

MEMORANDUM

ED&HS
Agenda Item No. 2 (C)

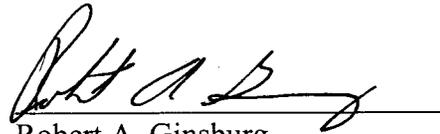
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 9, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution authorizing the
County Manager to form a
Not-for-Profit corporation to
be known as MDSC Homes,
Inc.

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Dorrin D. Rolle.


Robert A. Ginsburg
County Attorney

RAG/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 20, 2005

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 _____

1-20-05

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO FORM A FLORIDA NOT-FOR-PROFIT CORPORATION TO BE KNOWN AS MDSC HOMES, INC.; AND AUTHORIZING MDSC HOMES INC. TO CREATE A SUBSIDIARY AND AN AFFILIATED ENTITY OF SUCH CORPORATION; AND AUTHORIZING THE LEASING OF PROPERTY DESCRIBED IN EXHIBIT "A" TO MDSC HOMES, INC. FOR THE DEVELOPMENT OF AN AFFORDABLE HOUSE DEVELOPMENT

WHEREAS, on February 2, 1999, the BCC, through Resolution R-139-99, authorized the County Manager to apply for, receive and expend HOPE VI funds for the re-development of the former Scott-Carver Homes public housing site; and

WHEREAS, the high-density Scott Homes and Carver Homes multifamily developments will be replaced with one and two story townhouses, duplex and single family homes; and

WHEREAS, one of the components of the HOPE VI project will include a multifamily public housing rental development to be known as Scott-Carver Homes; and

WHEREAS, Scott-Carver Homes will be a new community consisting of 160 units of rental public housing that will be funded through Low Income Housing Tax Credits, HOPE VI funds and Replacement Housing Factor funds, with the majority of the development costs being funded by funds secured through the syndication of the Low Income Housing Tax Credits; and

WHEREAS, the new homes will be townhouse units dispersed in two (2) clusters in the multi-sector development in such a manner that the public housing development will be indistinguishable from the other on site developments; and

WHEREAS, due to the laws governing the Low Income Housing Tax Credits (LIHTC), the development cannot be owned directly by the County, but can be owned by an affiliate of the County; and

WHEREAS, this Board desires to create a non-profit entity to be named MDSC Homes, Inc. that will be eligible to apply for (LIHTC); and

WHEREAS, MDSC Homes, Inc. will develop the public-housing units on property presently owned by the County and will remain a County-controlled entity in perpetuity, as well as all the improvements built on the Land will remain as public housing; and

WHEREAS, MDSC Homes, Inc. and all its affiliates will be governed under all County Ordinances, Administrative Orders, and regulations, including procurement regulations,

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

Section 1. Authorizes the County Manager to form and create MDSC Home Inc. as instrumentality of Miami-Dade County by the Miami-Dade Housing Agency as a Florida non-profit corporation in accordance with the documents attached hereto. The County Manager is further authorized to designate three County employees to serve as MDSC Homes, Inc. directors.

Section 2. Authorizes the County Manager to create subsidiaries and affiliated entities of MDSC Home, Inc., such as but not limited to Scott Carver Homes, Ltd., a Florida Limited Partnership, and to participate as a member or partner or shareholder of such entities.

Section 3. Approves the leasing of the property described in Exhibit A (the "Land") by Miami-Dade County to MDSC Home Inc. pursuant to a 99 year lease in substantially the form attached hereto and made a part hereof; and authorizes the County Manager to execute

same for and on behalf of Miami-Dade County; and authorize MDSC Homes, Inc. to sublet the Land to Scott- Carver Homes, Ltd.

Section 4. Allocates a maximum of \$16,000,00.00 of HOPE VI funds from Miami-Dade County to MDSC Homes, Inc. as construction and permanent financing for the development of the 160 units of family public housing at Scott-Carver Homes upon the Land.

Section 5. Allocates a maximum of \$5,200,000.00 of United States Department of Housing and Urban Development Replacement Housing Factor funds from Miami-Dade County to MDSC Homes, Inc. as construction and permanent financing for the development of 160 units of family public housing at Scott-Carver Homes upon the Land.

Section 6. Authorizes Scott-Carver Homes, Ltd., as the owner and affiliate of MDSC Homes, Inc. to apply for the Low Income Housing Tax Credits that are allocated by the Florida Housing Finance Corporation.

Section 7. Authorizes the County Manager to prepare and execute all documents and agreements, with the approval of the County Attorney's Office, to accomplish the purposes of this resolution provided that such documents and agreements clearly provide that the sole purpose of each of MDSC Homes, Inc and Scott-Carver Homes, Ltd. shall be to develop, own and operate the 160 unit public housing rental development to be know as Scott-Carver Homes.

Section 8. Authorizes the County Manager to prepare and execute any amendments, modifications, cancellations, renewal, and termination clauses of any documents or agreements on behalf of Miami-Dade County or MDSC Homes, Inc., or Scott-Carver Homes, Ltd., with the approval of the County Attorney's Office and provided that such documents are consistent with the purposes of this resolution.

The foregoing resolution was sponsored by Commissioner Dorrin D. Rolle 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:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Dr. Barbara Carey-Shuler
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2005. 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

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Terrence A. Smith