

# MEMORANDUM

Agenda Item No. 11(A)(5)

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

**DATE:** November 17, 2009

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

**SUBJECT:** Resolution directing the Mayor  
to conduct a study and report  
which projects and programs  
are currently funded with  
General Funds but are eligible  
to receive CDBG funds

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Carlos A. Gimenez.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/up



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners      **DATE:** November 17, 2009

**FROM:** R. A. Cuevas, Jr. County Attorney      **SUBJECT:** Agenda Item No. 11(A) (5)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(5)  
11-17-09

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE MAYOR'S DESIGNEE TO CONDUCT A STUDY AND REPORT TO THE BOARD OF COUNTY COMMISSIONERS WHICH PROJECTS AND PROGRAMS ARE CURRENTLY FUNDED WITH GENERAL FUNDS BUT ARE ELIGIBLE TO RECEIVE CDBG FUNDS, INCLUDING RECOMMENDATIONS AS TO WHICH PROJECTS AND PROGRAMS SHOULD BE ALLOCATED CDBG FUNDS IN PLACE OF GENERAL FUNDS

**WHEREAS**, CDBG funds are designed to help local governments achieve economic development, the reduction of slum and blight, job creation and affordable housing; and

**WHEREAS**, CDBG funds may be used for broad purposes, including but not limited to, (a) job creation, (b) the acquisition, construction, rehabilitation, and reconstruction of real property to be used as affordable housing for low- and moderate-income households; hospitals; nursing homes; or shelter for homeless persons, battered spouses, persons with special needs, or runaway children; (c) improvements to the exterior of commercial buildings in areas of need; (d) historic preservation; (e) lead-based paint removal, (f) the repairing of streets, sidewalks, playgrounds and parks, or neighborhood clean-up activities in areas in need of immediate action to arrest deterioration, and (g) foreclosure prevention; and

**WHEREAS**, Miami-Dade County (the "County") funds numerous projects and programs designed to achieve economic development, the reduction of slum and blight, job creation and affordable housing with funds from its general fund ("General Funds"); and

**WHEREAS**, many of these projects and programs funded with General Funds are of such a nature that they are eligible to receive Community Development Block Grant (“CDBG”) funds; and

**WHEREAS**, the County faces a budgetary shortfall in fiscal years 2009 and 2010 as a result of the present real estate and economic crisis; and

**WHEREAS**, the Board of County Commissioners (the “Board”) has the power to allocate CDBG funds to projects meeting the CDBG criteria in accordance with federal statutes and regulations; and

**WHEREAS**, the County’s budgetary shortfall could be eased by rescinding or recapturing General Funds allocated toward CDBG-eligible projects and instead funding such projects with CDBG funds,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board directs the County Mayor or the Mayor’s designee to conduct a study and bring before the Board within sixty (60) days a report and recommendation listing all the projects currently receiving General Funds which are eligible to receive CDBG funds and which are of such status that the reallocation described herein shall be legal and of benefit to the County.

The Prime Sponsor of the foregoing resolution is Commissioner Carlos A. Gimenez. 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:

Dennis C. Moss, Chairman

Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro

Carlos A. Gimenez

Barbara J. Jordan

Dorin D. Rolle

Katy Sorenson

Sen. Javier D. Souto

Audrey M. Edmonson

Sally A. Heyman

Joe A. Martinez

Natacha Seijas

Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 17<sup>th</sup> day of November, 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.



Brenda Kuhns Neuman

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



Legislative Notes

**Agenda Item:** 11A5  
**File Number:** 092382  
**Committee(s) of Reference:** BCC  
**Date of Analysis:** September 3, 2009  
**Type of Item:** Directive to Study which Projects & Programs Are or Should Be Eligible for CDBG Funds  
**Sponsor:** Commissioner Carlos A. Gimenez

**Summary**

This resolution directs the County Mayor to conduct a study of all County programs and projects currently receiving General Funds which are eligible to receive Community Development Block Grants (CDBG funds); and to report his findings to the Board of County Commissioners (BCC) within 60 days of the resolution's effective date.

**Background and Relevant Legislation**

For purposes of addressing the County's current budgetary shortfall, this resolution advocates a thorough assessment of all General Fund spending programs and policies across the board to identify which County projects, meeting CDBG criteria, should be funded by CDBG funds, and which General Fund money, allocated towards CDBG-eligible projects, should be recaptured and re-allocated to other County projects and programs.

Under the Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) program, the federal government provides annual grants directly to qualifying cities and counties to carryout a wide range of community development activities directed toward providing decent housing, economic development, improved community facilities and public services that benefit low and moderate-income persons. Recipients of CDBG grant funds have broad discretion in determining their spending priorities, provided funded activities address the grant program's objectives. (Source: HUD'S Office of Community Planning & Development).

The County, as a recipient of CDBG funds, has the flexibility to identify and define how such grant funds will be used to address local needs based on fiscal feasibility. Accordingly, the Mayor is directed to review the use of CDBG funds and to assess which General Fund funds are currently allocated towards CDBG-eligible projects which could be recaptured to offset revenue reductions.

**Policy Change and Implication**

If approved, the proposed resolution would require the Administration to conduct a feasibility study of all County programs and projects currently receiving General Funds which are eligible to receive CDBG funds and to provide BCC with a list within 60 days.

Once this list is provided, the BCC may require Administration to establish and submit for approval a spending and reallocation plan which targets and segregates CDBG-eligible General Fund programs and projects. This may entail the following:

- An adjustment of General Fund funding priorities, and
- A new assessment of community needs, and fiscal capacity to meet those needs.

As proposed, the directive requires no changes to be made to the agencies or departments responsible for administering or overseeing CDBG allocations or program management procedures.

**Budgetary Impact**

Cost savings attributable to recapturing General Funds allocated to CDBG-eligible projects have not been quantified.

**Prepared by:** Lauren Young-Allen