MEMORANDUM

Agenda Item No. 11(A)(16)

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	**DATE:**	June 2, 2009
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution directing the Mayor to research the availability of American Recovery and Reinvestment Act of 2009 funds to be used as gap funding for the construction of green and sustainable buildings

The resolution was amended by the Housing and Community Development Committee to remove the report requirement and direct the Mayor to apply for American Recovery and Reinvestment Act of 2009 funds.

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

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM
(Revised)

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

DATE: June 2, 2009

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

SUBJECT: Agenda Item No. 11(A)(16)

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. 11(A)(16)
6-2-09

RESOLUTION NO. _____

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO RESEARCH THE AVAILABILITY OF AND APPLY FOR AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDS TO BE USED AS GAP FUNDING FOR THE CONSTRUCTION OF GREEN AND SUSTAINABLE BUILDINGS IN THE HOPE VI PROJECT

WHEREAS, in 1999, the County submitted a HOPE VI application to the United States Department of Housing and Urban Development ("HUD") to seek funding to demolish and revitalize the James E. Scott Homes and Carver Homes Public Housing Development ("Scott-Carver"); and

WHEREAS, HUD awarded a HOPE VI implementation grant in the amount of $35 million for the purpose of demolishing and revitalizing Scott-Carver Homes; and

WHEREAS, the County is in the process of rebuilding the new community to re-house the former residents of Scott-Carver; and

WHEREAS, on December 16, 2008, this Board adopted Resolution No. R-1417-08, which awarded a Master Developer Agreement ("MDA") to McCormack Baron Salazar, Inc. ("MBS") for the completion of Phase II (Sectors III, IIA, IV and Carver Homes) of the Scott-Carver HOPE VI project; and

WHEREAS, on December 29, 2009, the County entered into the MDA with MBS; and

WHEREAS, the MDA requires MBS, in conjunction with the Miami Worker's Center, Emerging Green Builders and other interested groups, to develop a Concept Plan that includes "a

plan that is highly energy-efficient and innovative in its use of 'green' and 'sustainable' ('Green Building Concepts') building materials, components, and construction methods"; and

WHEREAS, funding provided by the American Recovery and Reinvestment Act of 2009 ("Recovery Act) offers a tremendous opportunity for state and local governments to jump-start green building efforts, create green jobs, and save energy and money; and

WHEREAS, this Board also desires to use Recovery Act funds received or applied for and received by the County as gap funding for the HOPE VI project to ensure that MBS constructs green and sustainable buildings in this project,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board [[~~: Section 1.~~]][1] directs the Mayor or Mayor's designee to research the availability of >>and apply for<< American Recovery and Reinvestment Act of 2009 funds to be used as gap funding for the construction of green and sustainable buildings by McCormack Baron Salazar, Inc. within the Scott-Carver HOPE VI project.

[[~~Section 2. Directs the Mayor or Mayor's designee to provide a report to this Board within sixty (60) days from the effective date of this resolution.~~]]

The Prime Sponsor of the foregoing resolution is Commissioner Dorrin D. Rolle. It 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:

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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 2nd day of June, 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.

Terrence A. Smith

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR

Legislative Notes

Agenda Item: 11(A)16

File Number: 091519

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: May 18, 2009

Type of Item: Resolution Directing County Mayor on Use of American Recovery and Reinvestment Act of 2009

Prime Sponsor: Commissioner Dorrin D. Rolle

Commission District: 2

Summary

The resolution directs the County Mayor to research the availability of American Recovery and Reinvestment Act of 2009 funds to be used as gap funding for the construction of green and sustainable building in the Hope VI project.

Background and Relevant Legislation

Under the American Recovery and Reinvestment Act of 2009, Miami-Dade County expects to receive an estimated amount of $24 million. According to a memo dated March 3, 2009, from the County Manager, the County expects to receive nearly $5 million in Community Development Block Grants and more than $19 million in Public Housing Capital funds to upgrade and create energy efficiencies in existing public-housing units. A list of projects is currently being developed. The focus will be on deferred repair and replacement of systems such as elevators, roofs and windows. Money will also be available for gap financing on projects that receive Low-Income Housing Tax Credits.

According to a letter dated March 6, 2009 from the U.S. Department of Housing and Urban Development, HUD outlined the programs that are going to be funded: Community Development Block Grants; Public Housing Capital Fund; Lead Hazard Reduction; Section 8 Project-based Rental Assistance; Homelessness Prevention Fund and Tax Credit Assistance. At least 60 percent of funds must be spent within two years; all funds must be spent within three years.

Policy Change and Implication

N/A

Question(s)
Has the Miami-Dade Housing Agency determined the estimated gap funding that is necessary for the Hope VI project?

During the May 13, 2009 Housing and Community Development Committee meeting, supplemental information to the monthly report on the Miami-Dade Public Housing Agency was provided to Committee members detailing the financing strategy for the Hope VI project. According to the report, three different scenarios were given explaining different building plans based upon the availability of certain funding. Each scenario also lists the anticipated funding gap existing with each proposal. Scenario A includes a nine percent tax credit application for Sector IIA and a four percent tax credit application for Sectors IIB, III, and IIIA along with Hope VI grant funding, US HUD Replacement Housing Factor funds and County bond proceeds. The financing gap under Scenario A is $4,141,946. Scenario B has a financing gap of $5,099,729 and Scenario C has a financing gap of $14,448,840.

Budgetary Impact
N/A

Prepared By:
Tiandra D. Sullivan