whether any actions taken or not taken, or any events occurring or not occurring, or any other matters coming to Bond Counsel's attention, may adversely affect the exclusion from gross income for federal income tax purposes of interest on the Series 2010 Bonds or the market prices of the Series 2010 Bonds.

Under the Code, a portion of the interest on the Series 2010A Bonds earned by certain corporations may be subject to a federal corporate alternative minimum tax. However, interest on the Series 2010B Bonds is excluded from the calculation of a corporation's adjusted current earnings for purposes of the corporate alternative minimum tax. In addition, interest on the Series 2010 Bonds may be subject to a federal branch profits tax imposed on certain foreign corporations doing business in the United States and to a federal tax imposed on excess net passive income of certain S corporations. Under the Code, the exclusion of interest from gross income for federal income tax purposes may have certain adverse federal income tax consequences on items of income, deduction or credit for certain taxpayers, including financial institutions, certain insurance companies, recipients of Social Security and Railroad Retirement benefits, those that are deemed to incur or continue indebtedness to acquire or carry tax-exempt obligations, and individuals otherwise eligible for the earned income tax credit. The applicability and extent of these and other tax consequences will depend upon the particular tax status or other tax items of the owner of the Series 2010 Bonds. Bond Counsel will express no opinion regarding those consequences.

Payments of interest on tax-exempt obligations, including the Series 2010 Bonds, are generally subject to IRS Form 1099-INT information reporting requirements. If a Series 2010 Bond owner is subject to backup withholding under those requirements, then payments of interest will also be subject to backup withholding. Those requirements do not affect the exclusion of such interest from gross income for federal income tax purposes.

Legislation affecting tax-exempt obligations is regularly considered by the United States Congress and may also be considered by the State legislature. Court proceedings may also be filed the outcome of which could modify the tax treatment of obligations such as the Series 2010 Bonds. There can be no assurance that legislation enacted or proposed, or action by a court, after the date of issuance of the Series 2010 Bonds, will not have an adverse effect on the tax status of interest on the Series 2010 Bonds or the market values of the Series 2010 Bonds.

Prospective purchasers of the Series 2010 Bonds should consult their own tax advisers regarding pending or proposed federal and state tax legislation and court proceedings, and prospective purchasers of the Series 2010 Bonds at other than their original issuance at the respective prices indicated on the inside cover page of this Official Statement should also consult their own tax advisers regarding other tax considerations such as the consequences of market discount, as to all of which Bond Counsel expresses no opinion.

Bond Counsel's engagement with respect to the Series 2010 Bonds ends with the issuance of the Series 2010 Bonds, and, unless separately engaged, Bond Counsel is not obligated to defend the City or

the beneficial owners regarding the tax status of interest on the Series 2010 Bonds in the event of an audit examination by the IRS. The IRS has a program to audit tax-exempt obligations to determine whether the interest thereon is includible in gross income for federal income tax purposes. If the IRS does audit the Series 2010 Bonds, under current IRS procedures, the IRS will treat the City as the taxpayer and the beneficial owners of the Series 2010 Bonds will have only limited rights, if any, to obtain and participate in judicial review of such audit. Any action of the IRS, including but not limited to selection of the Series 2010 Bonds for audit, or the course or result of such audit, or an audit of other obligations presenting similar tax issues, may affect the market values of the Series 2010 Bonds.

### **Original Issue Discount and Original Issue Premium**

Certain of the Series 2010 Bonds ("Series 2010 Discount Bonds") as indicated on the inside cover page of this Official Statement were offered and sold to the public at an original issue discount ("OID"). OID is the excess of the stated redemption price at maturity (the principal amount) over the "issue price" of a Series 2010 Discount Bond. The issue price of a Series 2010 Discount Bond is the initial offering price to the public (other than to bond houses, brokers or similar persons acting in the capacity of underwriters or wholesalers) at which a substantial amount of the Series 2010 Discount Bonds of the same maturity is sold pursuant to that offering. For federal income tax purposes, OID accrues to the owner of a Series 2010 Discount Bond over the period to maturity based on the constant yield method, compounded semiannually (or over a shorter permitted compounding interval selected by the owner). The portion of OID that accrues during the period of ownership of a Series 2010 Discount Bond (i) is interest excluded from the owner's gross income for federal income tax purposes to the same extent, and subject to the same considerations discussed above, as other interest on the Series 2010 Bonds, and (ii) is added to the owner's tax basis for purposes of determining gain or loss on the maturity, redemption, prior sale or other disposition of that Series 2010 Discount Bond. A purchaser of a Series 2010 Discount Bond in the initial public offering at the price for that Series 2010 Discount Bond stated on the inside cover page of this Official Statement who holds that Series 2010 Discount Bond to maturity will realize no gain or loss upon the retirement of that Series 2010 Discount Bond.

Certain of the Series 2010 Bonds ("Series 2010 Premium Bonds") as indicated on the inside cover page of this Official Statement were offered and sold to the public at a price in excess of their stated redemption price (the principal amount) at maturity. That excess constitutes bond premium. For federal income tax purposes, bond premium is amortized over the period to maturity of a Series 2010 Premium Bond, based on the yield to maturity of that Series 2010 Premium Bond (or, in the case of a Series 2010 Premium Bond callable prior to its stated maturity, the amortization period and yield may be required to be determined on the basis of an earlier call date that results in the lowest yield on that Series 2010 Premium Bond), compounded semiannually. No portion of that bond premium is deductible by the owner of a Series 2010 Premium Bond. For purposes of determining the owner's gain or loss on the sale, redemption (including redemption at maturity) or other disposition of a Series 2010 Premium Bond, the owner's tax basis in the Series 2010 Premium Bond is reduced by the amount of bond premium that accrues during the period of ownership. As a result, an owner may realize taxable gain for federal income tax purposes from the sale or other disposition of a Series 2010 Premium Bond for an amount equal to or less than the amount paid by the owner for that Series 2010 Premium Bond. A purchaser of a Series 2010 Premium Bond in the initial public offering at the price for that Series 2010 Premium Bond stated on the inside cover page of this Official Statement who holds that Series 2010 Premium Bond to maturity (or, in the case of a callable Series 2010 Premium Bond, to its earlier call date that results in the lowest yield on that Series 2010 Premium Bond) will realize no gain or loss upon the retirement of that Series 2010 Premium Bond.

Owners of Series 2010 Discount Bonds and Series 2010 Premium Bonds should consult their own tax advisers as to the determination for federal income tax purposes of the amount of OID or bond premium properly accruable in any period with respect to the Series 2010 Discount Bonds or Series 2010 Premium Bonds and as to other federal tax consequences and the treatment of OID and bond premium for purposes of state and local taxes on, or based on, income.

## UNDERWRITING

The Series 2010 Bonds are being purchased by Sterne, Agee & Leach, Inc., Loop Capital Markets, LLC, Citigroup Global Markets Inc. and Raymond James & Associates, Inc. (collectively, the "Underwriters"), subject to certain terms and conditions set forth in the purchase contract between the City and the Underwriters, including the delivery of an opinion as to legality by Bond Counsel and the existence of no material adverse change in the condition of the City or the Parking System from that set forth in this Official Statement.

The Series 2010A Bonds are being purchased at a purchase price of \$\_\_\_\_\_, representing a principal amount of \$\_\_\_\_\_ [less/plus] net original issue [discount/premium] of \$\_\_\_\_\_ less underwriters' discount of \$\_\_\_\_\_. The Series 2010A Bonds are offered for sale to the public at the prices and yields set forth on the inside cover page of this Official Statement. The Series 2010A Bonds may be offered and sold to certain dealers at prices lower than such offering prices, and such public offering prices may be changed from time to time by the Underwriters.

The Series 2010B Bonds are being purchased at a purchase price of \$\_\_\_\_\_, representing a principal amount of \$\_\_\_\_\_ [less/plus] net original issue [discount/premium] of \$\_\_\_\_\_ less underwriters' discount of \$\_\_\_\_\_. The Series 2010B Bonds are offered for sale to the public at the prices and yields set forth on the inside cover page of this Official Statement. The Series 2010B Bonds may be offered and sold to certain dealers at prices lower than such offering prices, and such public offering prices may be changed from time to time by the Underwriters.

Loop Capital Markets, LLC, one of the underwriters of the Series 2010 Bonds, has entered into an agreement (the "Distribution Agreement") with UBS Financial Services Inc. for the retail distribution of certain municipal securities offerings at the original issue prices. Pursuant to the Distribution Agreement, Loop Capital Markets, LLC will share a portion of its underwriting compensation with respect to the Series 2010 Bonds with UBS Financial Services Inc.

Citigroup Inc. and Morgan Stanley, the respective parent companies of Citigroup Global Markets Inc. and Morgan Stanley & Co. Incorporated have entered into a retail brokerage joint venture. As part of the joint venture each of Citigroup Global Markets Inc. and Morgan Stanley & Co. Incorporated will distribute municipal securities to retail investors through the financial advisor network of a new broker-dealer, Morgan Stanley Smith Barney LLC. This distribution arrangement became effective on June 1, 2009. As part of this arrangement, Citigroup Global Markets Inc. will compensate Morgan Stanley Smith Barney LLC for its selling efforts in connection with their allocation of Series 2010 Bonds.

## FINANCIAL ADVISOR

RBC Capital Markets Corporation, Miami, Florida (the "Financial Advisor") is employed as Financial Advisor to the City in connection with the issuance of the Series 2010 Bonds. The Financial Advisor's fee for services rendered with respect to the sale of the Series 2010 Bonds is contingent upon

the issuance and delivery of the Series 2010 Bonds. The Financial Advisor is not obligated to undertake, and has not undertaken to make, an independent verification or to assume responsibility for the accuracy, completeness, or fairness of the information in this Official Statement.

### FINANCIAL STATEMENTS

The financial statements of the City's Parking System for the year ended September 30, 2009 included as APPENDIX B to this Official Statement have been audited by McGladrey & Pullen, LLP, independent auditors (the "Independent Certified Public Accountant"), as stated in their report appearing in APPENDIX B. Such statements speak only as of September 30, 2009. The City has not requested the consent of the Independent Certified Public Accountant to the use thereof herein. Such documents are attached hereto as a public record. The Independent Certified Public Accountant has not been requested to review this Official Statement in connection with the issuance of the Series 2010 Bonds.

### RATINGS

Moody's Investors Service, Inc. and Standard & Poor's Ratings Services, a division of McGraw-Hill, Inc., have assigned the Series 2010 Bonds the ratings of "\_\_\_" and "\_\_\_" respectively. There is no assurance that such ratings will continue for any given period of time or that they will not be lowered or withdrawn entirely by the rating agencies, or any of them, if in their judgment, circumstances so warrant. A downward change in or withdrawal of such ratings, or any of them, may have an adverse effect on the market price of the Series 2010 Bonds. An explanation of the significance of the ratings can be received from the rating agencies. [Add provisions for insured ratings]

### INSURANCE RISK FACTORS

The City has applied for a bond insurance policy to guarantee the scheduled payment of principal and interest on the Series 2010 Bonds. The City has yet to determine whether a bond insurance policy (the "Policy") will be purchased with respect to the Series 2010 Bonds. The City may choose to insure all, some or none of the Series 2010 Bonds. Such determination will be made by the City at the time the Series 2010 Bonds are marketed. If a Policy is purchased, the following are risk factors relating to bond insurance:

In the event of default of the payment of principal or interest with respect to the Series 2010 Bonds when all or some becomes due, any owner of the Series 2010 Bonds shall have a claim under the Policy for such payments. However, in the event of any acceleration of the due date of such principal by reason of mandatory or optional redemption or acceleration resulting from default or otherwise, other than any advancement of maturity pursuant to a mandatory sinking fund payment, the payments are to be made in such amounts and at such times as such payments would have been due had there not been any such acceleration. The payment of principal and interest in connection with mandatory or optional prepayment of the Series 2010 Bonds by the City which is recovered by the City from the bond owner as a voidable preference under applicable bankruptcy law is covered by the Policy. However, such payments will be made by the provider of the Policy (the "Insurer") at such time and in such amounts as would have been due absent such prepayment by the City unless the Insurer chooses to pay such amounts at an earlier date.

Under most circumstances, default of payment of principal and interest does not obligate acceleration of the obligations of the Insurer without appropriate consent. The Insurer may direct and

must consent to any remedies, and the Insurer's consent may be required in connection with amendments to any applicable bond documents.

In the event the Insurer is unable to make payment of principal and interest as such payments become due under the Policy, the Series 2010 Bonds are payable solely from the moneys received pursuant to the Bond Resolution. In the event the Insurer becomes obligated to make payments with respect to the Series 2010 Bonds, no assurance is given that such event will not adversely affect the market price of the Series 2010 Bonds or their marketability (liquidity).

The insured long-term ratings on any insured Series 2010 Bonds are dependent in part on the financial strength of the Insurer and its claims-paying ability. The Insurer's financial strength and claims-paying ability are predicated upon a number of factors which could change over time. No assurance is given that the long-term ratings of the Insurer and any Series 2010 Bonds insured by the Insurer will not be subject to downgrade, and such event could adversely affect the market price of the Series 2010 Bonds or their marketability (liquidity). See "RATINGS" herein.

The obligations of the Insurer are contractual obligations and in an event of default by the Insurer, the remedies available may be limited by applicable bankruptcy law or state law related to insolvency of insurance companies.

Neither the City nor the Underwriters have made independent investigation into the claims-paying ability of the Insurer, and no assurance or representation regarding the financial strength or projected financial strength of the Insurer is given. Thus, when making an investment decision, potential investors should carefully consider the ability of the City to pay principal and interest on the Series 2010 Bonds and the claims-paying ability of the Insurer, particularly over the life of the investment.

## LEGAL MATTERS

Certain legal matters incident to the authorization and issuance of the Series 2010 Bonds are subject to the approval of Squire, Sanders & Dempsey L.L.P., Miami, Florida, Bond Counsel, whose approving opinion will be available at the time of delivery of the Series 2010 Bonds. The proposed form of such opinion is attached hereto as APPENDIX D. Certain legal matters will be passed upon for the City by Jose Smith, Esq., City Attorney and for the Underwriters by Bryant Miller Olive P.A., Miami, Florida as Counsel to the Underwriters.

The actual legal opinion to be delivered by Bond Counsel may vary from the text of APPENDIX D, if necessary, to reflect facts and law on the date of delivery of the Series 2010 Bonds. The opinion will speak only as of its date and subsequent distribution of it by recirculation of this Official Statement or otherwise shall not create any implication that subsequent to the date of the opinion Bond Counsel has affirmed its opinion.

The opinion of Bond Counsel will be limited to matters relating to the authorization and validity of the Series 2010 Bonds and the tax-exempt status of interest on the Series 2010 Bonds, as described under "TAX MATTERS," and will make no statement regarding the accuracy and completeness of this Official Statement.

The legal opinion of Bond Counsel is based on existing law, which is subject to change. Such opinion is further based on factual representations made to Bond Counsel as of the date thereof. Bond

Counsel assumes no duty to update or supplement its opinion to reflect any facts or circumstances, including changes in law that may thereafter occur or become effective.

The legal opinions to be delivered concurrently with the delivery of the Series 2010 Bonds express the professional judgment of the attorneys rendering the opinions regarding the legal issues expressly addressed therein. By rendering a legal opinion, the attorneys providing such opinion do not become insurers or guarantors of the result indicated by that expression of professional judgment, of the transaction on which the opinion is rendered, or of the future performance of parties to the transaction. Nor does the rendering of an opinion guarantee the outcome of any legal dispute that may arise out of the transaction.

#### **CONTINUING DISCLOSURE**

The City will covenant for the benefit of Bondholders to provide certain financial information and operating data relating to the City and the Parking System not later than 240 days following the end of each Fiscal Year ending on or after September 30, 2010 (the "Annual Report"), and to provide, or cause to be provided, notices of the occurrence of certain enumerated events, if deemed by the City to be material. The Annual Report and notices of material events will be filed with the Municipal Securities Rulemaking Board. Digital Assurance Certification, L.L.C. will act as disclosure dissemination agent for the City. The specific nature of the information to be contained in the Annual Report or the notices of material events is contained in "APPENDIX E –Form of Disclosure Dissemination Agent Agreement." These covenants have been made in order to assist the Underwriters in complying with SEC Rule 15c2-12(b)(5).

During the past five years, the City has complied in all material respects with its existing undertakings pursuant to SEC Rule 15c2-12(b)(5).

#### **VERIFICATION OF MATHEMATICAL COMPUTATIONS**

The accuracy of the mathematical computations of the adequacy of the maturing principal of and interest earned on the Government Obligations and other moneys held by the Escrow Agent under the Escrow Agreement to pay, the principal of and interest on the Refunded Bonds on the redemption date will be verified by \_\_\_\_\_.

#### **DISCLOSURE REQUIRED BY FLORIDA BLUE SKY REGULATIONS**

Rule 69W-400.003, Rules of Government Securities, promulgated by the Office of Financial Regulation of the Financial Services Commission, under Section 517.051(1), Florida Statutes ("Rule 69W-400.003"), requires the City to disclose each and every default as to the payment of principal and interest with respect to obligations issued by the City after December 31, 1975. Rule 69W-400.003 further provides, however, that if the City in good faith believes that such disclosures would not be considered material by a reasonable investor, such disclosures may be omitted. The City has not defaulted on the payment of principal or interest with respect to obligations issued by the City after December 31, 1975.

## CONTINGENT FEES

The City has retained Bond Counsel and the Financial Advisor in connection with the issuance of the Series 2010 Bonds. Payment of the fees of such professionals and the fees of Underwriters and their counsel are each contingent upon the issuance of the Series 2010 Bonds.

## INVESTMENT POLICY

The City's investment policy applies to all the financial assets of the City except for retirement/pension funds and certain deposits and accounts.

The City's current investment policy includes a list of authorized investments with maturity limitations. The foremost objective of the City's investment policy is safety of principal, with a second priority of liquidity and a third priority of return on investment. The City Manager and Chief Financial Officer have been delegated with the responsibility for the investment plan.

## MISCELLANEOUS

Any statements made in this Official Statement involving matters of opinion or of estimates, whether or not so expressly stated, are set forth as such and not as representations of fact, and no representation is made that any of the estimates will be realized. Neither this Official Statement nor any statement that may have been made verbally or in writing is to be construed as a contract with the owners of the Series 2010 Bonds.

The references, excerpts, and summaries of all documents, statutes, and information concerning the City, the Bond Resolution, the Parking System's operating records and certain reports and statistical data referred to herein do not purport to be complete, comprehensive and definitive and each such summary and reference is qualified in its entirety by reference to each such document for full and complete statements of all matters of fact relating to the Series 2010 Bonds, the security for the payment of the Series 2010 Bonds and the rights and obligations of the owners thereof and to each such statute, report or instrument.

**CERTIFICATE CONCERNING THE OFFICIAL STATEMENT**

Concurrently with the delivery of the Series 2010 Bonds, the City will furnish its certificate, executed by the Mayor, to the effect that, to the best of her knowledge, this Official Statement as of its date and as of the date of the delivery of the Series 2010 Bonds, does not contain an untrue statement of a material fact and does not omit any material fact which should be included herein for the purpose for which the Official Statement is to be used, or which is necessary to make the statements contained herein, in light of the circumstances under which they were made, not misleading.

This Official Statement has been duly executed and delivered by the Mayor and the City Manager of the City of Miami Beach, Florida.

**CITY OF MIAMI BEACH, FLORIDA**

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Manager

**APPENDIX A  
GENERAL INFORMATION REGARDING  
THE CITY OF MIAMI BEACH  
AND MIAMI-DADE COUNTY, FLORIDA**

The following information pertaining to the City of Miami Beach, Florida (the "City") and Miami-Dade County, Florida (the "County") is set forth for purposes of background only. The Series 2010 Bonds are payable only from Net Revenues of the Parking System, as described in this Official Statement. The Series 2010 Bonds do not constitute a debt, liability or obligation or a pledge of the faith, credit or taxing power of the City, County, the State of Florida, or any political subdivision thereof.

**INTRODUCTION**

The City comprises seven square miles of land area and ten square miles of Biscayne Bay. The climate is tropical with an average annual temperature of 75 degrees Fahrenheit, 24 degrees Celsius. The City is the home of the Art Deco Historic District, consisting of one of the greatest concentrations of this style of architecture in the United States. Within this Historic District is the world famous Ocean Drive, which has been called the "Riviera" of Florida. The economy of the area is based on tourism. For fiscal year 2009, room rents, food and beverage sales accounted for an estimated \$1.6 billion in sales within the City. The population demographics of the City have drastically changed over the last thirty years. In the 1980 Census, the average age of the population was 65.3 years old. In the 2000 Census the average age had declined to 43.7 years old and the 2007 estimates place it at 40 years old. The City is a group of islands between Biscayne Bay and the Atlantic Ocean and is connected to the mainland by four causeways.

The County is the largest county in the southeastern United States in terms of population and one of the largest in terms of land area. The County consists of 2,042 square miles of land area. The population is clustered mainly along the coast, with the western area of the County comprising a part of the Everglades. There are numerous incorporated municipalities in the County, which include Miami, Hialeah and Coral Gables, as well as the City.

**POPULATION**

The U.S. Bureau of the Census estimated the population of the City as of July 1, 2009 to be 88,065. According to estimates of Miami-Dade County Department of Planning and Zoning, the City's population is expected to be 98,028 by the year 2010 and the County's population, is estimated to be 2,563,885 for 2010 and the County estimates growth to 2,885,439 by 2020.

**Population, City of Miami Beach  
and Miami-Dade County 1980 – 2009**

Year	City of Miami		Miami-Dade	
	Beach	Percent Change	County	Percent Change
1980	96,298	10.6%	1,625,598	28.2%
1990	92,639	(3.8%)	1,937,094	19.2%
2000	87,933	(5.3%)	2,260,000	16.7%
2009 <sup>(1)</sup>	88,065	0.1%	2,500,625	10.6%

Source: U.S. Census

(1) U.S. Census estimates as of July 1, 2009

**Population Breakdown  
City of Miami Beach, 1990-2007**

Age Group	1990	2000	2007
Under 18	14.2%	13.4%	14.0%
18 and over	85.8%	86.6%	86.0%
21 and over	83.1%	84.1%	84.2%
65 and over	23.4%	19.2%	17.9%
Median Age:	44.5	39	40

Source: City of Miami Beach Statistical Abstract 2009

**GOVERNMENT**

The City of Miami Beach is organized under the Commission-City Manager form of government. The governing body is an elected City Commission of six members and an elected Mayor. The City Commission sets policy for the administration of the City and appoints a City Manager and a City Attorney. The City Attorney appoints his staff and the City Manager is responsible for the appointment of the balance of the employees of the City. The City Commissioners are elected to staggered four year terms and the Mayor is elected every two years. Both the City Attorney and the City Manager serve at the pleasure of the City Commission. The City Manager carries out the policies of the City Commission, directs the operations of the City and, with the exception of the City Attorney's Office, has the power to appoint or remove all heads of the various Departments.

**SCOPE OF SERVICES**

The City provides a full range of municipal services, including police and fire protection, recreational activities, parks, cultural events, sanitation services, water, sewer and storm water services, community services, and the construction of and maintenance of streets and infrastructure.

**ECONOMIC AND DEMOGRAPHIC DATA**

**INCOME**

The mean family income for Miami Beach increased by 28 percent; from \$69,980 in 2000 to \$89,641 in 2007. This compares to growth rates experienced by Miami-Dade County, which experienced a mean family growth rate of approximately 34 percent during the same period. The mean family income for Miami Beach exceeded that of Miami-Dade County by approximately 33 percent in 2000 and 26 percent in 2007.

**MEAN FAMILY INCOMES 2000-2007<sup>(1)</sup>**

	2000	2007	% CHANGE
Miami Beach	\$69,980	\$89,641	28.1%
Miami-Dade County	52,753	70,948	34.4%

Source: U.S. Bureau of Census; City of Miami Beach, Florida Statistical Abstract 2009

**Per Capita Personal Income  
(Current Dollars)  
2004-2008**

Year	Miami-Dade County <sup>(1)</sup>		Florida <sup>(2)</sup>		United States <sup>(2)</sup>
	Current Dollars	% of U.S.	Current Dollars	% of U.S.	Current Dollars
2004	\$29,817	88.0%	\$33,540	98.9%	\$33,881
2005	32,025	90.4%	34,798	100.5%	34,757
2006	33,712	89.9%	38,161	100.2%	36,714
2007	35,368	93.8%	39,036	99.0%	39,392
2008	35,887	89.3%	39,064	91.2%	40,166

Source: <sup>(1)</sup> Miami Dade County Planning & Zoning Department; U.S. FL Legislature Office of Economic & Demographic Research  
<sup>(2)</sup> U.S. Department of Commerce-Bureau of Economic Analysis

**EMPLOYMENT**

**City of Miami Beach Employment 2005 – 2010**

	2005	2006	2007	2008	2009	2010 <sup>(1)</sup>
Labor Force Employed	44,767	45,263	45,631	45,658	44,497	45,249
Labor Force Unemployed	1,796	1,631	1,780	2,383	4,046	4,181
Total Labor Force	46,563	46,894	47,411	48,041	48,543	49,430
Unemployment Rate	3.9%	3.5%	3.8%	5.0%	8.3%	8.5%

Source: US Department of Labor

<sup>(1)</sup> Preliminary- as of April 2010

**Major Employers on Miami Beach**

<u>Rank</u>	<u>Employer</u>	<u>Service</u>	<u>Number Employed</u>
1	Mount Sinai Medical Center	Medical	3300
2	City of Miami Beach	Governmental	1800
3	Fontainebleau Resort	Hotel	1200
4	Loews Miami Beach Hotel	Hotel	942
5	Publix Supermarkets	Retail	900
6	Eden Roc Hotel	Hotel	700
7	Delano Hotel	Hotel	478
8	Joe's Stone Crab	Restaurant	355
9	Wyndham Miami Beach Resort	Hotel	320
10	LNR Property Corp	Real Estate	320

Source: City of Miami Beach, Florida

**Ten Largest Public and Private Employers  
Located in Miami-Dade County**

<u>Public Employers</u>		<u>Private Employers</u>	
Miami-Dade County Public Schools	38,819	University of Miami	12,000
Miami-Dade County	29,000	Baptist Health South Florida	12,000
Federal Government	19,900	Publix Supermarkets	11,625
Florida State Government	16,100	American Airlines	9,000
Jackson Health System	12,468	University of Miami Health	7,025
Florida International University	8,000	United Postal Service	4,982
Miami-Dade College	5,798	AT&T	4,100
City of Miami	4,400	Florida Power & Light Co.	3,840
VA Medical Center	2,385	Winn-Dixie Stores	3,500
Homestead Air Force Base	2,056	Carnival Cruise Lines	3,500

Source: City of Miami Beach, Comprehensive Annual Financial Report 2009

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

## BUILDING PERMITS

The following is a calculation of the total value of the Building Permits issued by the City during the past 10 years.

**City of Miami Beach, Florida  
Value of Building Permits Issued  
Fiscal Years 2000-2009**

<u>Fiscal Year</u>	<u>Number of Permits</u>	<u>Total Value</u>
2000	9,209	\$610,692,664
2001	9,764	576,222,306
2002	10,651	622,602,436
2003	11,134	938,906,800
2004	11,368	577,575,403
2005	12,837	1,235,909,151
2006	12,226	1,177,266,348
2007	12,729	1,165,346,118
2008	11,056	1,109,923,131
2009	10,277	567,660,721

Source: City of Miami Beach, Florida

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

**DIRECT AND OVERLAPPING TAX RATES**

The following table summarizes the direct and overlapping tax (millage) rates for the past ten years. As shown in the following table, the City has reduced its tax rates over the past 10 years.

**City of Miami Beach, Florida  
Direct and Overlapping Tax Rates  
(\$1 per \$1,000 of Assessed Value)  
For Tax Years 2000 Through 2009**

Fiscal Year Ended September 30	City of Miami Beach Direct Rates				Overlapping Rates		
	Operating Millage	Debt Service Millage	Total Direct Millage	School District Millage	County Millage	State Millage	Total
2000	7.499	1.199	8.698	9.644	6.946	0.741	26.029
2001	7.399	1.156	8.555	9.617	6.754	0.738	25.664
2002	7.299	1.077	8.376	9.376	6.716	0.736	25.204
2003	7.299	1.023	8.322	9.252	6.765	0.736	25.075
2004	7.299	0.874	8.173	9.100	7.240	0.736	25.249
2005	7.425	0.748	8.173	8.687	7.150	0.736	24.746
2006	7.481	0.592	8.073	8.438	7.035	0.736	24.281
2007	7.374	0.299	7.673	8.105	6.808	0.736	23.322
2008	5.656	0.241	5.897	7.948	5.671	0.659	20.175
2009	5.656	0.237	5.893	7.797	5.926	0.659	20.275

Source: City of Miami Beach, Comprehensive Annual Financial Report; Miami-Dade County, Florida Property Appraisal 2009 Millage Table

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK.]

**City of Miami Beach, Florida**  
**Property Tax Levies and Collections**  
**Fiscal Years 1999 – 2008**

Collected within the  
Fiscal year of the Levy

Tax Year (1)	Total Tax Levy	Amount	Percentage of Levy
1999	\$63,294,354	\$64,235,664 <sup>(2)</sup>	101.5
2000	67,851,578	68,603,879 <sup>(2)</sup>	101.1
2001	74,551,384	75,205,177 <sup>(2)</sup>	100.9
2002	83,590,412	80,460,485	96.3
2003	93,492,337	90,447,232	96.7
2004	109,298,076	107,543,916	98.4
2005	133,573,759	131,074,911	98.1
2006	164,807,822	161,325,469	97.9
2007	146,418,406	146,076,252	99.8
2008	144,907,833	139,669,839	96.4

Source: City of Miami Beach, Comprehensive Annual Financial Report 2009

- (1) Assessments as of January 1 of the year listed; bills mailed in October of that year; taxes become delinquent at the end of April of the subsequent year.
- (2) Breakdown between current and delinquent collections not available. Collections represent total of current and delinquent collection received during the year.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

**City of Miami Beach  
Ten Largest Taxpayers 2009**

<b>Owner</b>	<b>Type of Property</b>	<b>Assessed Value</b>
MB Redev. Inc./Loews Hotel	Hotel	\$280,000,000
MCZ/Centrum Flamingo III LLC	Apartments	172,183,094
Fontainebleau Florida Hotel LLC	Hotel	148,189,442
Di Lido Beach Hotel Corp.	Hotel	130,000,000
MCZ/Centrum Flamingo II LLC	Apartments	93,000,000
Philips South Beach LLC	Hotel	83,435,043
Sandy Lane Residential LLC	Apartments	79,519,415
Royal Palm Hotel Prop LLC	Apartments	79,385,373
City National Bank of Florida	Apartments	78,252,750
2201 Collins Fee LLC	Apartments	<u>68,727,288</u>
		<b>\$1,212,692,405</b>

Source: 2009 Miami-Dade County, Florida Ad Valorem Assessment Roll for the City of Miami Beach  
City of Miami Beach, Comprehensive Annual Financial Report 2009

**FILM AND PRINT INDUSTRY**

The film and print industry has become an important part of the Miami Beach economy. Many international talent and model agencies have located in the City. In 2009, this industry spent an approximate of \$26 million in Miami-Dade County for the production of movies and photographs.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

**Film and Print Industry  
Permits Issued and Production Budgets  
For the Calendar Years 2000-2009**

Fiscal Year	Permits Issued	Production Budgets <sup>(1)</sup>
2005	1,583	\$62,708,265
2006	1,280	\$55,000,293
2007	1,563	\$60,760,315
2008	1,232	\$30,706,390
2009	1,150	\$25,962,720

Source: Miami Beach Comprehensive Financial Report 2009; City of Miami Beach, Florida Department of Tourism and Cultural Development

(1) Estimates as reported on City of Miami Beach Permit Applications

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK.]

## CONVENTION AND MEETING ACTIVITY

Miami-Dade County and the Miami Beach Convention Center host a large number of conventions each year.

Year	Number of Delegates	Number of Room Nights	Total Expenditures
2000	943,740	2,581,948	\$1,034,134,428
2001	955,500	2,711,045	\$1,085,841,149
2002	907,725	2,575,493	\$1,140,133,206
2003	925,880	2,614,125	\$1,197,139,867
2004	900,881	2,543,544	\$1,245,025,461
2005	945,925	2,670,721	\$1,307,276,734
2006	927,006	2,617,307	\$1,372,640,571
2007	1,005,802	2,839,778	\$1,441,272,600
2008	905,222	2,555,800	\$1,354,796,244
2009	932,378	2,632,474	\$1,395,440,131

Source: City of Miami Beach, Florida

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

**TOURISM AND VISITOR ACTIVITY  
DOMESTIC AND INTERNATIONAL OVERNIGHT VISITORS  
MIAMI-DADE COUNTY 2007-2009**

<b>Origin</b>	<b>2007 (000)</b>	<b>2008 (000)</b>	<b>2009 (000)</b>
South America:	2,324.1	2,480.1	2,549.5
Caribbean:	683.4	702.1	682.1
Central America:	511.1	540.0	517.3
Europe:	1,294.0	1,360.6	1,279.0
Canada:	556.0	573.5	537.7
Other International:	124.3	130.9	118.8
	5,492.9		
Total International		5,787.2	5,684.4
Total Domestic	6,473.0	6,341.4	6,251.5
Total Overnight	11,965.9	12,128.6	11,935.9
<b>Expenditures <sup>(1)</sup>:</b>			
Domestic	\$ 7,145.90	\$ 6,556.90	\$ 5,954.10
International	\$10,759.30	\$10,774.60	\$11,156.50
Total Expenditures	\$17,905.20	\$17,331.50	\$23,064.70

Source: Greater Miami Convention and Visitors Bureau

<sup>(1)</sup> Average Daily Expenditures

### Overnight Visitors by Region

	2007	2008	2009
Miami Beach	40.9%	40.1%	45.1%
Downtown Miami	16.6%	19.2%	17.6%
N. Miami-Dade/Sunny Isle	13.2%	12.7%	12.5%
Airport Area	10.5%	9.8%	11.4%
Grove/Gables/Biscayne	12.5%	13.1%	10.2%
S. Miami-Dade	6.3%	5.9%	3.9%

Source: Greater Miami Convention and Visitors Bureau

## TRANSPORTATION

Miami-Dade County has a comprehensive transportation network designed to meet the needs of residents, travelers and area businesses. The County's internal transportation system includes Metrorail, a 22.4 mile above-ground system connecting South Miami-Dade and the City of Hialeah with the Downtown and Civic Center areas. Metromover, a 4.4 mile automated loop, carries passengers around downtown Miami, Brickell Avenue and the Omni shopping center areas. Miami-Dade County's Metrobus operating over 32.6 million miles per year and over 115 million passenger trips annually. The County also provides para-transit services to qualified riders in the amount of 1.6 million passenger trips annually. Cargo rail service is available from both Miami International Airport and the Port of Miami, and Amtrak has a passenger station in the City of Miami. Tri-Rail, a 72-mile train system, links West Palm Beach, Boca Raton, Fort Lauderdale, Hollywood and Miami International Airport.

Miami International Airport. Miami International Airport is one of the busiest airports in the world for both passengers and cargo traffic. It ranks twelfth in the nation and twenty-fifth in the world in passenger traffic through the airport. The airport ranks third in the nation and eleventh in the world in tonnage of domestic and international cargo movement. In 2009 over 33 million air travelers were serviced by Miami International Airport, and approximately 2.08 million tons of cargo was handled. More than 88 airlines serve Miami International Airport, flying passengers to more than 150 destinations around the globe.

Port of Miami. The Port of Miami, known as the "cruise capital of the world," is operated by the Seaport Department of Miami-Dade County. In fiscal year 2009, approximately 4.1 million passengers sailed from the Port of Miami aboard one of the eight cruise companies who operate out of Miami. The Port of Miami is also a hub for Caribbean and Latin American commerce. These countries account for over half of the 7.4 million tons of cargo transferred through the Port of Miami in 2008. The Port of Miami is also reaching out to the global community where trade with Asian countries accounted for almost 23% of the total cargo handled at the Port of Miami. The Port of Miami is also important to the U.S. economy, contributing in excess of \$17 billion annually, which should increase after the completion of the Port of Miami's five year, \$346 million capital improvement program.

## RECREATION

There are numerous parks and playgrounds in the City of Miami Beach. Each park provides different amenities, from tennis and bocce courts to swimming pools and tot lots, to Vita courses and barbecue pits. There are four Vita courses, two swimming pools, and numerous tennis courts, including the Holtz Tennis Stadium which houses championship, professional and amateur tournaments.

Offshore, the Gulf Stream provides a variety of game fish, while the Miami Beach Marina provides an abundance of space to house boats as well as direct access to the Atlantic Ocean and Gulf Stream. The Marina is a private development on City owned bay front land in the South Pointe area. Renovation has increased the number of boat slips to 388 making the Marina the largest in the area and a first class facility.

In the north part of the City, the public can enjoy a leisurely sail in the quiet waters of Biscayne Bay from the Miami Beach Sailport. The facility, though open to all ages, was specially designed to teach young adults the basic art of sailing on small prams.

The City owns two championship golf courses and one Par 3 course that are open to the public. The two championship courses, Miami Beach Golf Course and Normandy, offer a clubhouse complete with a restaurant, lounge and pro shop.

**APPENDIX B  
AUDITED FINANCIAL STATEMENTS  
OF THE CITY'S PARKING SYSTEM**

**APPENDIX C**  
**THE BOND RESOLUTION**

**APPENDIX D**  
**FORM OF BOND COUNSEL OPINION**

**APPENDIX E**

**FORM OF DISCLOSURE DISSEMINATION AGENT AGREEMENT**

\$ \_\_\_\_\_

CITY OF MIAMI BEACH, FLORIDA

\$ \_\_\_\_\_  
Parking Revenue Refunding Bonds,  
Series 2010A

\$ \_\_\_\_\_  
Parking Revenue Bonds,  
Series 2010B

\_\_\_\_\_  
BOND PURCHASE AGREEMENT  
\_\_\_\_\_

\_\_\_\_\_, 2010

Mayor and City Commission  
City of Miami Beach, Florida  
1700 Convention Center Drive  
Miami Beach, Florida 33139

Ladies and Gentlemen:

Sterne, Agee & Leach, Inc. (the "Senior Managing Underwriter"), acting on behalf of itself and Loop Capital Markets, LLC, Citigroup Global Markets Inc. and Raymond James & Associates, Inc. (collectively, with the Senior Managing Underwriter, the "Underwriters"), offer to enter into this Bond Purchase Agreement (this "Purchase Agreement") with the City of Miami Beach, Florida (the "City"), for the sale by the City and the purchase by the Underwriters of the City's \$ \_\_\_\_\_ Parking Revenue Refunding Bonds, Series 2010A (the "Series 2010A Bonds") and the City's \$ \_\_\_\_\_ Parking Revenue Bonds, Series 2010B (the "Series 2010B Bonds" and together with the Series 2010A Bonds, the "Series 2010 Bonds"). This offer is made subject to acceptance by the City prior to 11:59 p.m. (Eastern Time) on the date hereof. Upon such acceptance, this Purchase Agreement will be in full force and effect in accordance with its terms and will be binding on the City and the Underwriters. If this offer is not so accepted, it is subject to withdrawal by the Underwriters upon written notice delivered to the City at any time prior to such acceptance. In conformance with Section 218.385, Florida Statutes, as amended, the Underwriters hereby deliver the Disclosure and Truth-in-Bonding Statement attached hereto as Exhibit "A." Capitalized terms used in this Purchase Agreement, but not defined, are used with the meanings ascribed to them in the Bond Resolution hereinafter mentioned.

The Senior Managing Underwriter represents that it is authorized on behalf of itself and the other Underwriters to enter into this Purchase Agreement and to take any other actions that may be required on behalf of the Underwriters.

SECTION 1.

- (a) Upon the terms and conditions and upon the basis of the representations and warranties herein set forth, the Underwriters hereby agree to purchase from the City and the City hereby agrees to sell to the Underwriters all (but not less than all) of the Series 2010A Bonds for a purchase price equal to \$\_\_\_\_\_ (which purchase price is the aggregate principal amount of the Series 2010A Bonds, reduced by an Underwriter's discount equal to \$\_\_\_\_\_ ) and all (but not less than all) of the Series 2010B Bonds for a purchase price equal to \$\_\_\_\_\_ (which purchase price is the aggregate principal amount of the Series 2010B Bonds, reduced by an Underwriter's discount equal to \$\_\_\_\_\_ ) . The purchase price for the Series 2010 Bonds shall be payable to the City in immediately available funds.
- (b) The Series 2010 Bonds will be issued pursuant to Chapter 166, Florida Statutes, as amended, and the City of Miami Beach Charter (collectively, the "Act") and other applicable provisions of law and pursuant and subject to the terms and conditions of Resolution No. \_\_\_\_\_ adopted by the Mayor and City Commission of the City on \_\_\_\_\_, 2010 (the "Bond Resolution"). The Series 2010 Bonds are secured as provided in the Bond Resolution. The Series 2010A Bonds shall mature and have such other terms and provisions as are described on Exhibit "B" hereto. The Series 2010B Bonds shall mature and have such other terms and provisions as are described on Exhibit "B" hereto. Proceeds of the Series 2010A Bonds will provide funds, together with other available funds, to (i) currently refund the City's outstanding Parking Revenue Bonds, Series 1997, previously issued in the aggregate principal amount of \$21,000,000, of which \$20,340,000 are now outstanding (the "Refunded Bonds"), (ii) fund a deposit to the Reserve Account [deposit a Reserve Account Insurance Policy] and (iii) pay costs of issuance of the Series 2010A Bonds. Proceeds of the Series 2010B Bonds will provide funds, together with other available funds, to (i) pay the costs of acquiring and constructing a new parking garage, improvements to various garages and lots, and the acquisitions and installation of parking meters and pay stations and machines (the "Project"), (ii) fund a deposit to the Reserve Account [deposit a Reserve Account Insurance Policy] and (iii) pay costs of issuance of the Series 2010B Bonds. It shall be a condition to the obligation of the City to sell and deliver the Series 2010 Bonds to the Underwriters, and to the obligation of the Underwriters to purchase and accept delivery of the Series 2010 Bonds, that the entire aggregate principal amount of the Series 2010 Bonds shall be sold and delivered by the City and accepted and paid for by the Underwriters at the Closing.
- (c) The Underwriters agree to make a bona fide public offering of the Series 2010 Bonds at the initial offering prices set forth on the inside cover of the Official

Statement for the Series 2010 Bonds. The Underwriters, however, reserve the right to change such initial offering prices as the Underwriters shall deem necessary in connection with the marketing of the Series 2010 Bonds and to offer and sell the Series 2010 Bonds to certain dealers (including dealers depositing the Series 2010 Bonds into investment trusts, including investment trusts managed by the Underwriter) and others at prices lower than the initial offering prices set forth on the inside cover of such Official Statement. The Underwriters also reserve the right to: (i) overallocate or effect transactions that stabilize or maintain the market price of the Series 2010 Bonds at a level above that which might otherwise prevail in the open market; and (ii) discontinue such stabilization, if commenced, at any time.

- (d) The City agrees to deliver to the Underwriters, at such addresses as the Underwriters specify, as many copies (but not to exceed \_\_\_\_\_) of the Official Statement, dated \_\_\_\_\_, 2010 related to the Series 2010 Bonds, including the cover pages and all appendices, exhibits, reports and statements included therein or attached thereto, (collectively, the "Official Statement") as the Underwriters reasonably request. The City agrees to deliver the Official Statement, executed by the Mayor and City Manager of the City, within seven (7) business days after the execution hereof and in sufficient time to accompany any confirmation that requests payment from any customer and as may be required to enable the Underwriters to comply with all applicable rules of the Municipal Securities Rulemaking Board (the "MSRB") and Rule 15c2-12(b)(4) of the Securities and Exchange Commission (the "SEC").
- (e) In the event the notice described in the last sentence of Section 2(l) has been provided by the Underwriters, the Underwriters will give written notice to the City of the date after which no participating underwriter, as such term is defined in Rule 15c2-12 of the SEC (the "Rule"), remains obligated to deliver Official Statements pursuant to paragraph (b)(4) of the Rule. One or before the date of Closing (hereinafter defined), the Underwriters will file a copy of the Official Statement with a nationally recognized municipal securities repository and with the MSRB or its designee in accordance with Rule G-36 of the MSRB.
- (f) The City hereby approves and authorizes the delivery and distribution of the Preliminary Official Statement and the execution, delivery and distribution of the Official Statement in substantially the form presented at its Commission meeting, except as marked to incorporate final terms of the Series 2010 Bonds, together with such other changes, amendments or supplements as shall be made and approved in writing by the Underwriters and the City prior to the Closing in connection with the public offering and sale of the Series 2010 Bonds.

## SECTION 2.

The City represents and warrants to and agrees with the Underwriters as follows:

- (a) As of their respective dates and, with respect to the Official Statement, at the time of Closing, the statements and information contained in the Preliminary Official Statement and the Official Statement are and will be accurate in all material respects for the purposes for which their use is authorized, and do not and will not contain any untrue statement of a material fact or omit to state any material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading. In addition, any amendments to the Preliminary Official Statement and the Official Statement prepared and furnished by the City pursuant hereto will not contain any untrue statement of a material fact or omit to state any material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading. The Series 2010 Bonds, the Bond Resolution, the Continuing Disclosure Agreement and the Escrow Agreement conform to the descriptions thereof set forth in the Official Statement.
- (b) As of its date, the Preliminary Official Statement was deemed "final" (except for permitted omissions) by the City for purposes of paragraph (b)(1) of the Rule.
- (c) On the date hereof, the Commission is the governing body of the City and the City is, and will be on the date of the Closing, duly organized and validly existing as a municipality under the Act, with the power and authority set forth therein.
- (d) Except as otherwise described in the Official Statement or as may be required by the "blue sky" or other securities laws and regulations of any jurisdiction of the United States of America, the City has received and there remain currently in full force and effect, or will receive prior to the issuance of the Series 2010 Bonds, all governmental consents and approvals that would constitute a condition precedent to, or the absence of which would materially adversely affect, the performance by the City of its obligations under the Bond Resolution, Continuing Disclosure Agreement, the Tax Compliance Certificate of Issuer (the "Tax Compliance Certificate"), this Purchase Agreement, the Escrow Agreement or the Letter of Representations (the "DTC Letter of Representations") from the City to The Depository Trust Company, New York, New York ("DTC").
- (e) The City has full right, power and authority to enter into this Purchase Agreement, the Continuing Disclosure Agreement, the Escrow Agreement and the Tax Compliance Certificate, to approve the issuance and provide for the sale of the Series 2010 Bonds as provided in this Purchase Agreement, to apply the

proceeds of the sale of the Series 2010 Bonds for the purposes described herein and in the Official Statement, to execute and deliver the Official Statement, the Series 2010 Bonds, the Continuing Disclosure Agreement, the Tax Compliance Certificate, this Purchase Agreement, the Escrow Agreement and the DTC Letter of Representations, and to carry out and consummate the transactions contemplated by the aforesaid documents.

- (f) At meetings of the Commission that were duly called and at which a quorum was present and acting throughout, the Commission approved the execution and delivery of the Series 2010 Bonds, the Tax Compliance Certificate, this Purchase Agreement, the Escrow Agreement, the DTC Letter of Representations and the Continuing Disclosure Agreement; authorized the execution and delivery of the Official Statement; and authorized the use of the Official Statement in connection with the public offering of the Series 2010 Bonds. Upon the defeasance of the Refunded Bonds, the City represents that it will have no bonds or other indebtedness outstanding that are secured by the Pledged Revenues (as defined in the Official Statement), other than as described in the Official Statement. All conditions and requirements of the Bond Resolution relating to the issuance of the Series 2010 Bonds have been complied with or fulfilled, or will be complied with or fulfilled on the date of Closing.
- (g) Since September 30, 2009, there has been no material adverse change in the financial position, results of operations or condition, financial or otherwise, of the City (other than as may be disclosed in the Official Statement) and the City has not incurred liabilities that would materially adversely affect its ability to discharge its obligations under the Bond Resolution, this Purchase Agreement, the Escrow Agreement, the Continuing Disclosure Agreement or the DTC Letter of Representations, direct or contingent, other than as may be disclosed in the Official Statement.
- (h) The execution and delivery of the Series 2010 Bonds, the Tax Compliance Certificate, this Purchase Agreement, the Escrow Agreement, the DTC Letter of Representations and the Continuing Disclosure Agreement and compliance with the provisions of each, under the circumstances contemplated thereby, do not and will not conflict with, constitute a breach of or default under, or result in the creation of a lien on any property of the City (except as contemplated therein) pursuant to applicable law or any indenture, bond resolution, deed of trust, mortgage, agreement or other instrument to which the City is a party, except as described in the Official Statement, or conflict with or violate any applicable law, administrative rule, regulation, judgment, court order or consent decree to which the Commission or the City is subject. No event has occurred which, with the lapse of time or the giving of notice or both, would constitute an Event of Default (as therein defined) under the Bond Resolution.

- (i) The City has not and is not now in default in the payment of the principal of or the interest on any governmental security issued or guaranteed by it after December 31, 1975 which would require disclosure pursuant to Section 517.051, Florida Statutes or Rule 3E-400.003 of the Florida Department of Banking and Finance.
- (j) Except as disclosed in the Official Statement, there is no claim, action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, governmental agency, or public board or body, pending or, to the best of its knowledge, threatened: (i) contesting the corporate existence or powers of the Commission, or the titles of the officers of the Commission to their respective offices; (ii) seeking to prohibit, restrain or enjoin the sale, issuance or delivery of the Series 2010 Bonds, the application of the proceeds of the Series 2010 Bonds or the defeasance of the Refunded Bonds or in which an unfavorable decision, ruling or finding would materially adversely affect the financial position of the City or the operation of its facilities or the validity or enforceability of the Series 2010 Bonds, the Tax Compliance Certificate, this Purchase Agreement, the Escrow Agreement, the Continuing Disclosure Agreement or the DTC Letter of Representations; (iii) contesting in any way the completeness or accuracy of the Official Statement; or (iv) challenging the City's ownership or operation of the Project or the facilities of the Parking System, nor, to the best knowledge of the City, is there any basis therefor.
- (k) When duly executed and delivered, the Series 2010 Bonds, the Tax Compliance Certificate, this Purchase Agreement, the Escrow Agreement, the DTC Letter of Representations and the Continuing Disclosure Agreement will have been duly authorized, executed, issued and delivered and will constitute valid and binding obligations of the City, enforceable in accordance with their respective terms (except insofar as the enforcement thereof may be limited by bankruptcy, insolvency or similar laws relating to the enforcement of creditors' rights).
- (l) If, at any time before the earlier of: (i) receipt of written notice from the Underwriters pursuant to Section 1(e) hereof; or (ii) twenty-five (25) days have elapsed since the end of the "underwriting period" (as such term is defined in the Rule), any event occurs with respect to the City, the Project or the Series 2010 Bonds as a result of which the Official Statement, as then amended or supplemented, might include an untrue statement of a material fact, or omit to state any material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, the City shall promptly notify the Underwriters in writing of such event and shall undertake to prepare any necessary amendment or supplement to the Official Statement occasioned by the occurrence of such event; any information supplied by the City for inclusion in any amendments or supplements to the Official Statement will

not contain any untrue or misleading statement of a material fact or omit to state any material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading. Unless the City is otherwise notified by the Underwriters in writing on or prior to the date of Closing, the end of the underwriting period for the Series 2010 Bonds for all purposes of the Rule and this Purchase Agreement is the date of Closing.

- (m) The City will furnish such information, execute such instruments and take such other action in cooperation with the Underwriters as the Underwriters may reasonably request to: (i) qualify the Series 2010 Bonds for offer and sale under the "blue sky" or other securities laws and regulations of such states and other jurisdictions of the United States of America as the Underwriters may designate; (ii) determine the eligibility of the Series 2010 Bonds for investment under the laws of such states and other jurisdictions; and (iii) continue such qualifications in effect so long as required for the distribution of the Series 2010 Bonds; provided that the City will not be required to qualify to do business or submit to service of process in any such jurisdiction.
- (n) The City has not been notified of any listing or the proposed listing of the City by the Internal Revenue Service as an issuer whose arbitrage certifications may not be relied upon.
- (o) Any certificate signed by any official of the City and delivered to the Underwriters will be deemed to be a representation by the City to the Underwriters as to the statements made therein.
- (p) The City will undertake, pursuant to the Continuing Disclosure Agreement, to provide or cause to be provided to the Municipal Securities Rulemaking Board certain annual financial information and operating data of the City, and certain notices of material events, as more fully set forth in the Continuing Disclosure Agreement. A description of the undertaking will be set forth in the Official Statement.
- (q) The Financial Statements included in the Official Statement have been prepared in accordance with generally accepted accounting principles applied on a consistent basis with that of the audited combined financial statements of the City and fairly present the financial condition and results of the operations of the City and the Parking System at the dates and for the periods indicated.
- (r) The City will provide to the rating agencies rating the Series 2010 Bonds appropriate periodic credit information necessary for maintaining the ratings on the Series 2010 Bonds.

- (r) The City has at all times complied with its obligations under the Rule.

### SECTION 3.

On or before the acceptance by the City of this Purchase Agreement, the Underwriters shall receive from the City a certified copy of the Bond Resolution.

### SECTION 4.

At \_\_\_\_ a.m. (Eastern Time) on \_\_\_\_\_, 2010, or at such earlier or later time or date as the parties hereto mutually agree upon (the "Closing"), the City will cause to be delivered to the Underwriters, at the offices of Squire, Sanders & Dempsey L.L.P. ("Bond Counsel"), in the City of Miami, Florida or at such other place upon which the parties hereto may agree the documents mentioned in Section 5(b) of this Purchase Agreement and shall release the Series 2010 Bonds, in the form of one typewritten, fully registered bond with a CUSIP identification number thereon for each maturity of each Series of the Series 2010 Bonds, duly executed and authenticated and registered in the name of Cede & Co., as nominee for DTC, through the DTC FAST System to the Underwriters. At the Closing, the Underwriters shall evidence their acceptance of delivery of the Series 2010 Bonds and pay the purchase price of the Series 2010 Bonds as set forth in Section 1(a) of this Purchase Agreement.

### SECTION 5.

The Underwriters have entered into this Purchase Agreement in reliance upon the representations and agreements of the City herein and the performance by the City of its obligations hereunder, both as of the date hereof and as of the date of Closing. The City's and the Underwriters' obligations under this Purchase Agreement are and will be subject to the following further conditions:

- (a) at the time of Closing: (i) the Continuing Disclosure Agreement, the Tax Compliance Certificate, this Purchase Agreement, the Escrow Agreement and the DTC Letter of Representations will be in full force and effect and will not have been amended, modified or supplemented, except as may have been agreed to in writing by the Underwriters; (ii) the proceeds of the sale of the Series 2010 Bonds shall be applied as described in the Official Statement; and (iii) the Commission shall have duly adopted and there shall be in full force and effect, resolutions as, in the opinion of Bond Counsel, shall be necessary in connection with the transactions contemplated hereby;
- (b) at or prior to the Closing, the Underwriters shall receive the following documents:
  - (i) the approving opinion of Bond Counsel with respect to the Series 2010 Bonds, dated the date of Closing, substantially in the form attached to the

Official Statement as Appendix D, either addressed to the Underwriters and the City or accompanied by a letter addressed to the Underwriters indicating that it may rely on said opinion as if it were addressed to it;

- (ii) a supplemental opinion of Bond Counsel, dated the date of the Closing and addressed to the Underwriters to the effect that: (A) they have reviewed the statements in the Official Statement under the captions "INTRODUCTION, "PLAN OF REFUNDING", "THE SERIES 2010 BONDS" (except for information under the subheading "Book-Entry Only System"), "SECURITY FOR THE SERIES 2010 BONDS", and "CONTINUING DISCLOSURE", and believe that, insofar as such statements purport to summarize certain provisions of the Series 2010 Bonds, the Bond Resolution and the Continuing Disclosure Agreement, such statements present an accurate summary of such provisions; (B) they have reviewed the statements in the Official Statement under the caption "TAX MATTERS" and believe that such statements are accurate; and (C) the Series 2010 Bonds are exempt from the registration requirements of the Securities Act of 1933, as amended (the "1933 Act");
- (iii) the opinion of Bryant Miller Olive P.A., Counsel for the Underwriters, dated the date of Closing and addressed to the Underwriters in form and substance acceptable to the Underwriters, including an opinion that the Continuing Disclosure Agreement complies, in all material respects, with the requirements of Rule 15(c)2-12(b)(5);
- (iv) the opinion of Jose Smith, Esq., Counsel to the City, dated the date of Closing and addressed to the Underwriters and the City, to the effect that: (A) the Commission is the governing body of the City and the City is validly existing as a municipality under the Act, with all corporate power necessary to conduct the operations described in the Official Statement and to carry out the transactions contemplated by this Purchase Agreement; (B) the City has obtained all governmental consents, approvals and authorizations necessary for execution and delivery of the Continuing Disclosure Agreement, the Tax Compliance Certificate, this Purchase Agreement, the Escrow Agreement and the DTC Letter of Representations, for issuance of the Series 2010 Bonds and for execution and delivery of the Official Statement and consummation of the transactions contemplated thereby and hereby; (C) the City has full legal right, power and authority to pledge and grant a lien on the Net Revenues for the security of the Series 2010 Bonds; (D) the City Commission has duly adopted the Bond Resolution and approved the form, execution, distribution and delivery of the Official Statement; (E) the Series 2010 Bonds, the Continuing Disclosure Agreement, the Tax

Compliance Certificate, this Purchase Agreement, the Escrow Agreement and the DTC Letter of Representations have each been duly authorized, executed and delivered by the City and, assuming due authorization, execution and delivery thereof by the other parties thereto, if any, each constitutes a valid and binding agreement of the City, enforceable in accordance with its terms; (F) the information in the Official Statement with respect to the City (excluding financial, statistical and demographic information and information relating to DTC, as to which no opinion need be expressed) is, to the best knowledge of such counsel after due inquiry with respect thereto, correct in all material respects and does not omit any matter necessary in order to make the statements made therein regarding such matters, in light of the circumstances under which such statements are made, not misleading, and, based on its participation as counsel to the City, such counsel has no reason to believe that the Official Statement (excluding financial, statistical and demographic information and information relating to DTC) contained as of its date or contains any untrue statement of a material fact or omitted or omits to state any material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading; (G) except as disclosed in the Official Statement under the caption "LITIGATION," there is no action, suit, proceeding or investigation at law or in equity before or by any court, public board or body pending or, to the best of knowledge of such counsel, threatened, against or affecting the Commission or the City challenging the validity of the Series 2010 Bonds, the Continuing Disclosure Agreement, the Tax Compliance Certificate, this Purchase Agreement, the Escrow Agreement and the DTC Letter of Representations, or any of the transactions contemplated thereby or by the Official Statement, or challenging the existence of the City or the respective powers of the several offices of the officials of the City or the titles of the officials holding their respective offices, or challenging the City's ownership or operation of the Project or the pledge of the Pledged Revenues for the payment of the Series 2010 Bonds, nor is there any basis therefor; (H) the execution and delivery of the Continuing Disclosure Agreement, the Tax Compliance Certificate, this Purchase Agreement, the Escrow Agreement and the DTC Letter of Representations and the issuance of the Series 2010 Bonds, and compliance with the provisions thereof, under the circumstances contemplated thereby, do not and will not in any material respect conflict with or constitute on the part of the City a breach of or default under, or result in the creation of a lien on any property of the City (except as contemplated therein) pursuant to any note, mortgage, deed of trust, indenture, resolution or other agreement or instrument to which the Commission or the City is a party, or any

existing law, regulation, court order or consent decree to which the Commission or the City is subject;

- (v) a certificate, dated the date of Closing, signed on behalf of the City by the Mayor and the City Manager of the City, setting forth such matters as the Underwriters may reasonably require, including that each of the representations of the City contained in Section 2 hereof was true and accurate in all material respects on the date when made, has been true and accurate in all material respects at all times since, and continues to be true and accurate in all material respects on the date of Closing as if made on such date; and stating that to the best of their knowledge, no event affecting the City, the Project, the Parking System or the Series 2010 Bonds has occurred since the date of the Official Statement which should be disclosed therein for the purpose for which it is used or which is necessary to disclose therein in order to make the statements and information therein not misleading in any material respect as of the date of Closing;
- (vi) a customary signature certificate, dated the date of Closing, signed on behalf of the City by the City Clerk of the City;
- (vii) a copy of the DTC Letter of Representations;
- (viii) executed copies of a certificate of the Parking Director and the City Manager to the effect that the information contained in the Official Statement under the caption "THE PARKING SYSTEM" is true and accurate and does not omit to state a material fact necessary in order to make the statements made therein, in light of the circumstances under which they were made, not misleading;
- (ix) [RESERVED];
- (x) letters from Moody's Investors Service, Inc. and Standard & Poor's Ratings Services addressed to the City, to the effect that, the Series 2010 Bonds have been assigned ratings of "\_\_\_\_" and "\_\_\_\_" respectively, which ratings shall be in effect as of the Closing date;
- (xi) one copy each of this Purchase Agreement, the Escrow Agreement, the Tax Compliance Certificate and the Continuing Disclosure Agreement certified by the City as being a true and correct copy thereof and as not having been supplemented (except as disclosed in the Official Statement), modified or amended;

- (xii) a customary authorization and incumbency certificate, dated the date of Closing, signed by authorized officers of the Bond Registrar;
- (xiii) copies of the Blue Sky Survey and Legal Investment Survey, if any, prepared by Counsel to the Underwriters, indicating the jurisdictions in which the Series 2010 Bonds may be sold in compliance with the "blue sky" or securities laws of such jurisdictions;
- (xiv) such additional documents as may be required by the Bond Resolution to be delivered as a condition precedent to the issuance of the Series 2010 Bonds;
- (xv) the escrow verification report of \_\_\_\_\_ with respect to the defeasance of the Refunded Bonds; and
- (xvi) such additional legal opinions, proceedings, instruments and other documents as the Underwriters, Underwriters' Counsel or Bond Counsel may reasonably request.

All of the opinions, letters, certificates, instruments and other documents mentioned in this Purchase Agreement shall be deemed to be in compliance with the provisions of this Purchase Agreement if, but only if, in the reasonable judgment of the Underwriters and Underwriters' Counsel, they are satisfactory in form and substance.

#### SECTION 6.

If the City shall be unable to satisfy the conditions to the Underwriters' obligations contained in this Purchase Agreement or if the Underwriters' obligations are terminated for any reason permitted by this Purchase Agreement, this Purchase Agreement shall terminate and the Underwriters and the City shall have no further obligation hereunder, except that the respective obligations of the parties hereto provided in Section 7 hereof shall continue in full force and effect. In the event that the Underwriters fail (other than for a reason permitted under this Purchase Agreement) to accept and pay for the Series 2010 Bonds at the Closing, the Underwriters shall pay to the City an amount equal to 1% of the aggregate principal amount of the Series 2010 Bonds as and for full liquidated damages for such failure and for any and all defaults hereunder on the part of the Underwriters, and thereupon, except with respect to the obligations of the Underwriters set forth in Section 7(b) hereof, all claims and rights hereunder against the Underwriters shall be fully released and discharged, it being understood and agreed by the City and the Underwriters that actual damages in such circumstances may be difficult or impossible to compute.

SECTION 7.

- (a) The following costs and expenses relating to the transaction contemplated or described in this Bond Purchase Agreement shall be borne and paid by the City regardless of whether the transaction contemplated herein shall close: printing of Series 2010 Bonds; printing or copying of closing documents (including the Preliminary Official Statement and the Official Statement) in such reasonable quantities as the Underwriters may request; fees and disbursements of Bond Counsel; fees and disbursements of the City's Financial Advisor, any accounting fees, the Bond Registrar fees; fees of the rating agencies and any other fees approved to be paid by the City.
- (b) The Underwriters will pay: (i) the fees and disbursements of Underwriters' Counsel otherwise unpaid by the City, (ii) all advertising expenses in connection with the public offering of the Series 2010 Bonds; and (iii) the cost of preparing, printing and distributing the Blue Sky and Legal Investment Surveys, if any, and the filing fees required by the "blue sky" laws of various jurisdictions.

SECTION 8. RESERVED.

SECTION 9.

The Underwriters shall have the right to cancel its obligations hereunder by notifying the City in writing or by telegram of its election to do so between the date hereof and the Closing, if at any time hereafter and on or prior to the Closing:

- (a) A committee of the House of Representatives or the Senate of the Congress of the United States shall have pending before it legislation, or a tentative decision with respect to legislation shall be reached by a committee of the House of Representatives or the Senate of the Congress of the United States of America, or legislation shall be favorably reported by such a committee or be introduced, by amendment or otherwise, in, or be passed by, the House of Representatives or the Senate, or recommended to the Congress of the United States of America for passage by the President of the United States of America, or be enacted by the Congress of the United States of America, or an announcement or a proposal for any such legislation shall be made by a member of the House of Representatives or the Senate of the Congress of the United States, or a decision by a court established under Article III of the Constitution of the United States of America or the Tax Court of the United States of America shall be rendered, or a ruling, regulation, or order of the Treasury Department of the United States of America or the Internal Revenue Service shall be made or proposed having the purpose or effect of imposing federal income taxation, or any other event shall have occurred which results in or proposes the imposition of federal income taxation,

upon revenues or other income of the general character to be derived by the City, any of its affiliates, state and local governmental units or by any similar body or upon interest received on obligations of the general character of the Series 2010 Bonds which, in the Underwriters' opinion, materially and adversely affects the market price of the Series 2010 Bonds.

- (b) Any legislation, ordinance, rule, or regulation shall be introduced in or be enacted by any governmental body, department, or agency of the United States or of any state, or a decision by any court of competent jurisdiction within the United States or any state shall be rendered which, in the Underwriters' reasonable opinion, materially adversely affects the market price of the Series 2010 Bonds.
- (c) A stop order, ruling, regulation, or Official Statement by, or on behalf of, the Securities and Exchange Commission or any other governmental agency having jurisdiction of the subject matter shall be issued or made to the effect that the issuance, offering, or sale of obligations of the general character of the Series 2010 Bonds, or the issuance, offering, or sale of the Series 2010 Bonds, including all the underlying obligations, as contemplated hereby or by the Official Statement, is in violation or would be in violation of any provisions of the federal securities laws, including without limitation the registration provisions of the 1933 Act, or the registration provisions of the Securities Exchange Act of 1934 (the "1934 Act"), or the qualification provisions of the 1939 Act.
- (d) Legislation shall be introduced by amendment or otherwise in, or be enacted by, the Congress of the United States of America, or a decision by a court of the United States of America shall be rendered to the effect that obligations of the general character of the Series 2010 Bonds including all the underlying obligations, are not exempt from registration under or from other requirements of the 1933 Act or the 1934 Act, or with the purpose or effect of otherwise prohibiting the issuance, offering, or sale of obligations of the general character of the Series 2010 Bonds, as contemplated hereby or by the Official Statement.
- (e) Any event shall have occurred, or information becomes known, which, in the Underwriters' reasonable opinion, makes untrue in any material respect any representation by or certificate of the City hereunder, or any statement or information furnished to the Underwriters by the City for use in connection with the marketing of the Series 2010 Bonds or any material statement or information contained in the Official Statement as originally circulated contains an untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; provided, however, that the City shall be granted a reasonable amount of time in which to cure any such untrue or misleading statement or information.

- (f) Additional material restrictions not in force as of the date hereof shall have been imposed upon trading in securities generally by any governmental authority or by any national securities exchange.
- (g) The New York Stock Exchange or any other national securities exchange, or any governmental authority, shall impose, as to Series 2010 Bonds or obligations of the general character of the Series 2010 Bonds, any material restrictions not now in force, or increase materially those now in force, with respect to the extension of credit by, or a change to the net capital requirements of, the Underwriters.
- (h) A general banking moratorium or suspension or limitation of banking services shall have been established by federal, Florida or New York authorities or a major financial crisis or material disruption in commercial banking or securities settlement or clearance services shall have occurred.
- (i) Any proceeding shall be pending, or to the knowledge of the Underwriters, threatened, to restrain, enjoin, or otherwise prohibit the issuance, sale, or delivery of the Series 2010 Bonds by the City or the purchase, offering, sale, or distribution of the Series 2010 Bonds by the Underwriters, or for any investigatory or other proceedings under any federal or state securities laws or the rules and regulations of the National Association of Securities Dealers, Inc. relating to the issuance, sale, or delivery of the Series 2010 Bonds by the City or the purchase, offering, sale, or distribution of the Series 2010 Bonds by the Underwriters.
- (j) A war involving the United States of America shall have been declared, or any conflict involving the armed forces of the United States of America shall have escalated, or acts of terrorism shall have been committed against the citizens or the government of the United States of America or the property of either, or any other national emergency relating to the effective operation of government or the financial community shall have occurred, which, in the Underwriters' reasonable opinion, materially adversely affects the market price of the Series 2010 Bonds.

SECTION 10.

Any notice or other communication to be given under this Purchase Agreement may be given by delivering the same in writing as follows:

To the City at:

City of Miami Beach, Florida  
1700 Convention Center Drive  
Miami Beach, FL 33139  
Attention: Patricia D. Walker, Chief Financial Officer

To the Underwriters (as the Managing Underwriter, the representative on behalf of the Underwriters) at:

Sterne, Agee & Leach, Inc.  
200 SW 1<sup>st</sup> Avenue, Suite 960  
Fort Lauderdale, FL 33301  
Attention: John E. Rodstrom, Managing Director

SECTION 11.

This Purchase Agreement is made solely for the benefit of the City and the Underwriters (including the successors or assigns of the Underwriters), and no other person, partnership, association or corporation shall acquire or have any right hereunder or by virtue hereof.

SECTION 12.

All the representations, warranties and agreements of the Underwriters and the City in this Purchase Agreement shall remain operative and in full force and effect and shall survive delivery of and payment for the Series 2010 Bonds hereunder regardless of any investigation made by or on behalf of the Underwriter.

SECTION 13.

This Purchase Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

SECTION 14.

This Purchase Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement; such counterparts may be delivered by facsimile transmission.

[Signature Page to Follow]

If the foregoing is acceptable to you, please sign below and this Purchase Agreement will become a binding agreement between the City and the Underwriter.

Very Truly Yours,

STERNE, AGEE & LEACH, INC. on behalf of  
LOOP CAPITAL MARKETS LLC,  
CITIGROUP GLOBAL MARKETS, INC. AND  
RAYMOND JAMES & ASSOCIATES, INC.

By: \_\_\_\_\_

John E. Rodstrom,  
Managing Director

Accepted and confirmed as of the  
date first above written:

CITY OF MIAMI BEACH, FLORIDA

By: \_\_\_\_\_

Matti Herrera Bower  
Mayor

**EXHIBIT A**

(Disclosure and Truth-in-Bonding Statement)

\$ \_\_\_\_\_  
City of Miami Beach, Florida  
Parking Revenue Refunding Bonds,  
Series 2010A

\$ \_\_\_\_\_  
City of Miami Beach, Florida  
Parking Revenue Bonds,  
Series 2010B

\_\_\_\_\_, 2010

Mayor and City Commission  
City of Miami Beach, Florida  
1700 Convention Center Drive  
Miami Beach, Florida 33139

Ladies and Gentlemen:

In connection with the proposed execution and delivery of the \$ \_\_\_\_\_ City of Miami Beach, Florida Parking Refunding Revenue Bonds, Series 2010A (the "Series 2010A Bonds") and the \$ \_\_\_\_\_ City of Miami Beach, Florida Parking Revenue Bonds, Series 2010B (the "Series 2010B Bonds" and together with the Series 2010A Bonds, the "Series 2010 Bonds"), Sterne, Agee & Leach, Inc. (the "Senior Managing Underwriter"), acting on behalf of itself, Loop Capital Markets LLC, Citigroup Global Markets, Inc. and Raymond James & Associates, Inc. (collectively, the "Underwriters") has agreed to underwrite a public offering of the Series 2010 Bonds. Arrangements for underwriting the Series 2010 Bonds will include a Bond Purchase Agreement between the City of Miami Beach, Florida (the "City") and the Underwriters which will embody the negotiations in respect thereof (the "Purchase Agreement").

The purpose of this letter is to furnish, pursuant to the provisions of Section 218.385, Florida Statutes, as amended, certain information in respect of the arrangements contemplated for the underwriting of the Series 2010 Bonds as follows:

- (a) The nature and estimated amounts of expenses to be incurred by the Underwriters in connection with the purchase and reoffering of the Series 2010 Bonds are set forth in Schedule A-1 attached hereto.
- (b) No person has entered into an understanding with the Underwriters or, to the knowledge of the Underwriters, with the City for any paid or promised

compensation or valuable consideration, directly or indirectly, expressly or implied, to act solely as an intermediary between the City and the Underwriters or to exercise or attempt to exercise any influence to effect any transaction in connection with the purchase of the Series 2010 Bonds by the Underwriters.

- (c) The underwriting spread is \$\_\_\_\_\_ (\$\_\_\_\_\_/ \$1,000). The underwriting spread does not include a management fee.
- (d) No other fee, bonus or other compensation has been or will be paid by the Underwriters in connection with the issuance of the Series 2010 Bonds to any person not regularly employed or retained by the Underwriters, including any "finder" as defined in Section 218.386(1)(a), Florida Statutes, as amended.
- (e) The names and addresses of the Underwriters are:

Sterne, Agee & Leach, Inc.  
200 SW 1<sup>st</sup> Avenue, Suite 960  
Fort Lauderdale, FL 33301  
Attention: John E. Rodstrom, Managing Director

Loop Capital Markets, LLC  
121 S. Orange Avenue, Suite 1500  
Orlando, FL 32801  
Attention: Margaret Lezcano

Citigroup Global Markets, Inc.  
200 S. Orange Avenue, Suite 2170  
Orlando, FL 32801  
Attention: Michael Baldwin

Raymond James & Associates, Inc.  
301 E. Pine Street, Suite 1100  
Orlando, FL 32801  
Attention: Alex Bugallo

- (f) The City is proposing to issue \$\_\_\_\_\_ principal amount of the Series 2010A Bonds and \$\_\_\_\_\_ principal amount of the Series 2010B Bonds which, together with other moneys of the City, will be used to refund and defease certain outstanding bonds of the City, finance a new parking garage, improvements to various garages and lots, and the acquisitions and installation of parking meters and pay stations and machines, fund a deposit to the Reserve Account [deposit a Reserve Account Insurance Policy] and pay certain costs associated with the issuance of the Series 2010 Bonds, all as described in the

Official Statement dated \_\_\_\_\_, 2010 relating to the Series 2010 Bonds (the "Official Statement"). These obligations are expected to be repaid over a period of approximately \_\_\_\_ years and \_\_\_\_ years, respectively. At a true interest cost rate of \_\_\_\_\_%, total interest paid over the life of the Series 2010A Bonds will be \$\_\_\_\_\_ and at a true interest cost rate of \_\_\_\_\_%, total interest paid over the life of the Series 2010B Bonds will be \$\_\_\_\_\_.

- (g) The anticipated source of repayment or security for the Series 2010 Bonds is the Net Revenues (as defined in the Bond Resolution, which in turn is defined in the Purchase Agreement). Authorizing these obligations will result in approximately \$\_\_\_\_\_ of the aforementioned funds not being available to finance the other services of the City over a period of approximately \_\_\_\_ years.

We understand that you do not require any further disclosure from the Underwriters pursuant to Section 218.385, Florida Statutes, as amended.

Very Truly Yours,

STERNE, AGEE & LEACH, INC.

By: \_\_\_\_\_

John E. Rodstrom  
Managing Director

SCHEDULE "A-1"  
**DETAILED BREAKDOWN OF UNDERWRITER'S DISCOUNT**

\$ \_\_\_\_\_  
 City of Miami Beach, Florida  
 Parking Revenue Refunding Bonds,  
 Series 2010A

\$ \_\_\_\_\_  
 City of Miami Beach, Florida  
 Parking Revenue Bonds,  
 Series 2010B

<u>Spread Breakdown</u>	<u>/\$1,000</u>	<u>Amount</u>
Management Fee:	_____	\$ _____
Underwriter/Takedown:	_____	_____
Expenses:	_____	_____
 Total	 _____	 \$ _____

<u>Expense Breakdown</u>	<u>/\$1,000</u>	<u>Amount</u>
Dayloan	[_____]	\$[_____]
PSA	[_____]	[_____]
Cusips	[_____]	[_____]
Communication, Travel and Misc. Expenses	[_____]	[_____]
Underwriter's Counsel	_____	_____
Total	_____	_____

**EXHIBIT B**

**SERIES 2010A BONDS**

**MATURITIES, PRINCIPAL AMOUNTS, INTEREST RATES, YIELDS, PRICES  
AND INITIAL CUSIP NUMBERS**

<u>Maturity</u> <u>(September 1)</u>	<u>Principal</u> <u>Amount</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>Price</u>	<u>Initial CUSIP</u> <u>Number</u>
---	-----------------------------------	----------------------	--------------	--------------	---------------------------------------

\$ \_\_\_\_\_ Term Bond Due September 1, 20\_\_ at \_\_\_\_% Yield \_\_\_\_% Price \_\_\_\_\_% Initial CUSIP: \_\_\_\_\_

\$ \_\_\_\_\_

**SERIES 2010B BONDS**

**MATURITIES, PRINCIPAL AMOUNTS, INTEREST RATES, YIELDS, PRICES  
AND INITIAL CUSIP NUMBERS**

<u>Maturity</u> <u>(September 1)</u>	<u>Principal</u> <u>Amount</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>Price</u>	<u>Initial CUSIP</u> <u>Number</u>
---	-----------------------------------	----------------------	--------------	--------------	---------------------------------------

\$ \_\_\_\_\_ Term Bond Due September 1, 20\_\_ at \_\_\_\_% Yield \_\_\_\_% Price \_\_\_\_\_% Initial CUSIP: \_\_\_\_\_.



# MIAMI BEACH

## CITY OF MIAMI BEACH

### NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City Commission of the City of Miami Beach on Monday, September 20, 2010 at 5:00 p.m. in the City Commission Chambers at City Hall, located at 1700 Convention Center Drive, Miami Beach, Florida 33139, in order to obtain citizen input into the proposed Series 2010B Parking Revenue Bond Issuance, as identified in the following City Resolution:

A RESOLUTION AUTHORIZING THE ISSUANCE BY THE CITY OF MIAMI BEACH, FLORIDA OF (I) PARKING REVENUE REFUNDING BONDS, SERIES 2010A, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000, FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING PARKING REVENUE BONDS, SERIES 1997, AND (II) PARKING REVENUE BONDS, SERIES 2010B, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000, FOR THE PURPOSE OF PAYING COSTS OF IMPROVEMENTS TO THE PARKING SYSTEM; PROVIDING FOR THE ISSUANCE OF ADDITIONAL PARKING REVENUE BONDS AND THE INCURRENCE OF OTHER TYPES OF INDEBTEDNESS OF THE CITY TO PAY ALL OR PART OF THE COST OF ADDITIONAL IMPROVEMENTS TO THE CITY'S PARKING SYSTEM AND FOR REFUNDING OUTSTANDING PARKING REVENUE BONDS; PROVIDING FOR THE PAYMENT OF SUCH BONDS AND OTHER SYSTEM DEBT; SETTING FORTH THE RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH BONDS AND OTHER SYSTEM DEBT; PROVIDING CERTAIN DETAILS OF THE SERIES 2010 BONDS; DELEGATING OTHER MATTERS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2010 BONDS, INCLUDING WHETHER TO SECURE ONE OR MORE CREDIT FACILITIES AND/OR RESERVE ACCOUNT INSURANCE POLICIES, AND THE REFUNDING OF THE PRIOR BONDS TO THE MAYOR; APPOINTING UNDERWRITERS, A BOND REGISTRAR, AN ESCROW AGENT AND A DISCLOSURE DISSEMINATION AGENT; AUTHORIZING THE NEGOTIATED SALE OF THE SERIES 2010 BONDS AND APPROVING THE FORM AND EXECUTION OF A BOND PURCHASE AGREEMENT FOR THE SERIES 2010 BONDS; APPROVING THE FORMS OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT FOR THE SERIES 2010 BONDS AND AUTHORIZING EXECUTION OF THE OFFICIAL STATEMENT; COVENANTING TO PROVIDE CONTINUING DISCLOSURE IN CONNECTION WITH THE SERIES 2010 BONDS AND APPROVING THE FORM AND EXECUTION OF A CONTINUING DISCLOSURE AGREEMENT; APPROVING THE FORM AND EXECUTION OF AN ESCROW DEPOSIT AGREEMENT FOR THE PRIOR BONDS; AUTHORIZING OFFICIALS OF THE CITY TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2010 BONDS AND REFUNDING OF THE PRIOR BONDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Inquiries, including a copy of the proposed Resolution, may be directed to the Office of the City's Chief Financial Officer at (305) 673-7466.

INTERESTED PARTIES are invited to appear at this meeting or be represented by an agent or to express their views in writing addressed to the City Commission c/o the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This meeting may be opened and continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk  
City of Miami Beach

Pursuant to Section 286.0105, FL Statutes, the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence; nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding, or to request information on access for persons with disabilities, or to request this publication in accessible format, or to request sign language interpreters, should contact the City Clerk's office at (305) 673-7411, no later than four days prior to the proceeding. If hearing impaired, contact the City Clerk's office via the Florida Relay Service numbers, (800) 955-8771 (TTY) or (800) 955-8770 (VOICE). AD #623

# MIAMI BEACH CITY OF MIAMI BEACH NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the City Commission of the City of Miami Beach on Monday, September 20, 2010 at 5:00 p.m. in the City Commission Chambers at City Hall, located at 1700 Convention Center Drive, Miami Beach, Florida 33139, in order to obtain citizen input into the proposed Series 2010B Parking Revenue Bond Issuance, as identified in the following City Resolution:

**A RESOLUTION AUTHORIZING THE ISSUANCE BY THE CITY OF MIAMI BEACH, FLORIDA OF (I) PARKING REVENUE REFUNDING BONDS, SERIES 2010A, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000, FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING PARKING REVENUE BONDS, SERIES 1997, AND (II) PARKING REVENUE BONDS, SERIES 2010B, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000, FOR THE PURPOSE OF PAYING COSTS OF IMPROVEMENTS TO THE PARKING SYSTEM; PROVIDING FOR THE ISSUANCE OF ADDITIONAL PARKING REVENUE BONDS AND THE INCURRENCE OF OTHER TYPES OF INDEBTEDNESS OF THE CITY TO PAY ALL OR PART OF THE COST OF ADDITIONAL IMPROVEMENTS TO THE CITY'S PARKING SYSTEM AND FOR REFUNDING OUTSTANDING PARKING REVENUE BONDS; PROVIDING FOR THE PAYMENT OF SUCH BONDS AND OTHER SYSTEM DEBT; SETTING FORTH THE RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH BONDS AND OTHER SYSTEM DEBT; PROVIDING CERTAIN DETAILS OF THE SERIES 2010 BONDS; DELEGATING OTHER MATTERS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2010 BONDS, INCLUDING WHETHER TO SECURE ONE OR MORE CREDIT FACILITIES AND/OR RESERVE ACCOUNT INSURANCE POLICIES, AND THE REFUNDING OF THE PRIOR BONDS TO THE MAYOR; APPOINTING UNDERWRITERS, A BOND REGISTRAR, AN ESCROW AGENT AND A DISCLOSURE DISSEMINATION AGENT; AUTHORIZING THE NEGOTIATED SALE OF THE SERIES 2010 BONDS AND APPROVING THE FORM AND EXECUTION OF A BOND PURCHASE AGREEMENT FOR THE SERIES 2010 BONDS; APPROVING THE FORMS OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT FOR THE SERIES 2010 BONDS AND AUTHORIZING EXECUTION OF THE OFFICIAL STATEMENT; COVENANTING TO PROVIDE CONTINUING DISCLOSURE IN CONNECTION WITH THE SERIES 2010 BONDS AND APPROVING THE FORM AND EXECUTION OF A CONTINUING DISCLOSURE AGREEMENT; APPROVING THE FORM AND EXECUTION OF AN ESCROW DEPOSIT AGREEMENT FOR THE PRIOR BONDS; AUTHORIZING OFFICIALS OF THE CITY TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2010 BONDS AND REFUNDING OF THE PRIOR BONDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Inquiries, including a copy of the proposed Resolution, may be directed to the Office of the City's Chief Financial Officer at (305) 673-7466.

INTERESTED PARTIES are invited to appear at this meeting or be represented by an agent or to express their views in writing addressed to the City Commission c/o the City Clerk, 1700 Convention Center Drive, 1<sup>st</sup> Floor, City Hall, Miami Beach, Florida 33139. This meeting may be opened and continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk  
City of Miami Beach

Pursuant to Section 286.0105, FL Statutes, the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding, or to request information on access for persons with disabilities, or to request this publication in accessible format, or to request sign language interpreters, should contact the City Clerk's office at (305) 673-7411, no later than four days prior to the proceeding. If hearing impaired, contact the City Clerk's office via the Florida Relay Service numbers, (800) 955-8771 (TTY) or (800) 955-8770 (VOICE). AD # 623





# **Miami Beach Redevelopment Agency**

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
September 20, 2010**

Chairperson of the Board Matti Herrera Bower  
Member of the Board Jorge Exposito  
Member of the Board Michael Góngora  
Member of the Board Jerry Libbin  
Member of the Board Edward L. Tobin  
Member of the Board Deede Weithorn  
Member of the Board Jonah Wolfson

Executive Director Jorge M. Gonzalez  
Assistant Director Jorge Gomez  
General Counsel Jose Smith  
Secretary Robert E. Parcher

## **AGENDA**

### **1. NEW BUSINESS**

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency, Adopting And Appropriating The Miami Beach Redevelopment Agency Capital Budget For Fiscal Year (FY) 2010/11 And Adopting The Capital Improvement Plan For FY 2010/11 Through 2014/15. Joint City Commission and Redevelopment Agency  
(Page 569)  
(Budget & Performance Improvement)
  
- B A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency Adopting And Appropriating The Operating Budgets For The City Center Redevelopment Area And The Anchor Shops And Parking Garage For Fiscal Year 2010/11. (Page 575)  
(Budget & Performance Improvement)

End of RDA Agenda

**Condensed Title:**

A resolution of the Chairperson and Members of the Miami Beach Redevelopment Agency, adopting and appropriating the Miami Beach Redevelopment Agency Capital Budget for Fiscal Year (FY) 2010/11 and adopting the Capital Improvement Plan for FY 2010/11 – 2014/15

**Key Intended Outcome Supported:**

Ensure well designed quality capital projects -- Increase Community Satisfaction with City Services  
**Supporting Data (Surveys, Environmental Scan, etc.):** Based on the 2007 community survey, recently completed capital projects were highly rated by both residents and businesses. In the 2009 survey, arts and culture were identified as services the city should strive not to reduce; and availability of public parking, was one of the factors identified as key drivers of overall satisfaction levels. The proposed funding for FY 2010/11 is appropriated towards the directory signs in the City Center Right-of-Way and Lincoln Road between Collins & Washington Avenue projects.

**Issue:**

Should the Chairperson and Members of the Miami Beach Redevelopment Agency (RDA), adopt and appropriate the Miami Beach Redevelopment Agency Capital Budget for FY 2010/11 and adopt the Capital Improvement Plan for FY 2010/11 through 2014/15?

**Item Summary/Recommendation:**

The CIP was created as a plan for projects that require significant capital investment and is intended to serve as an official statement of public policy regarding long-range physical development in the City of Miami Beach and the Miami Beach RDA, establishing priorities for the upcoming five year period, FY 2010/11 – 2014/15. The first year of the CIP is recommended for approval as the FY 2010/11 Capital Budget.  
 The Proposed Capital Budget for FY 2010/11 therefore totals \$136,758.

**Advisory Board Recommendation:**

On July 3, 2010 the Proposed Capital Budget and updated Capital Improvement Plan was discussed at a meeting of the Finance and Citywide Projects Committee and the proposed Capital Budget and CIP reflects the funding recommendations from that meeting.

**Financial Information:**

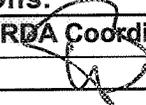
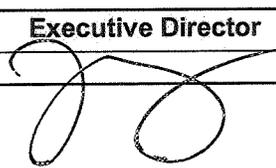
Source of Funds:		Amount	Account
 OBPI	1	\$136,758	City Center RDA
	2		
	<b>Total</b>	\$136,758	

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

\_\_\_\_\_

**Sign-Offs:**

 RDA Coordinator	Assistant Director	 Executive Director
--	--------------------	---





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## COMMISSION MEMORANDUM

TO: Chairperson Matti Herrera Bower and Members of the Miami Beach Redevelopment Agency

FROM: Jorge M. Gonzalez, Executive Director

DATE: September 20, 2010

SUBJECT: **A RESOLUTION OF THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY, ADOPTING AND APPROPRIATING THE MIAMI BEACH REDEVELOPMENT AGENCY CAPITAL BUDGET FOR FISCAL YEAR (FY) 2010/11 AND ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR FY 2010/11 – 2014/15**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### BACKGROUND

Planning for capital improvements is an ongoing process; as needs change within the City's Redevelopment District (RDA), capital programs and priorities must be adjusted. The Capital Improvement Plan ("CIP") serves as the primary planning tool for systematically identifying, prioritizing and assigning funds to critical City and RDA capital development, improvements and associated needs.

The RDA capital improvement plan process began in the spring when all departments are asked to prepare capital improvement updates and requests on the department's ongoing and proposed capital projects. Individual departments prepare submittals identifying potential funding sources and requesting commitment of funds for their respective projects. The proposed document is reviewed by the City Manager, and upon approval, is submitted to the Finance and Citywide Projects Committee and the City Commission/Redevelopment Agency Board for final approval and adoption.

The CIP was created as a plan for projects that require significant capital investment and is intended to serve as an official statement of public policy regarding long-range physical development in the City of Miami Beach. The CIP specifies and describes the City's capital project plan and establishes priorities for the upcoming five year period.

Individual projects within neighborhood areas have been combined to create "packages" of projects that address the neighborhood needs for infrastructure upgrades, traffic flow, enhancements, etc. This comprehensive approach minimizes disruptions and generates costs savings. The projects address many needs in different areas of the City including: neighborhood enhancements such as landscaping, sidewalk restoration, traffic calming, lighting, parking, water and sewer system improvements, drainage improvements and roadway resurfacing/reconstruction; park renovation and upgrades; construction or renovation of public facilities, and funding for the New World Symphony project.

The Administration is presenting the proposed FY 2010/11 Capital Budget and the updated CIP for FY 2010/11 – 2014/15, following a comprehensive review of the CIP to insure that the Plan accurately reflects all project budgets, funding sources and commitments, for adoption by the City Commission.

## **ANALYSIS**

### **Capital Improvement Plan**

The FY 2010/11 – 2014/15 CIP for the City of Miami Beach and the RDA is a five year plan for public improvements and capital expenditures by the City and the RDA. This document is an official statement of public policy regarding long-range physical development in the City of Miami Beach and the RDA. The approved Capital Improvement Plan has been updated to include projects that will be active during the FY 2010/11 – 2014/15.

The Plan has been updated to include additional funding sources that have become available, changes in project timing, and other adjustments to ongoing projects as they have become better defined. Certain adjustments have been made to reflect projects that have been reconfigured, re-titled, combined with or separated from other projects and/or project groupings and are the result of a comprehensive review of the program to insure that our plan accurately reflects all project budgets, funding sources and commitments.

### **Capital Budget**

The Proposed Capital Budget for the RDA distributed September 15, 2010 for FY 2010/11 totaled \$136,758 for projects and capital equipment acquisitions recommended for appropriation in conjunction with the FY 2010/11 Operating Budget. It itemizes project funds to be committed during the upcoming fiscal year detailing expenses for project components which include: architect and engineer, construction, equipment, art in public places, and other related project costs. Additionally, the projected costs of program manager services are included. Capital reserves, debt service payments, and other capital purchases found in the Operating Budget are not included in this budget.

In addition, the City Center Neighborhood Improvement project is anticipated to have savings of approximately \$3.5 million. However, these funds are not proposed for re-appropriation. The recently reconciled City Center Capital fund is anticipated to have a deficit of \$3.8 million as of September 30, 2009, although this is offset by surplus non-tax increment funds; as a result the overall City Center Redevelopment Area Fund is not in deficit. The savings from the City Center Historic District Right-of-Way Improvement project will be used to offset the deficit in the capital fund.

On June 3, 2010 the FY 2010/11 Proposed Capital Budget and updated FY 2010/11 – 2014/15 CIP was discussed at a meeting of the Finance and Citywide Projects Committee. The Director of Budget and Performance Improvement, Capital Improvement Project Office Director, department directors, and other City staff were available to discuss specific projects and respond to the Committee's questions. The proposed Capital Budget and CIP reflect the funding recommendation from that meeting.

## **CONCLUSION:**

The Administration recommends adoption of the attached Resolution, which establishes the Capital Budget for the RDA for FY 2010/11 and the Capital Improvement Program for FY 2010/11 – 2014/15.

JMG/KGB/CAC

**ATTACHMENT A  
FY 2010/11 REDEVELOPMENT AGENCY  
CAPITAL BUDGET  
SUMMARY OF PROJECTS**

<b>CITY CENTER RDA PROJECTS</b>	<b>FY 2010/11 FUNDING ALLOCATION</b>
Directory Signs in the City Center ROW	\$108,268
Lincoln Rd between Collins & Washington	\$ 28,490
<b>TOTAL</b>	<b>\$136,758</b>



CITY OF MIAMI BEACH

2011-2015 CAPITAL PLAN - FUNDING SUMMARY

573

FUNDING	PROJECT NAME	Prior Years	2010/11	2011/12	2012/13	2013/14	2014/15	Future	Total
365	City Center RDA Capital Fund								2,500,000.00
pgc17stefr	17th Street Garage East Facade Retail	0.00	0.00	375,000.00	2,125,000.00	0.00	0.00	0.00	2,000,000.00
rws17thstn	17th Street North Imprv Penn Av to Wash	0.00	0.00	0.00	0.00	0.00	0.00	0.00	646,031.00
utssijave	24" PVC Sanitary Sewer Imp	646,031.00	0.00	0.00	0.00	0.00	0.00	50,000.00	50,000.00
pkslinrosi	400 Block Lincoln Rd Site Improv Wing	0.00	0.00	0.00	0.00	0.00	0.00	0.00	600,000.00
rwsalleywy	Alleyway Restoration Program Ph I	600,000.00	0.00	0.00	0.00	0.00	0.00	0.00	25,000.00
encanimalw	Animal Waste Dispensers/Receptacles	25,000.00	0.00	0.00	0.00	0.00	0.00	15,000,000.00	15,000,000.00
pkcbassph2	Bass Musuem Phase II Expansion	0.00	0.00	0.00	0.00	0.00	0.00	0.00	658,931.88
pfcbrrrooms	Beachfront Restrooms	658,931.88	0.00	0.00	0.00	0.00	0.00	0.00	33,750.00
pgcbikeprk	Bicycle Parking - Phase I	33,750.00	0.00	0.00	0.00	0.00	0.00	0.00	9,000.00
pkcbicpph2	Bicycle Parking Phase II	9,000.00	0.00	0.00	0.00	0.00	0.00	0.00	24,000.00
rwcbkntsgn	Bikeways Network Signage	24,000.00	0.00	0.00	0.00	0.00	0.00	0.00	351,925.00
pksbotanic	Botanical Garden (Garden Center)	351,925.00	0.00	0.00	0.00	0.00	0.00	0.00	17,817,908.00
rwscityctr	CCHV Neigh. Improv.-Historic Dist. BP9A	17,817,908.00	0.00	0.00	0.00	0.00	0.00	0.00	13,209,842.00
rwscchvb9b	City Center-Commercial Dist BP9B	13,209,842.00	0.00	0.00	0.00	0.00	0.00	0.00	1,500.00
rwccitywcr	City W Curb Ramp Installation/Maint	1,500.00	0.00	0.00	0.00	0.00	0.00	0.00	431,840.00
trcwayfind	Citywide Wayfinding Signage System	431,840.00	0.00	0.00	0.00	0.00	0.00	0.00	1,600,000.00
enccollcep	Collins Canal Enhancement Project	1,600,000.00	0.00	0.00	0.00	0.00	0.00	0.00	150,000.00
pkscolpacf	Collins Park Children's Feature	150,000.00	0.00	0.00	0.00	0.00	0.00	0.00	16,926,275.00
pgmculcamp	Collins Park Parking Garage	0.00	0.00	0.00	0.00	0.00	0.00	4,975,000.00	4,975,000.00
pgmculcaml	Collins Park Parking Garage Land	0.00	0.00	0.00	0.00	0.00	0.00	634,530.00	8,522,106.00
pkscollins	Collins Park/Streetscape/Rotunda	7,887,576.00	0.00	0.00	0.00	0.00	0.00	0.00	234,690.00
07gtcolon1	Colony Theatre Renovation	234,690.00	0.00	0.00	0.00	0.00	0.00	10,000,000.00	10,000,000.00
rwmconvctr	Convention Center Lincoln Rd Connectors	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21,000.00
rwccrosswa	Crosswalks	21,000.00	0.00	0.00	0.00	0.00	0.00	12,399,971.00	12,399,971.00
pgmculcii	Cultural Campus Parking Garage II	0.00	0.00	0.00	0.00	0.00	0.00	0.00	108,268.00
trmdirsign	Directory Signs in the City Center ROW	0.00	108,268.00	0.00	0.00	0.00	0.00	0.00	456,046.00
rwsflambpb	Flamingo Neighborhood - Bid Pack B	456,046.00	0.00	0.00	0.00	0.00	0.00	0.00	752,900.00
rwsflambpc	Flamingo Neighborhood - Bid Pack C	752,900.00	0.00	0.00	0.00	0.00	0.00	0.00	19,485,100.00
pkmnwpark	Lincoln (New World Symphony) Park	19,485,100.00	0.00	0.00	0.00	0.00	0.00	0.00	2,516,583.00
rwmlincoln	Lincoln Rd Between Collins & Washington	2,488,093.00	28,490.00	0.00	0.00	0.00	0.00	0.00	6,151,710.00
rwsimplinc	Lincoln Rd Between Lennox & Alton	6,151,710.00	0.00	0.00	0.00	0.00	0.00	0.00	20,000,000.00
rwslinwash	Lincoln Road Washington Av to Lenox Ave	0.00	0.00	0.00	0.00	0.00	20,000,000.00	0.00	7,390,120.00
pfmiltstag	Little Stage Complex	637,200.00	0.00	0.00	0.00	0.00	0.00	0.00	135,000.00
pkmcolpuar	Maze Project 21 St & Collins Avenue	135,000.00	0.00	0.00	0.00	0.00	0.00	4,789,492.00	19,653,098.00
pgsmpmpkgf	Multi-Purpose Municipal Parking Facility	14,863,606.00	0.00	0.00	0.00	0.00	0.00	0.00	56,000.00
rwpedscosi	Pedestrian Countdown Signals Ph I	56,000.00	0.00	0.00	0.00	0.00	0.00	0.00	17,085,135.00
pkmnwsgara	Pennsylvania (New World Symphony) Garage	17,085,135.00	0.00	0.00	0.00	0.00	0.00	70,000,000.00	70,000,000.00
pgcprefgar	Preferred Lot Parking Garage	0.00	0.00	0.00	0.00	0.00	0.00	0.00	30,000.00
rwsstightw	Replace 5,000 Volt Direct Burial	30,000.00	0.00	0.00	0.00	0.00	0.00	0.00	1,208,662.00
enmbotancc	Seawall-Botanical Gard/Collins Canal Cor	0.00	0.00	0.00	0.00	0.00	1,208,662.00	0.00	25,000.00
enctrashrp	Trash Receptacles	25,000.00	0.00	0.00	0.00	0.00	0.00	0.00	3,648,875.00
rwswashave	Washington Avenue Streetscape	3,648,875.00	0.00	0.00	0.00	0.00	0.00	0.00	750,000.00
rwswestrow	West Avenue/Bay Road Improvements	750,000.00	0.00	0.00	0.00	0.00	0.00	0.00	
<b>Sum:</b>		<b>110,267,659</b>	<b>136,758</b>	<b>375,000</b>	<b>2,125,000</b>	<b>0</b>	<b>21,208,662</b>	<b>144,165,388</b>	<b>278,278,467</b>

**RESOLUTION TO BE SUBMITTED**

**Condensed Title:**

A Resolution of the Chairperson and Members of the Miami Beach Redevelopment Agency adopting and appropriating the operating budget for the City Center Redevelopment Area and the Anchor Shops and Parking Garage for Fiscal Year 2010/11.

**Key Intended Outcome Supported:**

Improve the City's overall financial health and maintain overall bond rating

**Supporting Data (Surveys, Environmental Scan, etc.):**

One of the City's Key Intended Outcomes is to ensure well designed and well maintained capital projects and infrastructure. In keeping with this goal, approximately 9 percent or \$3.3 Million of the proposed Budget for City Center is being allocated towards maintenance of capital projects funded by the RDA. Additionally, according to the 2009 Community Survey, arts, culture and the availability of public parking were among the key factors driving overall satisfaction levels. Major projects being funded through the RDA address these very priorities, including the New World Symphony Campus Expansion, and the recently completed Pennsylvania Avenue Garage and Lincoln Park.

**Issue:**

Should the RDA Board adopt the proposed operating budget for the City Center Redevelopment Area and the Anchor Shops and Parking Garage for Fiscal Year 2010/11?

**Item Summary/Recommendation:**

The proposed budget for the City Center Redevelopment Area for Fiscal Year 2010/11 has been prepared to coincide with the overall City budget process, and is being presented to assist in providing a comprehensive overview of the district. Additionally, the revenues and expenses associated with the operations of the Anchor Shops and Parking Garage are presented as a separate schedule so as to eliminate any perception that proceeds from the Facility's operations are pooled with TIF and other Trust Fund revenues. Also, subject to the finalization of the FY 2008/09 tax roll by the County Tax Assessor, the proposed RDA Budget includes an allowance for the County's anticipated adjustment (reduction) for overpayment of TIF during FY 2008/09 (estimated at \$1.2 Million for the City's Share and \$1 Million for the County's share), representing a total decrease in TIF revenues of \$2.2 Million. In order to address the existing and future obligations of the Redevelopment Area, it is recommended that the Redevelopment Agency adopt the attached Resolution which establishes the operating budget for the City Center Redevelopment Area and the Anchor Shops and Parking Garage for FY 2010/11.

**Advisory Board Recommendation:**

N.A.

**Financial Information:**

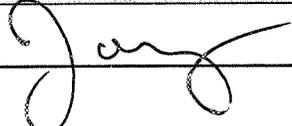
Source of Funds:		Amount	Account
 OBPI	1	\$37,229,011	City Center Redevelopment Area Fund
	2	\$ 3,121,366	Anchor Shops and Parking Garage Operations
	<b>Total</b>	<b>\$40,350,377</b>	

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Kent Bonde, Jose Cruz and Kathie Brooks

**Sign-Offs:**

RDA Coordinator	Budget Director	Assistant Director	Executive Director
			

T:\AGENDA\2010\sep20\Regular\RDA Budget.SUM.doc



## REDEVELOPMENT AGENCY MEMORANDUM

TO: Chairperson and Members of the Miami Beach Redevelopment Agency

FROM: Jorge M. Gonzalez, Executive Director

DATE: September 20, 2010

SUBJECT: **A RESOLUTION OF THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY, ADOPTING AND APPROPRIATING THE OPERATING BUDGETS FOR THE CITY CENTER REDEVELOPMENT AREA AND THE ANCHOR SHOPS AND PARKING GARAGE FOR FISCAL YEAR 2010/11**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### ANALYSIS

The proposed budget for the City Center Redevelopment Area (RDA) for Fiscal Year 2010/11 has been prepared to coincide with the overall City budget process, and is being presented today to assist in providing a comprehensive overview of the district. Please refer to the attached Exhibit A for the proposed budget details.

### *Revenues*

Following a period of extensive growth spanning the existence of City Center, the taxable value in the Redevelopment Area is expected to decline for a second year. This is largely due to the continuing deterioration of the economy, coupled with weakness in the real estate market. Based on the 2009 Certificate of Taxable Value from the Property Appraiser's Office, the value of property in City Center declined by 7% in FY 2009/10. Based on the Preliminary Tax Increment notice received from the County on June 30, 2010, Property values are anticipated to drop an additional 1.2% in FY 2010/11. The decline in tax base over the last two years required the City and the County to propose increases in their respective millage rates in order to maintain minimum levels of service. Based on the proposed millage rates (City - 6.2155 mills/County - 5.4275 mills), the RDA anticipates receiving \$34.4 Million in TIF revenues. However, as in previous years, the City also anticipates receiving correspondence from the County, advising of the finalization of the tax roll for the prior year, which in the case of FY 2008/09, is anticipated to reflect a decrease from the preliminary valuation for the same year. Until this final tax roll figure is available, the proposed Budget includes an allowance factor of \$1.2 Million to impact the City's share of TIF and a \$1 Million adjustment to impact the County's share.

Additional sources of revenue include an estimated \$3.6 Million in Resort Tax contributions; a ½ mill levy in the amount of \$1.2 Million to be set aside for the Children's Trust pursuant to an Interlocal Agreement, dated August 16, 2004 between the RDA, the City of Miami Beach and Miami-Dade County; and an estimated \$200,000 in interest income.

## **Expenditures**

Project-related expenses account for approximately \$21.5 Million, which includes \$3 Million to be allocated for community policing initiatives in City Center to continue to provide enhanced levels of staffing and services throughout the area, and \$3.3 Million for maintenance of RDA capital projects. On-going and planned capital projects in City Center are projected to account for \$136,758 in the FY 2010/11 Budget and generally include allocations for directory signs in the City Center right-of-ways as well as improvements to Lincoln Road between Collins and Washington Avenue. Additionally, pursuant to the Grant-in-Aid Agreement between the City and the New World Symphony (NWS), executed on July 23, 2008, the RDA is required to fund a \$15 Million Grant-in-Aid obligation in connection with the construction of the NWS Campus Expansion project. Previously funded projects that are underway in City Center include construction of streetscapes throughout City Center; construction of Collins Park, including the restoration of the Rotunda and the undergrounding of utilities surrounding the Park; implementation of improvements to Lincoln Road between Collins and Washington Avenues; construction of the park adjacent to the NWS Campus Expansion; and, planning and design of landscaping improvements to the Botanical Garden.

Administrative Expenses total \$1,059,197, comprising of a management fee of \$988,563 which is allocated to the General Fund to pay for direct and indirect staff support for the RDA, and \$70,634 for actual operating expenses. It should be noted that the Management Fee allocation is reflective of actual city resources applied to the operation of the RDA, as supported by the RSM McGladrey Cost Allocation Study dated July 20, 2009 and updated August 6, 2010. It should further be noted that Administrative and Operating expenses only account for 2.8 percent of the total RDA budget.

The current combined debt service on the 2005 Series Bonds and the Parity Bonds accounts for approximately \$8.4 Million annually. City Center also continues to fund debt service payments on the portion of the Gulf Breeze Loan used to pay for the Bass Museum expansion and renovation and the portion of the Sunshine State Loan Program used for Lincoln Road improvements, which collectively account for approximately \$1.6 Million annually. These payments were previously made from water, sewer, storm water, gas and resort tax proceeds.

Reserve line item expenditures include those items that, pursuant to the existing Bond Covenants, may only be expended once the annual debt service obligations have been met. These include the County's administrative fees, equivalent to 1.5% of its respective TIF payment; the contribution to the City's General Fund, equivalent to 1.5% of the City's share of its TIF payment; and the remittance of the ½ mill tax levy back to the Children's Trust. The Recently reconciled City Center Operating Fund is anticipated to have a deficit of \$3.4 million as of September 30, 2010, although this is offset by surplus non-tax increment funds; as a result the overall City Center Redevelopment Area Funds is not in deficit. The RDA anticipates remitting \$2.9 million towards paying down the prior year negative balance in the RDA TIF fund.

## **Anchor Shops and Parking Garage**

The revenues and expenses associated with operations of the Anchor Shops and Parking Garage are presented as a separate schedule in order to eliminate any perception that proceeds from the facility's operations are pooled with TIF and other Trust Fund revenues. Garage revenues are projected at \$2.4 Million, with operating expenses (including

depreciation, and contractual revenue-sharing obligations with Loews), of approximately \$2 Million. The retail operation is expected to generate \$714,000 in revenues, with operating expenses associated with the retail management contract and related reimbursable expenditures estimated at approximately \$95,000. Additionally, based on the previously referenced Cost Allocation Analysis, a Management Fee line item is included in the FY 2010/11 operating expenses to address certain city-related costs associated with the operation of the facility, which were not included as part of the garage or retail operating budgets.

### **CONCLUSION**

In order to address the existing and future obligations in the Redevelopment Area, it is recommended that the Redevelopment Agency adopt the attached Resolution which establishes the operating budgets for the City Center Redevelopment Area and the Anchor Shops and Parking Garage for FY 2010/11.

JMG/HF/KB/KOB

T:\AGENDA\2010\sep20\Regular\RDABudgetmemo2010\_11.doc

**A RESOLUTION OF THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY ADOPTING AND APPROPRIATING THE OPERATING BUDGET FOR THE CITY CENTER REDEVELOPMENT AREA AND THE ANCHOR SHOPS AND PARKING GARAGE FOR FISCAL YEAR 2010/11**

**WHEREAS**, the proposed City Center Redevelopment Area Budget has been prepared to coincide with the overall City budget process; and

**WHEREAS**, the proposed City Center Redevelopment Area Budget reflects anticipated construction project costs in addition to operating and debt service costs for the fiscal year; and

**WHEREAS**, the proposed budget for the Anchor Shops and Parking Garage has been included as a separate schedule to the City Center Redevelopment Area Budget, reflecting projected revenues and operating expenses for the fiscal year; and

**WHEREAS**, the Executive Director recommends approval of the proposed Fiscal Year 2010/11 budgets for the City Center Redevelopment Area as well as for the Anchor Shops and Parking Garage; and

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE CHAIRPERSON AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY**, that the Chairperson and Members hereby adopt and appropriates the operating budget for the City Center Redevelopment Area and the Anchor Shops and Parking Garage for Fiscal Year 2010/11, attached as Exhibit "A" hereto.

**PASSED AND ADOPTED THIS SEPTEMBER 20<sup>TH</sup> DAY OF 2010.**

\_\_\_\_\_  
**CHAIRPERSON**

**ATTEST:**

\_\_\_\_\_  
**SECRETARY**

JMG:HF:KB:JC:KOB

T:\AGENDA\2010\sep2010\Regular\ARDA BUDGET RESO 2010\_11.doc

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney

9/17/10  
\_\_\_\_\_  
Date

**Miami Beach Redevelopment Agency  
City Center Redevelopment Area  
Proposed FY 2010/11 Operating Budget**

	FY 07/08 Actual	FY 08/09 Actual	FY 09/10 Budget	FY 09/10 Projected	Inc/(Dec)	FY 10/11 Budget	Budget Variance From FY 09/10
<b>Revenues and Other Sources of Income</b>							
Tax Increment - City Millage 6.2155	\$17,690,977	\$18,345,335	\$16,946,393	\$16,946,393	\$0	\$18,377,816	\$1,431,423
Proj Adjustment to City Increment for FY 2008 Tax Roll (2)	(472,472)	(1,111,989)	(1,178,873)	(1,178,873)	0	(1,200,000)	(\$21,127)
Tax Increment - County Millage 5.4275	14,325,453	15,808,032	14,496,500	14,496,500	0	16,047,879	\$1,551,379
Proj Adjustment to County Increment for FY 2008 Tax Roll (3)	(368,517)	(961,565)	(954,605)	(954,605)	0	(1,000,000)	(\$45,395)
50% Contribution from Resort Tax	3,250,000	3,908,668	3,460,000	3,460,000	0	3,578,067	\$118,067
1/2 Mill Children's Trust Contribution (4)	1,564,051	1,366,290	1,498,222	1,498,222	0	1,225,249	(\$272,973)
Interest Income	1,980,000	56,626	385,057	385,057	0	200,000	(\$185,057)
Fund Balance Reallocation: (Non-TIF)	4,489,766	0	0	0	0	0	\$0
Other Income/Adjustments:	0	1,344	0	0	0	0	0
<b>TOTAL REVENUES</b>	<b>\$42,459,258</b>	<b>\$37,412,741</b>	<b>\$34,652,694</b>	<b>\$34,652,694</b>	<b>\$0</b>	<b>\$37,229,011</b>	<b>\$2,576,317</b>
<b>Admin/Operating Expenses</b>							
Management fee (salaries & benefits)	\$414,000	\$464,775	\$489,564	\$489,564	\$0	\$988,563	\$498,999
Advertising & promotion	1,000	0	1,000	0	(1,000)	0	(\$1,000)
Postage, printing & mailing	770	1,420	3,500	4,120	620	4,123	\$623
Office supplies & equipment	1,145	2,941	3,000	910	(2,090)	2,900	(\$100)
Meetings & conferences	4,000	1,799	4,000	1,350	(2,650)	1,351	(\$2,649)
Dues & subscriptions	1,101	0	1,000	1,260	260	1,260	\$260
Audit fees	8,500	0	8,500	9,000	500	9,000	\$500
Professional & related fees	59,484	57,157	55,000	49,000	(6,000)	47,000	(\$8,000)
Miscellaneous expenses	10,000	4,223	10,000	5,000	(5,000)	5,000	(5,000)
<b>Total Admin/Operating Expenses</b>	<b>\$500,000</b>	<b>\$532,315</b>	<b>\$575,564</b>	<b>\$560,204</b>	<b>(\$15,360)</b>	<b>\$1,059,197</b>	<b>\$483,633</b>
<b>Project Expenses</b>							
Community Policing	\$2,577,000	\$2,693,942	\$2,871,494	\$2,590,000	(\$281,494)	\$3,052,215	\$180,721
Capital Projects Maintenance (5)	2,195,000	3,456,896	3,050,775	3,249,076	198,301	3,332,673	\$281,898
NWS Project/Lincoln Park Complex Contingency	0	0	3,060,189	0	(3,060,189)	0	(\$3,060,189)
NWS Project - Grant-in-Aid	0	0	0	0	0	15,000,000	\$15,000,000
Transfer to Capital Projects (6)	24,765,746	20,319,813	13,170,050	13,170,050	0	136,758	(13,033,292)
<b>Total Project Expenses</b>	<b>\$29,537,746</b>	<b>\$26,470,651</b>	<b>\$22,152,508</b>	<b>\$19,009,126</b>	<b>(\$3,143,382)</b>	<b>\$21,521,646</b>	<b>(\$630,862)</b>
<b>Reserve and Debt Service Obligations</b>							
Debt Service Cost - 2005 + Parity Bonds	\$8,375,554	\$8,376,443	\$8,393,267	\$8,393,267	\$0	\$8,393,254	(\$13)
Current Debt Service - Lincoln Rd Project (7)	1,068,148	1,205,288	1,086,961	1,086,961	0	\$1,094,176	\$7,215
Current Debt Service - Bass Museum (8)	506,443	506,108	506,531	506,531	0	505,859	(\$672)
Reserve for County Admin Fee (9)	209,354	222,697	203,128	203,128	0	225,718	\$22,590
Reserve for CMB Contribution (10)	258,278	258,500	236,513	236,513	0	257,667	\$21,154
Reserve for Children's Trust Contribution (11)	1,564,051	1,366,290	1,498,222	1,498,222	0	1,225,249	(\$272,973)
Repayment-Prior Yr Fund Balance	439,684	0	0	3,158,742	3,158,742	2,946,246	2,946,246
<b>Total Reserve and Debt Service Obligations</b>	<b>\$12,421,512</b>	<b>\$11,935,326</b>	<b>\$11,924,622</b>	<b>\$15,083,364</b>	<b>\$3,158,742</b>	<b>\$14,648,168</b>	<b>\$2,723,546</b>
<b>TOTAL EXPENSES AND OBLIGATIONS</b>	<b>\$42,459,258</b>	<b>\$38,938,292</b>	<b>\$34,652,694</b>	<b>\$34,652,694</b>	<b>\$0</b>	<b>\$37,229,011</b>	<b>\$2,576,317</b>
<b>REVENUES - EXPENSES</b>	<b>\$0</b>	<b>(\$1,525,551)</b>	<b>(\$0)</b>	<b>(\$0)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Note #1 Based on Preliminary Tax Increment Adjustment worksheet received from MDC on 6/30/10

Note #2 Adjustment for final FY 08/09 Tax Roll - Estimate based on prior years

Note #3 Adjustment for final FY 08/09 Tax Roll - Estimate based on prior years

Note #4 1/2 Mill Children's Trust pmt to RDA per Interlocal

Note #5 Separate detail for capital maintenance items from PW

Note #6 Reflects appropriations for CIP & PW projects

Note #7 Payment of Lincoln Road current debt service on Sunshine State Loan

Note #8 Payment of Bass Museum current debt service on Gulf Breeze Loan

Note #9 County admin fee @ 1.5% of County's increment revenue

Note #10 CMB TIF Contribution @ 1.5% of City's increment revenue

Note #11 1/2 mill Children's Trust Contribution

**Proposed FY 2010/11 Anchor Shops and Parking Garage (16th Street Parking Garage) Operating Budget**

	FY 07/08 Actual	FY 08/09 Actual	FY 09/10 Budget (1)	FY 09/10 Projected	Inc/(Dec)	FY 10/11 Budget	Budget Variance From FY 09/10
<b>Revenues:</b>							
Parking Operations	\$2,637,917	\$2,585,000	\$2,632,000	\$2,501,135	(\$130,865)	\$2,368,000	(\$264,000)
Retail Leasing	0	683,779	696,489	699,767	3,278	714,150	17,661
Interest Pooled Cash	944,549	46,100	46,100	46,077	(23)	39,216	(6,884)
<b>TOTAL REVENUES</b>	<b>\$3,582,466</b>	<b>\$3,314,879</b>	<b>\$3,374,589</b>	<b>\$3,246,979</b>	<b>(\$127,610)</b>	<b>\$3,121,366</b>	<b>(\$253,223)</b>
<b>Operating Expenses:</b>							
Parking Operations	\$1,753,460	\$1,700,768	\$1,802,864	\$1,496,062	(\$306,802)	\$1,704,823	(\$98,041)
Garage Use Fee (To Loews) (1)	274,400	342,000	355,208	314,612	(40,596)	281,288	(73,920)
Retail Leasing Management Fee	53,087	55,000	60,000	61,190	1,190	95,433	35,433
Management Fee (Garage Ops)	0	0	158,129	158,129	0	189,074	30,945
Reserve Future Capital - Parking Operations	610,057	563,832	375,922	560,423	184,501	219,415	(156,507)
Reserve Future Capital - Retail Operations	891,462	653,279	622,466	656,563	34,097	631,333	8,867
<b>TOTAL EXPENSES</b>	<b>\$3,582,466</b>	<b>\$3,314,879</b>	<b>\$3,374,589</b>	<b>\$3,246,979</b>	<b>(\$127,610)</b>	<b>\$3,121,366</b>	<b>(\$253,223)</b>
<b>NET</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

(1) - Based on 28% of annual gross parking revenues in excess of \$1,390,000. (Includes contingency amount)