



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Housing & Community Development
Committee

May 13, 2009

9:30 A.M.

Commission Chamber

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

**Legislative Notes
Housing & Community Development
Meeting Agenda**

May 13, 2009

Written analyses and notes for the below listed items are attached for your consideration:

Item Number(s)

1(G)1	3(I)
2(F)	3(J)
3(G)	3(K)
3(H)	3(L)

If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:
Mia Marin, Legislative Analyst
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**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 1(G)1

File Number: 091436

Committee(s) of Reference: Housing & Community Development

Date of Analysis: May 11, 2009

Type of Item: Resolution Approving Amendments to the FY 2008-2012 Consolidated Plan

Commission District: Countywide

Summary

This resolution approves the policies governing amendments to the FY 2008-2012 Consolidated Plan and the FY 2010 Action Plan Process for the Community Development Block Grant, HOME Investment Partnerships, State Housing Initiatives Partnership and Emergency Shelter Grant programs and approves the use of a Request for Application process to include the CDBG, HOME, SHIP and ESG Programs to solicit agencies to apply for funding.

Background and Relevant Legislation

The Action Plan document describes federal, non-federal and other resources expected to be available to fund priority activities. Annually, the Action Plan lists the activities to be undertaken, the geographic distribution of activities, homeless and special needs activities, and other actions taken to address the goals and objectives of the Consolidated Plan.

On July 9, 2008, through Resolution R-839-08, the Board of County Commissioners (Board) approved the FY 2009 Consolidated RFA process. The Board approved the allocation the FY 2009 CDBG, HOME, HODAG, SHIP and ESG funds through the Action Plan on October 21, 2008 through R-1127-08. The funding requests received totaled \$95.88 million and \$32,440,725 was allocated.

Policy Change and Implication

Once the Board approves the FY 2010 Consolidated Planning Policies, applications for funding will be solicited through a consolidated RFA process. On handwritten page 29 of the item, it states that the estimated FY 2010 funding totals \$29,614,233. This figure does not include the estimated amount of SHIP funding. The cover memorandum states that the SHIP amount for Miami-Dade County has not been determined and that the projected available amount from the trust fund State-wide is \$30 million.

The cover memorandum also states that Surtax funding will not be allocated during this RFA process. During the 2009 State Legislative Session, the State adopted Senate Bill 2430, which preserved the Miami-Dade County's collection of Documentary Surtax through 2013. The collection of surtax on these types of commercial transactions are still performing lower than previous years. The Department of Office of Community and Economic Development, has stated that they plan to pay off future commitments with the available Surtax before funding new projects.

Questions

On handwritten page 1, third paragraph, it states that if municipalities demonstrate "Metropolitan Significance" the County may use Federal funds as appropriate to fund high priority needs within those jurisdictions...what criteria must a municipality demonstrate in order to be defined as an area of "Metropolitan Significance"?

In order for a municipality to demonstrate metropolitan significance, at least 51 percent of the people who benefit from the activity must be residents of unincorporated Miami-Dade County. The municipality must demonstrate this in its application. Metropolitan significance will be determined and monitored by OCED for compliance.

On handwritten page 3, fourth paragraph, it states that early projections for the next two years reveal that a portion of home funds may be at risk due to several uncompleted projects that have exceeded US HUD's five year deadline for completion; the Office of the Commission Auditor has requested the number of projects that are at-risk, along with the project description, the Commission district and the cause for the delay of construction?

There are eight HOME projects that have exceeded the five year deadline. OCA is waiting for the responses of the remaining questions.

On handwritten page 4, first paragraph, it mentions that projects that are awarded financing do not commence construction or the development process within the first year of the award, the County must recapture these funds and award to other projects; is this a steadfast deadline or will the developer or applicant be given the opportunity to extend this timeline?

In order to be in compliance with US HUD's timeliness ratio, funds must be expended or they will be de-obligated by US HUD. As long as the pre-development phase has begun and funds are being expended, the County will not recapture the funds.

How many incubators are funded by the County and in what districts are they located?

OCED is currently funding two incubators with CDBG funds: a) The Business and Technology Development Corporation (Carrie P. Meek Center for Business Technical Assistance) and b) the Martin Luther King Development Center.

Budgetary Impact

N/A

Prepared By:

Tiandra D. Sullivan

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
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Legislative Notes

Agenda Item: 2(F)

File Number: 091382

Committee(s) of Reference: Housing & Community Development

Date of Analysis: May 11, 2009

Type of Item: Resolution Directing County Mayor on Use of American Recovery and Reinvestment Act of 2009

Prime Sponsor: Commissioner Dorrin D. Rolle

Commission District: 2

Summary

The resolution directs the County Mayor to research the availability of American Recovery and Reinvestment Act of 2009 funds to be used as gap funding for the construction of green and sustainable building in the Hope VI project.

Background and Relevant Legislation

Under the American Recovery and Reinvestment Act of 2009, Miami-Dade County expects to receive an estimated amount of \$24 million. According to a memo dated March 3, 2009, from the County Manager, the County expects to receive nearly \$5 million in Community Development Block Grants and more than \$19 million in Public Housing Capital funds to upgrade and create energy efficiencies in existing public-housing units. A list of projects is currently being developed. The focus will be on deferred repair and replacement of systems such as elevators, roofs and windows. Money will also be available for gap financing on projects that receive Low-Income Housing Tax Credits.

According to a letter dated March 6, 2009 from the U.S. Department of Housing and Urban Development, HUD outlined the programs that are going to be funded: Community Development Block Grants; Public Housing Capital Fund; Lead Hazard Reduction; Section 8 Project-based Rental Assistance; Homelessness Prevention Fund and Tax Credit Assistance. At least 60 percent of funds must be spent within two years; all funds must be spent within three years.

Policy Change and Implication

N/A

Question(s)

Has the Miami-Dade Housing Agency determined the estimated gap funding that is necessary for the Hope VI project?

According to the cover memorandum for agenda item 7(B), information regarding the HOPE VI budget will be provided in a supplemental report.

Budgetary Impact

N/A

Prepared By:

Tiandra D. Sullivan

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
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Legislative Notes

Agenda Item: 3(G), 3(H), 3(I)

File Number: 091309, 091343, 091344

Committee(s) of Reference: Housing & Community Development

Date of Analysis: May 11, 2009

Type of Item: Budget for Community Redevelopment Agencies

Commission Districts: 3 & 5

Summary

Background and Relevant Legislation

Each Community Redevelopment Area (CRA) is required to submit an annual budget for County approval.

CRA FY 2008-09 budgets for Midtown Miami, OMNI and Southeast Overtown Park West

	County Tax Increment Revenues FY2008	County Tax Increment Revenues FY2009
Midtown Miami	\$300,103	\$1,322,881
OMNI	\$4,652,351	\$5,597,328
Southeast Overtown Park West	\$2,228,137	\$2,705,822

	Operating Expenditures FY2008	Operating Expenditures FY2009
Midtown Miami	\$ 32,029	\$ 4,501,464*
OMNI	\$6,113,670	\$39,903,712
Southeast Overtown Park West	\$8,050,459	\$20,230,037

*\$4,494,464 is annual debt service payment on the 2004A series bonds.

	Administrative Expenditures (Transfer into General Operating) FY2008	Administrative Expenditures (Transfer into General Operating) FY2009	Percentage Increase
Midtown Miami	\$27,354	\$34,213	25%
OMNI	\$330,000	\$756,359	130%
Southeast Overtown Park West	\$330,000	\$756,350	129%

The administrative expenditures for all three CRA's are less than 5% of the total tax increment revenue (satisfying the 20% cap in administrative expenditures).

The Tax Increment Financing Committee (comprised of County administrative staff to provide increment financing recommendations) reviewed the following budgets and recommended it for the Board of County Commissioners approval on March 2, 2009.

Budgetary Impact

FY2008-2009 Countywide Tax Increment Financing expenditures is \$49,340,000 and for Unincorporated Municipal Service Area is \$1,116,000.

Prepared By:

Mia B. Marin

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
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Legislative Notes

Agenda Item: 3(J)

File Number: 091412

Committee(s) of Reference: Housing & Community Development

Date of Analysis: May 11, 2009

Type of Item: Finding of Necessity for Expanding the Boundaries of the a Community Redevelopment Area

Commission District: 9

Background and Relevant Legislation

This resolution declares the following:

- Declares four additional geographic areas as a slum or blighted area within the City of Florida;
- Accepts the Finding of Necessity (FON) that recommends adding the four geographic areas to the existing boundaries of the City of Florida City Community Redevelopment Area (CRA); and
- Approves the preparation of a Community Redevelopment Plan.

The current CRA boundaries consists mainly of commercial and industrial areas and the expansion of the boundaries will used to incorporate affordable housing component within that area. The BCC approved budget for Florida City CRA FY2008-2009 includes \$2.2 million for Land and Building Acquisition, Demolition and Relocaton.

Approved CRA's include:

- 7th Avenue Corridor
- City of Homestead
- City of Miami Beach-City Center/Convention Center
- City of Miami-SE Overtown /Park West and Omni Districts
- City of Miami-Midtown and district
- City of North Miami
- City of North Miami Beach
- City of South Miami and district
- Florida City and district
- Naranja lakes and district

- West Perrine and district

Proposed CRA's include:

- 79th Street Corridor
- Goulds/Cutler Ridge and district

The CRA process includes:

- Adopting the FON;
- Establish a CRA Board;
- CRA Board to develop Community Redevelopment Plan (CRD);
- CRA along with the local planning advisory boards approve CRP;
- Public Hearing;
- County approval; and
- Creation of Redevelopment Trust Fund (CRATF) to facilitate the increase in real property tax revenues back into the targeted area.

The CRA term is limited to thirty (17) years. Once the CRA term is expired all the tax revenues deposited in the CRATF remaining will be returned to each taxing authority on a pro-rata basis.

Policy Change and Implication

Approval of this resolution will expand the current boundaries of the City of Florida City CRA.

Prepared by:

Mia B. Marin

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Legislative Notes

Agenda Item: 3(K)

File Number: 091426

Committee(s) of Reference: Housing & Community Development

Date of Analysis: May 11, 2009

Type of Item: Interlocal Cooperation Agreement Between the County, City of Florida City and the Florida City Community Redevelopment Agency

Commission District: 9

Background and Relevant Legislation

This item is related to item 3(J) which expands the boundaries of the City of Florida City Community Redevelopment Area (CRA).

The additional tax increment revenue contribution from the expanded boundaries is estimated at \$2.7 million within the next 17 years (term life of the CRA). This interlocal will require the CRA to make a twenty (20%) reimbursement payment to the County for payments the County has made to the CRA Trust Fund (CRATF) which is valued at \$540,000 over the remaining life of the CRA.

The County has only one other CRA reimbursement agreement and it is with the City of North Miami CRA (R-610-05). In this interlocal, the City of North Miami CRA is required to make tax increment revenue reimbursements derived from the area west of Biscayne Boulevard (or south of NE 135th Street). City of North Miami CRA FY2008 and FY2009 reimbursement payments to the County were \$2,783,000 and \$2,228,000, respectively.

The CRA term is limited to thirty (30) years. Once the CRA term is expired all the tax revenues deposited in the CRATF remaining will be returned to each taxing authority on a pro-rata basis.

Policy Change and Implication

Approval of this interlocal agreement will allow the County to receive reimbursement payments for its contribution payments to this CRA.

Prepared by:

Mia B. Marin

**MIAMI-DADE COUNTY
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Legislative Notes

Agenda Item: 3(L)

File Number: 090458

Committee(s) of Reference: Housing & Community Development

Date of Analysis: May 11, 2009

Type of Item: Resolution Rejecting all Bids for Project Number 249 Request for Proposals

Commission District: 2 & 9

Summary

This resolution rejects all proposals received in response to Request for Proposals (RFP) 249 for the Construction of Multi-Family Housing on Caribbean Boulevard and Northside Metrorail Station (Northside) sites, waives the competitive bidding and bid processes and authorizes the County Mayor or the Mayor's designee to conduct competitive negotiations with all of the responsive bidders for construction of two multi-family developments utilizing the Building Better Communities General Obligation Bonds (GOB) funds as "gap" funding only.

Background and Relevant Legislation

During the April 15, 2009 Housing and Community Development Committee meeting, discussion took place regarding the \$10.3 million in GOB funding that was previously allocated through Resolution R-872-08 on July 17, 2008, be withdrawn from the Northside Metrorail Station development.

The County Attorney's Office suggested that the District Commissioner sponsor a resolution withdrawing the previously allocated \$10.3 million of GOB funding to the Northside project and to amend this resolution to remove the reference of allowing the County Mayor to negotiate on the Northside Metrorail Station project.

Representatives from bidders under this RFP process suggested that the results from the first round of RFP scoring be accepted. However, staff from the Office of Community and Economic Development disagreed, stating that several errors were made during the scoring process due to the RFP not being written properly. Due to this, staff is recommending that all bids be rejected and that management be allowed to negotiate with the responsive bidders in accordance with the rules and procedures of the Department of Procurement Management.

The Committee voted to defer the resolution to allow staff the opportunity to discuss projects with each of the District Commissioners.

Policy Change and Implication

The waiver of competitive bid procedures and the waiver of bid protest procedures both require two-thirds vote of the Board of County Commissioners' members present.

Budgetary Impact

N/A

Prepared By:

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