MEMORANDUM

ED&HS
Agenda Item No. 2(B)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE: October 15, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution relating to Adker Consent Decree concerning the reopening of the project and tenant-based waiting lists

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Bruno A. Barreiro.

Robert A. Ginsburg
County Attorney

RAG/jls

MEMORANDUM
(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE: November 4, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor Agenda Item No.
Veto _____
Override _____

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY ATTORNEY, WITH THE ASSISTANCE OF MIAMI-DADE HOUSING AGENCY (MDHA), TO RE-NEGOTIATE WITH THE ADKER CLASS PLAINTIFFS' LEGAL COUNSEL THE TERMS AND CONDITION OF THE ADKER CONSENT DECREE CONCERNING THE REOPENING OF THE PROJECT AND TENANT-BASED WAITING LISTS, ESTABLISHING A STREAMLINE PROCESS OF FILLING VACANCIES IN PUBLIC HOUSING AND ESTABLISHING THREE (3) GEOGRAPHIC ZONES UTILIZING THE WAITING LISTS; DIRECTING THE COUNTY ATTORNEY AND MDHA TO NEGOTIATE WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO OBTAIN AND EXPEND ADDITIONAL FUNDING TO ASSIST MDHA TO IMPLEMENT THE ADKER CONSENT DECREE; REQUIRING A REPORT

WHEREAS, a class action lawsuit was filed by public housing residents against Miami-Dade County (County) and the United States Department of Housing and Urban Development (HUD) in the case of *Adker v. United States Department of Housing and Urban Development and Miami-Dade County*; and

WHEREAS, the Plaintiffs sought to desegregate the County's housing programs, including but not limited to Section 8 and public housing; and

WHEREAS, on June 6, 1998, the federal district court entered a consent decree (Decree) ordering the County and HUD to achieve desegregation in the County's housing programs in compliance with the terms and conditions of the Decree; and

WHEREAS, the Decree required the County to reorganize its three waiting lists into two waiting lists, project based and tenant based; and

WHEREAS, the Decree permits the County to create three geographic zones to better target project based offers to those households interested in a particular zone as long as it does not have a segregatory effect; and

WHEREAS, pursuant to the Decree, on March 19, 2001, MDHA reopened the project and tenant-based waiting lists; and

WHEREAS, upon the closing of the waiting lists period, MDHA received approximately 64,000 applications; and

WHEREAS, it has been more than five (5) years since the Decree was entered and the County commenced its implementation and more than two (2) years since the waiting lists were re-opened; and

WHEREAS, in spite of the large number of applicants that remain on the waiting lists, there are approximately 1200 vacant public housing units that remain to be filled; and

WHEREAS, the County Manager submitted a report to the Board of County Commission (Board) on September 18, 2003 in which he identified that many of the delays associated with filling public housing vacancies are related to the implementation of the Decree; and

WHEREAS, the County Manager further reported that there is approximately $22 million associated with the implementation of the Decree, which is beyond the $2.8 million committed by the County to ensure for the Decree's implementation; and

WHEREAS, the County has an interest in filling the vacancies in public housing while reducing costs; and

WHEREAS, there is a need to streamline the Decree's process for filling vacancies in public housing; and

WHEREAS, the Board recognizes that administratively the waiting lists cannot be dissolved and reopened every two (2) years; and

WHEREAS, there is a need to obtain additional funding from HUD to assist in the implementation of the Decree,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that this Board directs:

Section 1. The County Attorney, with the assistance of MDHA, to re-negotiate with the Plaintiffs' legal counsel and HUD the terms and conditions of the Decree, relating to (a) the reopening of the waiting list from every two (2) years to every three (3) years; (b) to streamline the process set forth in the Decree for filling public housing vacancies; and (c) to reorganize the waiting lists into three (3) geographic zones.

Section 2. The County Attorney and MDHA to negotiate with HUD to obtain and expend additional funds to ensure compliance with and implementation of the Decree.

Section 3. The County Attorney and MDHA to present this Board with an implementation plan within three (3) months from the date of this resolution.

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

Dr. Barbara Carey-Shuler, Chairperson
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of November, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS
HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. [illegible]

By:_____
Deputy Clerk

Terrence A. Smith