Memorandum

MIAMI-DADE COUNTY

Date: May 6, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Agenda Item No. 7(G)

From: George M. Burgess
County Manager

Subject: Ordinance Designating the Miami-Dade County Office of Community and Economic Development as the Management and Implementation Arm of the Miami-Dade County Empowerment Zone

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The following item includes amendments from the April 16, 2008 meeting of the Economic Development and Human Services Committee. The amendments are as follows:

- **Amended Section 2 of the Ordinance to reflect the EZSA as forwarding Empowerment Zone funding recommendations to the Board of County Commissioners for final approval, rather than making the final determination on how Empowerment Zone funds will be spent;**
- **Amended Section 2 of the Ordinance to clarify that OCED will implement final funding decisions as determined and approved by the Board of County Commissioners, not the EZSA;**
- **Amended Section 6 of the Ordinance to clarify that the Mayor or his designee is authorized to execute and amend all contracts, grant agreements, and other documents for the award of Empowerment Zone funds by the Board of County Commissioners, and not the EZSA.**

Recommendation

It is recommended that the Board of County Commissioners (BCC) adopt the attached Ordinance, jointly sponsored by the Economic Development and Human Services (EDHS) Committee and County Manager, which authorizes: 1) Miami-Dade County's Office of Community and Economic Development (OCED) to be designated as the management and implementation entity of the Miami-Dade County Empowerment Zone program with management and oversight through the County Executive Office and Board of County Commission (BCC); and 2) the Empowerment Zone Strategies Alliance (EZSA) to be created to review and make recommendations to the BCC on funding recommendations that are forwarded through a review process managed by OCED with input from the Neighborhood Assembly process.

Fiscal Impact/Funding Source

There is no negative fiscal impact to the countywide or UMSA general fund. The remaining Federal Empowerment Zone (EZ) grant funding of $3,929,930, in addition to any program income (i.e. revolving loan fund repayments stemming directly from local matching or federal EZ grant assisted activities), will be used to support the ongoing programs and projects of the EZ program as administered by the County through OCED. OCED is authorized to charge an administrative fee to cover its associated costs.

Background

In 1994, Miami-Dade County, as the lead entity (with the support of the cities of Miami, Florida City and Homestead) submitted an application to the US Department of Housing and Urban Development (US HUD) for EZ Round I designation. However, the County was only awarded the designation of a Federal Enterprise Community, which came with a grant award of $3 million.

With the hope of succeeding in Round II, Miami-Dade County submitted an application to US HUD in October 1998 for an EZ designation. That application for Round II resulted in a successful submission anticipated to bring $100 million of EZ funds to Miami-Dade County over the next ten years to be leveraged with matching funds from the County, the partnering cities, Miami-Dade County Public Schools, the State of Florida, as well as investments within the EZ boundaries from the private lending community, private sector businesses, and community organizations. The investment of these resources was targeted at supporting a strategy for economic growth and investment in Miami-Dade's most distressed communities **(see Attachment A)**.

The Round II application took the form of what is known as the EZ One Community One Goal Strategic Plan (Strategic Plan), which was the result of many hours of community participation. Those who participated include, but were not limited to, the banking community, chambers of commerce, civic groups and community based organizations, municipalities, Miami-Dade County Public Schools, and individual citizens. The Strategic Plan was organized around five key goals and strategies with implementing plans for each: 1) Jobs and Pathways; 2) Building in the Zone; 3) Growing New Businesses; 4) People and Places: Sustainable Community Development; and 5) Wired – Information Technology in the Zone **(see Attachment B)**.

Empowerment Zone Today

Moving into its ninth year of operation, the total received by the Miami-Dade EZ program, since its inception, is approximately $25.6 million (with $3.9 million pending draw down). Local match to the program totals approximately $38 million (combination of County general funds and Documentary Surtax). Other funding sources such as State grants, and revenue from program income has also supported EZ program activities. For the last three years, there has been no additional federal EZ grant fund appropriation.

In 1999, the BCC approved a Memorandum of Understanding (MOU) between the County and the Trust that delegated authority to the Trust to govern, direct and implement the Strategic Plan. On July 10, 2007, the County terminated the MOU with the Trust and began the transition of limited activities to OCED.

Going Forward

The recommended plan that resulted from the January 2008 EDHS Committee meeting proposes the following:

- No longer use a 501(c)(3), but place the management and implementation of the EZ program under the direction of the County Executive Office with OCED as the implementing agency. Because the County is the official grantee of the EZ grant funds, we must be in a position where responsibility for management and program accountability rest squarely with the County.
- Neighborhood Assemblies shall be re-established for each of the neighborhoods in the Empowerment Zone and should: 1) guide the implementation of the Empowerment Zone Strategic Plan and make recommendations to OCED, 2) advise and recommend to OCED, when appropriate, amendments and revisions to the Empowerment Zone Strategic Plan, and 3) name representatives to the EZSA.
- Create the EZSA with appointments from the EZ impacted Mayors and representative(s) from the Neighborhood Assemblies. The 14 EZCC members will be appointed as follows:
    - One member for the Airport neighborhood appointed by the Miami-Dade County Mayor;
    - One member for the Central Business District/Seaport neighborhood appointed by the City of Miami Mayor;
    - Eight members, one per each of the eight remaining neighborhoods, elected by their own neighborhood assemblies;

  - One representative appointed by the Miami-Dade County Mayor;
  - One representative appointed by the City of Miami Mayor;
  - One representative appointed by the City of Homestead Mayor; and
  - One representative appointed by the Florida City Mayor.
- OCED shall implement the Empowerment Zone Strategic Plan as designated and directed by the BCC. The EZSA shall review OCED staff funding recommendations and make final recommendations on the funding of all projects and programs with EZ federal funds and program income to the BCC for final approval. Prior to OCED's funding recommendations to EZSA, OCED is to receive input from the neighborhood assemblies.
- Implementation and award of funds as directed by EZSA shall require review or approval by the Board, but all funding recommendations must be aligned with carrying out the EZ Strategic Plan.
- OCED's designation as the implementation arm of the EZ shall terminate upon the expiration of the County's designation as an Empowerment Zone.
- OCED shall report on a quarterly basis to the BCC on all funding decisions made by the Council and provide reports to the cities of Miami, Florida City, and Homestead.

The amendments incorporated at the April 16, 2008 meeting of the Economic Development and Human Services Committee are consistent with the conference call held on March 26, 2008 between OCED and US HUD to review the Ordinance proposed by the County as well as to discuss a multitude of other issues including organizational structure and staffing assignments, financial controls, property control, compliance, allocation of allowable costs, and the Program Assumption Agreement (PAA) approved by the Board of County Commissioners (BCC) on March 18, 2008.

Attachments

Cynthia W. Curry
Senior Advisor to the County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: May 6, 2008

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 7(G)

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
Veto _____
Override _____

Agenda Item No. 7(G)
5-6-08

ORDINANCE NO. _____

ORDINANCE CREATING THE EMPOWERMENT ZONE STRATEGIES ALLIANCE; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO PLACE THE RESPONSIBILITY FOR THE IMPLEMENTATION OF THE COUNTY'S EMPOWERMENT ZONE DESIGNATION WITH THE OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT AS ADVISED BY THE EMPOWERMENT ZONE STRATEGIES ALLIANCE; AUTHORIZING ANY NECESSARY AMENDMENT TO THE EMPOWERMENT ZONE STRATEGIC PLAN AND FILING OF AMENDED PLAN WITH U.S. HUD; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE

WHEREAS, Miami-Dade County, along with the cities of Miami, Homestead and Florida City (collectively the "Empowerment Zone Partners") were granted the designation of Empowerment Zone by the United States Department of Housing and Urban Development; and

WHEREAS, as part of it's application for Empowerment Zone designation Miami-Dade County submitted a Strategic Plan detailing how it hoped to implement the designation if granted; and

WHEREAS, the Strategic Plan provided for the implementation of the Empowerment Zone designation through the creation of a 501(c)(3) not for profit; and

WHEREAS, pursuant to the Strategic Plan the Miami-Dade Empowerment Trust was created for the purpose of the implementing the Strategic Plan; and

WHEREAS, after the creation of the Miami-Dade Empowerment Trust (the "Trust") the County, on August 9, 1999 entered into a Memorandum of Understanding with the Trust wherein the Trust agreed to manage the Empowerment Zone on behalf of the Empowerment Zone Partners; and

WHEREAS, the Memorandum of Understanding was to be in effect until the expiration of the Empowerment Zone designation on December 31, 2009; and

WHEREAS, the Memorandum of Understanding was terminated on July 10, 2007; and

WHEREAS, the County's designation as an Empowerment Zone continues until December 31, 2009; and

WHEREAS, a method must be put into place for the management of the Empowerment Zone until the designation expires,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The Empowerment Zone Strategies Alliance is hereby created. The Empowerment Zone Strategies Alliance (hereinafter "EZSA") shall consist of fourteen (14) members. The Mayors of Miami-Dade County and the cities of Miami, Florida City and Homestead shall each appoint one member to the EZSA (the "general appointments"). In addition to their general appointments, the Mayor or Miami-Dade County shall also appoint one member representing the Miami International Airport area and the Mayor of the City of Miami shall appoint one member representing the Central Business District/Seaport area. Each of the currently existing eight Empowerment Zone Neighborhood Assemblies--1) Melrose; 2) Allapatah/Civic Center; 3) Overtown; 4) East Little Havana; 5) Wynwood; 6) Liberty City/Model City; 7) Homestead; and 8) Florida City-- shall appoint one of its members to the EZSA.

Section 2. The Mayor or his designee is authorized to place the responsibility for the implementation of the County's Empowerment Zone designation with the Office of Community and Economic Development (OCED). The EZSA shall review OCED staff funding recommendations and make final recommendations to the Board of County Commissioners on the funding of all projects and programs funded with federal Empowerment Zone funds and any program income derived from local, and federal Empowerment Zone funds invested in Empowerment Zone assisted activities that are within the established EZ funding criteria, County procurement and fiscal guidelines, and benchmarks approved by the US HUD. The funding recommendations made by OCED staff to the EZSA shall be based on proposals that comport with carrying out the Empowerment Zone Strategic Plan. Prior to OCED's funding recommendations to the EZSA, OCED shall receive input during the review of proposals through the currently existing Neighborhood Assembly process. Implementation and award of funds as recommended by EZSA shall require review by and approval of the Board of County Commissioners. OCED shall implement the final funding decisions as determined by the Board of County Commissioners. EZSA shall operate through the end of the County's designation as an Empowerment Zone.

Section 3. Neighborhood Assemblies shall re-established and convened for each of the neighborhoods in the Empowerment Zone. The role of the Neighborhood Assemblies shall be: (1) to guide the implementation of the Empowerment Zone Strategic Plan and to make recommendations on projects to OCED; (2) to advise and recommend to OCED when appropriate, amendments and revisions to the Strategic Plan, and (3) to name representatives to the EZSA.

Section 4. OCED shall report quarterly to the BCC on all funding decisions made by the EZSA. These reports shall also be provided to the cities of Miami, Florida City and Homestead.

Section 5. The designation of OCED as the implementing arm of the Empowerment Zone shall terminate upon the expiration of the County's designation as an Empowerment Zone.

Section 6. The Mayor or his designee is authorized to take all actions necessary to carry out the purposes of this ordinance, including but not limited to, amending agreements with each of the Empowerment Zone Partners and U.S. HUD, including amending the Empowerment Zone Strategic Plan and the Memorandum of Agreement between the County and U.S. HUD, and executing any necessary interlocal agreements with the cities of Miami, Florida City, and Homestead. The Mayor or his designee is further authorized to execute and amend all contracts, grant agreements, and other documents for the award of Empowerment Zone funds as approved by the Board of County Commissioners.

Section 7. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity

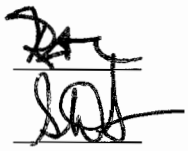
Section 8. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 9. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 10. Sunset. This ordinance shall sunset three (3) years after its creation.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



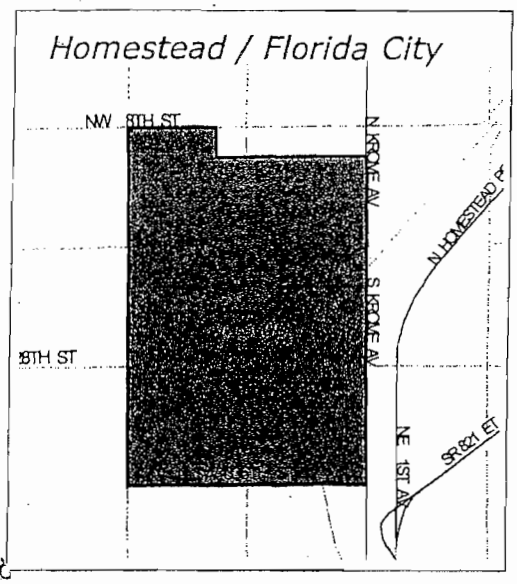
Prepared by:

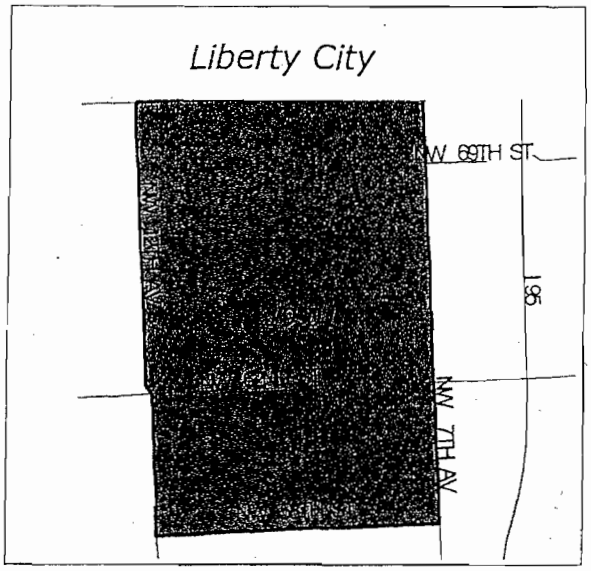
Shannon D. Summerset

Sponsored by the Economic Development and
Human Services Committee and the County Manager

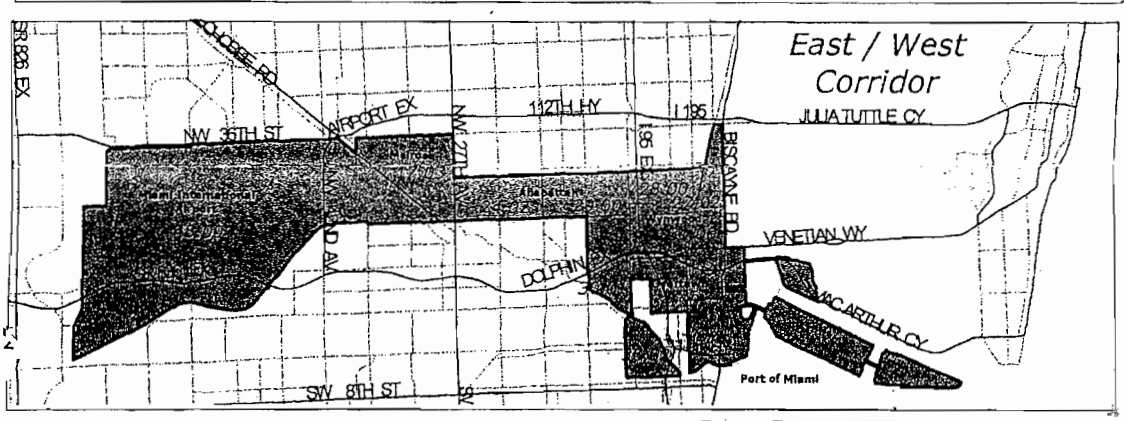
Attachment A

Federal Empowerment Zone 1998

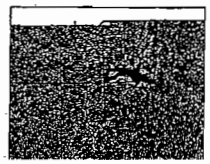




COMMUNITY NAME	1990 TRACT#	1990 POP.	POVERTY%	%HISPANIC	%BLACK NON-HISPANIC	%OTHER NON-HISPANIC	SQUARE MILES
Airport	48.00	105	25	69.6	5.4	25.0	5.4
Melrose	17.03	4057	34	86.8	5.3	8.0	0.8
Allapattah	24.02	4748	47	83.5	10.3	6.2	0.5
	29.00	3427	41	72.1	20.0	7.9	0.5
Civic Center	30.01	3073	44	39.3	38.7	22.1	0.5
Overtown	31.00	5392	57	6.5	92.5	1.1	0.4
	34.00	2799	53	1.6	98.4	0.0	0.3
Little Havana	36.02	7418	48	92.0	2.9	5.1	0.3
CBD & Seaport	37.01	623	47	70.3	7.3	22.4	0.4
	37.02	1055	55	26.5	50.9	22.6	1.3
Wynwood	27.02	1857	46	65.9	20.8	13.3	0.4
	28.00	2363	58	34.0	56.8	9.2	0.4
Liberty/Model City	19.01	3726	44	0.9	98.9	0.2	0.4
Homestead/Fl City	113.00	8973	50	30.7	62.8	6.5	1.5
Total for all Tracts		49616	48	48.4	44.6	7.0	13.1



Highway
Major Road
Federal Empowerment Zone
Census Tract Boundary



Attachment B

Five Strategies Outlined in the 1997-98 One Community One Goal Strategic Plan

1. **Jobs and Pathways**. (Three Goals).
   a. Provide privileged training and placement of EZ persons in more than 5,000 jobs.
   b. The County and its partners would take full advantage of the already existing job-training and infrastructure to provide EZ residents with an available network of job and training linkages.
   c. Develop an Education Workforce Business Partnership to monitor and track the success of pathways to jobs.

2. **Building in the Zone**. (Three Goals).
   a. Execute a new procurement process to assure that trained contractors and residents form the EZ will have privileged access to construction projects.
   b. Hiring and training from within the EZ rather than importing labor for construction projects planned for the EZ and the region.
   c. Commit to train and produce up to 2,500 students and apprentices over five years in all major construction trades needed in Miami-Dade. (This was stated as a commitment from the Miami AFL-CIO and the American Builders and Contractors Institute as opposed to the County's Trust).

3. **New Business.** (Three Goals)
   a. Transform over $400 million in new capital commitment (from banks and other institutions) into a momentum-building investment base for the EZ businesses.
   b. Establish an International Trade Board in the EZ to physically and financially link residents and businesses to trade and tourism.
   c. Invest in education and training programs to prepare EZ students and business persons for careers in seven fields: international trade, biomedicine, film and entertainment, financial services, information technology, telecommunication and tourism.

4. **People and Places; connecting people to opportunity.** (Five goals)
   a. Provide universal access to daycare, healthcare to families and children and early childhood education through investment strategies and community based delivery systems.
   b. Comprehensive early childhood development and learning readiness for all children under 6 years old and drop-out prevention programs for at risk high school students.
   c. Crime reduction through investment in community policing activities and investment in youth activities.
   d. Redirect the westward suburban expansion by making the urban core and the EZ a magnetic place to live and work.
   e. Create smart growth and improve transportation, remove development obstacles such as Brownfields, protect the environment and preserve open spaces and the ecosystem.

5. **Wired Information Technology in the Zone.** (Three Goals)
   a. Unite the business, training entities and school into a Virtual One-Stop Employment System.
   b. Incorporate technology into school and training curricula at all levels of instruction; from basic computer literacy to high tech training.
   c. Make technology accessible in homes, businesses, neighborhood centers, schools and public libraries. Create repositories of information including, job skills bank, training resources, financial resources, government resources and land/GIS.