

Memorandum



Date: March 17, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 14(A)(2)

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the County Manager.

Subject: Resolution Requesting Authorization for OCED to Recapture Funds

RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) recapture Empowerment Zone (EZ) funds previously committed for: 1) Allapattah Landscape / Beautification, 2) Red Rock Global, 3) Downtown Miami Partnership, 4) New Washington Heights CDC, 5) One Economy Corporation, 6) ASPIRA, 7) Overtown Fish Market, and 8) Overtown Child Care pursuant to the Department of Housing and Urban development 24 CFR Part 598.

SCOPE

Miami Dade County received its Empowerment Zone (EZ) designation in 1999. The EZ covers specific census tracts in the following ten neighborhoods: 1) Central Business District/Seaport; 2) Airport; 3) Melrose; 4) Allapattah/Civic Center; 5) Overtown; 6) East Little Havana; 7) Wynwood; 8) Liberty City/Model City; 9) Homestead; and 10) Florida City. In addition, the EZ covers three developable sites: 1) Opa Locka Airport (a 902-acre site); 2) Northside/Poinciana Industrial Center (a 259-acre site) and 3) Homestead/Florida City (a 621-acre site). These areas are located in Commission Districts 1,2,3,5, 8, and 9.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to the County.

The funds to be recaptured are previous EZ funding commitments. The recapturing of these funds (\$339,852) will not increase the amount in the EZ funding pool.

BACKGROUND

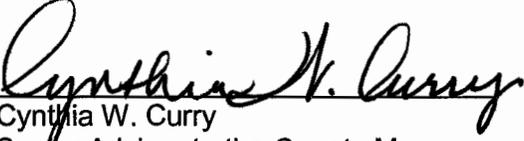
In 1999 the BCC approved a Memorandum of Understanding (MOU) between the County and the Miami-Dade Empowerment Trust, Inc. (MDET) delegating MDET the authority to govern, direct and implement programs of the EZ. On July 10, 2007, the MOU between MDET and the County was terminated. County Ordinance 08-56 designated OCED as the implementing arm for all ongoing EZ program management activities through the end of the EZ's designation, which is December 31, 2009.

During the transition period, the US Department of Housing and Urban Development (US HUD) updated the Register which mandates the types of projects for which federal EZ funds can be used. Consequently, some previously approved projects no longer meet the updated requirements and must be rescinded.

Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners
Page 2

Additionally, some allocations have been under commitment for a period of three years or more with absolutely no forward movement and have no contractual obligations. Given that the EZ designation expires on December 31, 2009, staff has assessed that these projects will not be ready for start up, nor subsequently completed by December 31, 2009. The current EZ Neighborhood Assemblies would like the opportunity to engage new projects that will have an impact on their respective communities, and have the capability to do so expeditiously. Attachment 1 to this cover memorandum includes staff's list of recommended projects to have funds recaptured.

Attachment


Cynthia W. Curry
Senior Advisor to the County Manager

Attachment 1

Approved	Project	EZ Neighborhood	Description	Approved Amount	Balance	Comments
2000	Allapattah Landscape / Beautification	Allapattah/Civic Center	Landscape & Beautification	\$331,405	\$100,610	Current Assembly not interested in project and the project does not meet updated mandate.
2003	Red Rock Global	Homestead	Homestead Redevelopment	\$500,000	\$0	HOME Funds were reprogrammed, project has not started or viable. No viable contract.
2006	Downtown Miami Partnership	Central Business District	Tenant Improvement	\$200,000	\$123,032	Staff site visit determined businesses that were assisted were no longer in business. Program did not achieve objectives of helping new business stay in business by offsetting start up costs.
2006	New Washington Heights CDC	Overtown	Rental Assistance to Incubator Businesses	\$25,000	\$ 2,365	MDET, Inc. Rental Agreement with Department of Human Services (DHS) null and void
2006	One Economy	East Little Havana	Youth Employment	\$75,700	\$64,345	Business no longer in Miami-Dade County.
2007	ASPIRA	Allapattah/Civic Center	Youth Scholarships	\$14,500	\$14,500	Current Assembly not interested in project and the project does not meet updated mandate.
2003	Overtown Fish Market	Overtown	Technical Start Up Assistance	\$25,000	\$25,000	No start-up since 2003, no viable contract, no indication of qualified entity to enter into contract, project will not be viable prior to 12/31/09
2006	Overtown Child Care	Overtown	Child Care Subsidy	\$10,000	\$10,000	No viable contract since 2006



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 17, 2009

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

SUBJECT: Agenda Item No. 14(A)(2)

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 Mayor'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. 14(A)(2)
3-17-09

RESOLUTION NO. _____

RESOLUTION RECAPTURING FUNDS AWARDED PURSUANT
TO THE DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT 24 CFR PART 598

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is corporated herein by reference; and

WHEREAS, the Memorandum of Understanding (MOU), between the Miami Dade Empowerment Trust (MDET) and the County was terminated, on July 10, 2007; and

WHEREAS, the County's designation of the Empowerment Zone ends December 31, 2009; and

WHEREAS, pursuant to County Ordinance 08-56 which designated the Office of Community and Economic Development (OCED) as the implementing arm of the Empowerment Zone until expiration of its designation; and

WHEREAS, County Ordinance 08-56, established a new project approval process which mandates that the reestablished Empowerment Zone Neighborhood Assemblies, the newly formed Empowerment Zone Strategies Alliance (EZSA), and OCED Empowerment Zone Initiative staff shall review and make funding recommendations to the Board for approval; and

WHEREAS, the aforementioned concur that the contracts / funding allocations outlined do not meet the current standard of viability to the EZ; and

WHEREAS, the Board supports prudent and effective activities that enhance the Empowerment Zone communities,

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

Section 1. Approves the recapture of EZ obligations that do not meet the guidelines pursuant to the Department of Housing and Urban Development 24 CFR Part 598.

Section 2. Directs the Mayor or the Mayor's designee, the Director of the Office of Community and Economic Development, County Attorney, and Clerk of the Board to take whatever actions are necessary to effect and secure the request.

The foregoing resolution was 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of March, 2009. 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.



Shannon D. Summerset