



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Housing & Community Development
Committee

June 9, 2010
9:30 A.M.
Commission Chamber

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

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

June 9, 2010

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

Item Number(s)

1(G)1
2(D)
3(A) Substitute
3(A) Supplement to Substitute

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:
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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: 101243

Committee(s) of Reference: Housing, Community Development Committee

Date of Analysis: June 8, 2010

Type of Item: Resolution to Adopt the FY2011 Consolidated Planning Process Policies Document

Summary

This resolution adopts the FY2011 Consolidated Planning Process Policies (CPPP) which outlines the utilization of federally funded grants for Miami-Dade County (MDC).

Background and Relevant Legislation

United States Housing and Urban Development (HUD) require MDC to submit a Consolidated Plan every five years. The last plan was submitted in 2007. The CPPP contains policies for implementing the FY2008-2012 Consolidated Plan. An annual Action Plan is also required by HUD that follows the Consolidated Plan year by year. The CPPP document serves as a guideline when submitting the FY2011 Action Plan due to HUD on November 15, 2010. The CPPP also includes guidelines for how MDC will allocate federal CDBG, HOME and Emergency Shelter Grant (ESG) funds.

Legislative history of previously approved CPPP's include the following:

- FY2009 R-839-08
- FY2008 R-803-07
- FY2007 R-670-06

The FY2011 CPPP recommends amendments that address concerns expressed by the Chairs of the Neighborhood Revitalization Strategy Areas (NRSA) and the Community Advisory Committee (CAC).

The CAC represent Miami-Dade County's NRSA's. CAC members serve in an advisory capacity and provide recommendations to the Miami-Dade Board of County Commissioners (BCC) on the development and implementation of neighborhood plans and projects.

NRSA's are designated areas which have been targeted for revitalization and which are eligible for federal funding under the HUD Community block Grant Program (CDBG). There are eight NRSAs in MDC which include the following:

- Opa-locka;
- Model City;
- West Little River;
- Melrose;
- South Miami;
- Perrine;
- Leisure City/Naranja; and
- Goulds

Areas designated as NRSAs must have contiguous boundaries, must be primarily residential, and must have a population with at least 70 percent persons considered low-and-moderate income. The CPPP addresses the needs communities in NRSAs.

The FY2011 CPPP includes 10 new policies some of which were to address the needs identified in the NRSAs and CAC's to include the following:

- Allocation of CDBG funds to Reserves discontinued: Eligible projects not identified in NRSAs where redirected to the respective CAC or Commission District Fund (CDF) reserve accounts which is considered unallocated according to HUD. Funds not allocated to a specific activity before the 30-day public comment period will be recommended for a funding recommendation from the County Mayor (or designee).
- New funding methodology to specific areas in the NRSAs as identified in the FY2008-2012 Consolidated Plan: CDBG allocations to those initiatives in the designated areas must also meet the 30-day public comment period, \$17.36 million is estimated to be available for FY2011 to include the following categories: Administration (20%), County Departments (50%), Municipalities/Public Facilities/Capital Improvements/Economic Development (14%) and NRSAs (16%).
- \$1 Million Set Aside in HOME funds to homeownership rehabilitation/reconstruction-: Creation of this new program will provide needs of families beyond what the County currently provides (seniors only).
- Increase Technical Assistance to Community Housing Development Organizations (CHDO): Increase technical assistance to these organizations that have been negatively impacted by a depressed housing market.

- Community Advisory Committee Membership Policy Eliminated: Policy was never implemented and the CDBG guidelines require members be appointed by the community.
- Establish a Cure Period for Housing Applicants Only: Currently applicants are not allowed to provide additional information or correct mistakes in their application, now applicants are allowed a specified period of time to provide information to address specific issues relating to application. *According to the Department of Housing and Community Development (DHCD), applicants can only cure their applications as it relates to proof of funding and site control.*
- Provide Innovation Funding: To promote green initiatives.
- New construction projects for homeownership units will not be funded: Proposes no funding for construction of new homeownership units. *According to DHCD, this has not been done for a few years since the housing market has been impacted by the economic downturn.*
- Develop Strategy to assist DHCD funded for sale homeownership projects: Reprogrammed funds will be used to fund this strategy and priority will be given to housing projects that have received prior allocation of County funds but have been affected by the economic downturn.
- Increase funding to County Departments: Recommend cap on allocations be raised from 40% to 50%. *According to DHCD, the rationale behind the increase is the bulk of the programs and projects under CDBG are run by County Departments.*

Prepared By: Mia B. Marin

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Legislative Notes

Agenda Item: 3(A) Substitute & 3(A) Substitute Supplement and 2(D)

File Number: 101468, 101469 and 093408

Committee(s) of Reference: Housing & Community Development Committee

Date of Analysis: June 7, 2010

Type of Item: 3(A) Substitute and 3(A) Substitute Supplement- Resolution Approving the Selection of Developers for the Building Better Communities General Obligation Bond (GOB) Invitation to Negotiate for Northside Station and Caribbean Boulevard Sites

2(D)- Resolution Approving GOB Program 249 Allocation for District 9 for Caribbean Boulevard Project

Summary

This resolution, once again, waives the Competitive Bidding and Bid Protest procedures and approves the selection of the developers Carlisle Development Group, LLC (Carlisle) for Northside Station and Caribbean Village Ltd. for the Caribbean Boulevard site.

Item 2(D) relates to the approval of GOB Program 249 Allocation for District for the Caribbean Boulevard Project.

Background and Relevant Legislation

Below is a timeline for the Northside & Caribbean Boulevard Programs:

- On January 15, 2008, a Request for Proposals for Northside Station and Caribbean Projects was advertised pursuant to R-872-08;
- On February 15, 2008, eight (8) proposals were received through RFP#249 and the Evaluation Criteria of the RFP caused the selection Committee to score applicants more than once. Subsequently, the County Attorney's Office along with technical staff determined that inconsistencies in the criteria does not allow for a true and open competitive process and that all bids be rejected, competitive bid and bid protest be waived and negotiations be authorized with all eight proposers;
- On June 2, 2009, Pursuant to R-678-09, the Board of County Commissioners authorized rejections of all eight bids received in RFP#249, waive competitive bidding and bid protest

procedures and for the Mayor (or designee) to conduct and Invitation to Negotiate (ITN) with the responsive bidders;

- On July 31, 2009, the Department of Housing and Community Development (DHCD) advertised the ITN only to the original bidders, there were only 7 respondents (RCDG I, LLC not included);
- On January 25, 2010, the Negotiation Committee conducting the ITN selected Carlisle for the Northside Stations and Caribbean Village, Ltd for the Caribbean Boulevard site;
- A bid protest was filed by one of the original bid respondents, Biscayne Holding Group (BHG) before the final recommendation was presented to the Housing Community Development Committee on March 25, 2010.
- A final recommendation to award Carlisle and Caribbean Village, Ltd was deferred at the March 25, 2010 Committee.

Claims Addressed by the County Attorney's Office

According to the County Attorney's Office (CAO), the claims that have been addressed by BHG and RCDG-I, have been reviewed and are provided in 3(A) Substitute supplement for full disclosure. The claims and CAO responses to those claims include the following:

- Primary objections by BHG were related to the original process and improper notification of the ITN. According to the CAO, these claims carry no legal effect since the first objection was based on the old bidding process which was thrown out pursuant to R-678-09 and an improper notification claim is not substantiated since DHCD has provided sufficient evidence demonstrating it was compliant with the sunshine law;
- Primary objections raised by RCDG-I involve the exclusion from the original ITN process only to be invited to a subsequent presentation and negotiation process months later with one (1) of the four (4) committee members absent. Additionally, RCDG-I objects to not being properly notified in a timely fashion when final scores were distributed;
- The CAO maintains that the missing committee member reviewed the RCDG-I proposal, listened to audio tapes of the RCDG-I presentation, ranked all the projects and proper demonstration of due diligence was performed prior to submittal of final recommendation on January 25, 2010, which was advertised and conducted in the "sunshine";
- The CAO further maintains that both BHG and RCDG-I bid protest does not constitute a "real" bid protest since both have not formally filed a bid protest with the Clerk of the Board nor have they paid a filing fee as required by County Code.

Fiscal Impact

The developers selected for the respective sites have been awarded GOB funds but will only be used as "gap financing". The selected developers will be responsible for securing Low Income Housing Tax Credits (LIHTC), housing bond equity and other required financing for the projects.

Prepared By: Mia B. Marin