

# Memorandum



**Date:** July 20, 2010

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

**From:** George M. Burgess  
County Manager

**Subject:** Resolution Authorizing Submission of the Substantial Amendment to Miami-Dade County's FY 2008 Action Plan for CDBG-R Funds

Agenda Item No. 8(K)(1)(A)

## **RECOMMENDATION**

It is recommended that the Board of County Commissioners (BCC) authorize the Mayor or Mayor's designee to amend the FY 2008 Action Plan to recapture and reallocate \$953,723 in unexpended Community Development Block Grant Recovery (CDBG-R) funds as indicated in Exhibit A.

These CDBG-R funds being recaptured are recommended for reallocation to eligible activities in accordance with the regulatory requirements of the U.S. Department of Housing and Urban Development (US HUD).

## **SCOPE**

Exhibit A includes information on the Commission District location for each project to be allocated CDBG-R funds; however, the benefits from certain projects may affect more than one Commission District.

## **FISCAL IMPACT**

Approval of this resolution will not create a fiscal impact to the County. The proposed amendment is a reallocation of existing funding.

Miami-Dade County has until September 30, 2012 to expend the full CDBG-R award. Funds not expended by the deadline will be recaptured by US HUD and returned to the US Treasury Department.

## **TRACK RECORD/MONITORING**

The entity recommended for the reallocation of CDBG-R funding, the Miami-Dade Public Works Department (PWD), has been successful in implementing the projects funded through its original CDBG-R allocation. In compliance with federal regulations, the Department of Housing and Community Development (DHCD) also provides quarterly reports to US HUD regarding the progress of CDBG-R funded activities.

## **BACKGROUND**

The CDBG-R program is part of the federal recovery initiative funded through the American Recovery and Reinvestment Act (ARRA) of 2009. Through ARRA, \$1 billion in CDBG funds was appropriated to states and local governments to carry out eligible activities under the CDBG Program on an expedited basis. To facilitate the accelerated use of these modified CDBG funds, US HUD issued a Notice of Program Requirements on May 4, 2009 outlining the rules and regulatory waivers affecting program design and implementation. The Notice required grantees to allocate funds through a substantial amendment to the FY 2008 Action Plan and reduced the public comment period to seven days, in lieu of the standard 30 days.

Funding available under the Recovery Act has clear purposes. CDBG-R recipients are encouraged to:

1. Give preference to projects that can award contracts based on bids within 120 calendar days from the date funds are made available to the recipients;

2. Establish a goal of using at least 50 percent of the funds for those activities that can be initiated within the 120 calendar days; and
3. Use CDBG-R funds to stimulate the economy through measures that modernize the nation's infrastructure.

Moreover, Section 1602 of the Recovery Act requires that grantees use grant funds in a manner that maximizes job creation and economic benefit and that no more than 15 percent of CDBG-R funds be used for public service activities. Finally, up to ten percent may be used for general administration and planning activities.

#### ***CDBG-R Program in Miami-Dade County***

Miami-Dade County was awarded \$4.884 million in CDBG-R funds, and the BCC, through Resolution R-631-09, allocated the full award on June 2, 2009 as part of an amendment to the FY 2008 Action Plan. The CDBG-R funds were allocated as follows: 1) \$732,647 (15 percent) for public service through the Foreclosure Prevention program; 2) \$1.954 million (40 percent) for the Small Business Assistance Loan Program; 3) \$1.709 million (35 percent) for Infrastructure Improvements; and \$488,432 (10 percent) for administration and planning.

#### **Reasons for Recapture**

The focus of the CDBG-R program is to fund projects that can be initiated quickly in order to help stimulate the economy, and as such, DHCD recommends that \$953,723 in unexpended funds be recaptured and reallocated to meet the expedited program requirements and job creation goals of the CDBG-R program. More specifically, DHCD recommends that \$953,723 from the Small Business Development Loan Program be reprogrammed. Although \$1 million of the total \$1.954 million allocated to the program was awarded to eligible agencies through the FY 2010 Action Plan, DHCD was unable to award the remaining \$953,723 because of the organizations that applied for funding through the competitive request for application process, too few demonstrated the necessary track record to operate a small business loan program with the enhanced federal reporting requirements.

#### **Reallocation Recommendation**

At this time, recaptured CDBG-R funds are recommended towards eight activities, all of which are infrastructure improvements. The reprogramming of funds is to focus on activities that are ready to commence, can meet the expenditure timeline, and can create or retain jobs. Of all the activities funded through CDBG-R, the infrastructure improvement projects carried out by PWD proved to be most suited to meet the CDBG-R program requirements. For this reason, it is recommended that the original allocation of \$1,709,509 to PWD be increased by \$953,723, for a total of \$2,663,232. The additional funds will be utilized to complete eight street resurfacing, drainage and sidewalk improvements activities in low- to moderate-income areas that meet CDBG-R eligibility criteria, as listed below:

- SW 12 Street Sidewalk and Drainage Improvements from SW 68 Avenue to SW 72 Avenue, District 6
- SW 14 Street Drainage Improvements from SW 70 Avenue to SW 72 Avenue, District 6
- SW 21 Street Drainage Improvements from SW 67 Avenue to SW 72 Avenue, District 6
- SW 37 Street Improvements from SW 96 Avenue to SW 97 Avenue, District 10
- SW 95 Avenue Street Improvements from SW 36 Street to SW 37 Street, District 10
- SW 37 Terrace Drainage Improvements from SW 80 Avenue to SW 82 Avenue, District 10
- SW 35 Street Drainage Improvements from SW 92 Avenue to SW 94 Avenue, District 10
- SW 36 Street and SW 87 Court Drainage Improvements, District 10

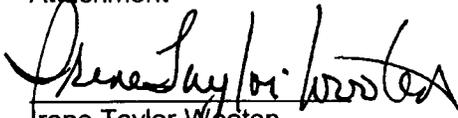
The projects above adhere to the 120-day implementation period, will help to create or retain jobs, and will promote the CDBG-R objective of investing in infrastructure projects that provide basic services. The following table illustrates the impact of the proposed recapture and reallocation of funds.

| Project Title                             | Agency                  | Original Award<br>(R-631-09) | Recommended<br>Change | Recommended<br>Adjusted Award | Commission<br>District |
|---|-------------------------|------------------------------|-----------------------|-------------------------------|------------------------|
| Small Business Assistance<br>Loan Program | Miami Dade DHCD         | \$1,953,723                  | -\$953,723            | \$1,000,000                   | Countywide             |
| Infrastructure Improvements               | Miami Dade Public Works | 1,709,509                    | 953,723               | 2,663,232                     | 6 and 10               |
| <b>TOTAL</b>                              |                         | <b>\$3,663,232</b>           | <b>\$0</b>            | <b>\$3,663,232</b>            |                        |

\* This table only reflects the two activities from the original allocation that are recommended for adjustment.

In compliance with US HUD rules, the public comment period for this substantial amendment extends from May 5 to May 12, 2010, and it will close at the Housing and Community Development Committee. In addition, the attached Exhibit B includes a description of all the activities funded to date, including the recommendations above, with CDBG-R.

Attachment



Irene Taylor-Wooten  
 Special Assistant to the County Manager



# MEMORANDUM

(Revised)

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

**DATE:** July 20, 2010

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

**SUBJECT:** Agenda Item No. 8 (κ) (1) (A)

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. 8(K)(1)(A)  
7-20-10

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

RESOLUTION APPROVING THE SUBSTANTIAL AMENDMENT TO THE FY 2008 ACTION PLAN TO REFLECT THE REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY FUNDS (CDBG-R) AS AUTHORIZED BY TITLE XII, OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF FY 2009, IN THE AMOUNT OF \$953,723 IN SUBSTANTIALLY THE SAME FORM AS INDICATED IN EXHIBIT AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL CONTRACTS, AGREEMENTS AND AMENDMENTS NECESSARY TO CARRY OUT THE ABOVE PROGRAM; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN

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

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board authorizes the County Mayor or the County Mayor's Designee to amend the FY 2008 Action Plan to reflect the reallocation of \$953,723 FY 2008 Community Development Block Grant Recovery Funds (CDBG-R) in substantially the same form as indicated in Exhibit A and further authorizes the Mayor or Mayor's Designee to execute such contracts, agreements and amendments, as are required, following approval by the County Attorney's Office and subject to proper execution by the parties; and to exercise the cancellation provisions contained therein.

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    |
| Dorin D. Rolle                  | Natacha Seijas     |
| Katy Sorenson                   | Rebeca Sosa        |
| Sen. Javier D. Souto            |                    |

The Chairperson thereupon declared the resolution duly passed and adopted this 20<sup>th</sup> day of July, 2010. 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. BKW

Brenda Kuhns Neuman



**Exhibit A: PROPOSED AMENDMENT TO THE FY 2008 ACTION PLAN**

**Community Development Block Grant Recovery Funds (CDBG-R)**

| SOURCES OF RECAPTURED CDBG-R FUNDS     |  |                      |            | RECOMMENDED REDISTRIBUTION OF CDBG-R FUNDS |  |                         |                             |          |                   |   |  |  |  |                |
|--|--|----------------------|------------|--|--|-------------------------|-----------------------------|----------|-------------------|---|--|--|--|----------------|
| Activity Name                          | Agency   | Category             | District   | Amount                                     | Activity Name                                      | Agency                  | Category                    | District | Amount            |   |  |  |  |                |
| Small Business Assistance Loan Program | Miami-Dade Department of Housing and Community Development | Economic Development | Countywide | -\$953,723                                 | SW 37 Street Improvements                          | Public Works Department | Infrastructure Improvements | 10       | 15,000            |   |  |  |  |                |
|  |  |                      |            |  | SW 95 Avenue Street Improvements                   | Public Works Department | Infrastructure Improvements | 10       | 10,000            |   |  |  |  |                |
|  |  |                      |            |  | SW 37 Terrace Drainage Improvements                | Public Works Department | Infrastructure Improvements | 10       | 90,000            |   |  |  |  |                |
|  |  |                      |            |  | SW 35 Street Drainage Improvements                 | Public Works Department | Infrastructure Improvements | 10       | 155,000           |   |  |  |  |                |
|  |  |                      |            |  | SW 36 Street and SW 87 Court Drainage Improvements | Public Works Department | Infrastructure Improvements | 10       | 130,000           |   |  |  |  |                |
|  |  |                      |            |  | SW 12 Street Sidewalk and Drainage Improvements    | Public Works Department | Infrastructure Improvements | 6        | 278,723           |   |  |  |  |                |
|  |  |                      |            |  | SW 14 Street Drainage Improvements                 | Public Works Department | Infrastructure Improvements | 6        | 100,000           |   |  |  |  |                |
|  |  |                      |            |  | SW 21 Street Drainage Improvements                 | Public Works Department | Infrastructure Improvements | 6        | 175,000           |   |  |  |  |                |
|  |  |                      |            |  | <b>TOTAL CDBG-R FUNDS RECAPTURED</b>               |                         |                             |          | <b>-\$953,723</b> | <b>TOTAL CDBG-R FUNDS TO BE REALLOCATED</b> |  |  |  | <b>953,723</b> |



**Exhibit B:  
CDBG-R Activity Data Spreadsheet**

| Miami-Dade County                                    |  | CDBG-R Formula Grant Amount: \$4,884,311  |   | Proposed Amendment: May 14, 2010 |                                |                              |                       |
|--|--|---|---|----------------------------------|--------------------------------|------------------------------|-----------------------|
| Activity Name  | Activity Description   | Eligibility (Regulatory or HCDA Citation) | National Objective Citation                                     | CDBG-R Project Budget (\$)       | Additional Recovery Funds (\$) | Other Leveraged Funding (\$) | Total Activity Budget |
| Foreclosure Prevention                               | Foreclosure prevention and subsistence payments to 96 low and moderate income homeowners facing foreclosure. The funds can be used only to pay eligible expenses which include delinquent mortgage payments (principal, interest, taxes and insurance), special assessment fees from condominium and/or neighborhood association, late fees associated with delivery costs (but excluding brokerage fees). | 570.201(e)                                | LMA 570.208(a)(2)   | \$ 732,647                       |                                |                              | \$ 732,647            |
| <b>Public Service</b>                                |  |   |   | <b>\$ 732,647</b>                |                                | <b>Subtotal</b>              | <b>\$ 732,647</b>     |
| Small Business Assistance Loan Program               | Small Business Assistance Loan program to small businesses to create or retain jobs for low and moderate income people.  | 570.203(b)                                | LMI 570.208(a)(4)   | \$ 1,000,000                     |                                |                              | \$ 1,000,000          |
| <b>Economic Development</b>                          |  |   | <b>Total</b>  | <b>\$ 1,000,000</b>              |                                | <b>Subtotal</b>              | <b>\$ 1,000,000</b>   |
| NW 32 Avenue Street Improvements                     | Street improvements and ADA improvements on NW 32 Avenue from NW 41 Street to NW 46 Street in the Model City NRSA. The area is primarily residential.  | 570.201(c)                                | LMA 570.208(a)(1)<br>Census Tract 17.01.5,<br>17.02.3           | \$ 301,106                       |                                |                              | \$ 301,106            |
| NW 38 Street Street Improvements                     | Street improvements and ADA improvements on NW 38th Street from NW 22 Avenue to NW 27 Avenue in Melrose. The area is primarily residential.  | 570.201(c)                                | LMA 570.208(a)(1)<br>Census Tract 17.03.4,<br>17.03.1, 24.01.5, | \$ 195,515                       |                                |                              | \$ 195,515            |
| SW 248 Street Improvements                           | Street improvements and ADA improvements on SW 248 Street from US 1 to SW 147 Avenue in the Leisure City NRSA. The area is primarily residential.  | 570.201(c)                                | LMA 570.208(a)(1)<br>Census Tract 104.3                         | \$ 388,352                       |                                |                              | \$ 388,352            |
| NW 71 Street Street Improvements                     | Street improvements and ADA improvements on 71 Street from NW 12 Avenue to NW 17 Avenue in the Model City NRSA. The area is primarily residential.   | 570.201(c)                                | LMA 570.208(a)(1)<br>Census Tract 10.04.2                       | \$ 250,000                       |                                |                              | \$ 250,000            |
| SW 216 Street Street Improvements                    | Street improvements and ADA improvements on SW 216 Street from US 1 to SW 112 Avenue in the Goulds NRSA. The area is primarily residential.  | 570.201(c)                                | LMA 570.208(a)(1)<br>Census Tract 105.2                         | \$ 285,000                       |                                |                              | \$ 285,000            |
| Street Improvements from SW 264 Street to 268 Street | Street improvements and ADA improvements in the area from SW 264 to 268 Street and SW 137 Avenue to SW 147 Avenue the Leisure City/Naranja NRSA. The area is primarily residential.  | 570.201(c)                                | LMA 570.208(a)(1)<br>Census Tract 108.2                         | \$ 150,000                       |                                |                              | \$ 150,000            |
| SW 122 Avenue Sidewalk Improvements                  | Sidewalk improvements and ADA improvements on SW 122 Avenue from 216 Street to 219 Street in the Goulds NRSA. The area is primarily residential.   | 570.201(c)                                | LMA 570.208(a)(1)<br>Census Tract 104.1                         | \$ 139,536                       |                                |                              | \$ 139,536            |
| SW 37 Street Improvements                            | Street resurfacing on SW 37 Street from SW 96 to 87 Avenue   | 570.201(c)                                | LMA 570.208(a)(1)<br>Census Tract 88.01.3                       | \$ 15,000                        |                                |                              | \$ 15,000             |
| SW 95 Avenue Street Improvements                     | Street resurfacing on SW 95 Avenue from SW 36 to 37 Street   | 570.201(c)                                | LMA 570.208(a)(1)<br>Census Tract 88.01.3                       | \$ 10,000                        |                                |                              | \$ 10,000             |
| SW 37 Terrace Drainage Improvements                  | Drainage improvements on SW 37 Terrace from SW 80 to 82 Avenue   | 570.201(c)                                | LMA 570.208(a)(1)<br>Census Tract 88.01.3                       | \$ 90,000                        |                                |                              | \$ 90,000             |
| SW 35 Street Drainage Improvements                   | Drainage improvements on SW 35 Street from SW 92 to 94 Avenue  | 570.201(c)                                | LMA 570.208(a)(1)<br>Census Tract 88.01.3                       | \$ 155,000                       |                                |                              | \$ 155,000            |
| SW 36 Street and SW 87 Court Drainage Improvement    | Drainage improvements on SW 36 Street and 87 Court   | 570.201(c)                                | LMA 570.208(a)(1)<br>Census Tract 88.01.3                       | \$ 130,000                       |                                |                              | \$ 130,000            |
| SW 12 Street Sidewalk and Drainage Improvement       | Sidewalk installation/repairs/ADA upgrades, and drainage improvements on SW 12 Street from SW 68 to 72 Avenue.   | 570.201(c)                                | LMA 570.208(a)(1)<br>Census Tract 59.02.1                       | \$ 278,723                       |                                |                              | \$ 278,723            |
| SW 14 Street Drainage Improvements                   | Drainage improvements on SW 14 Street from SW 70 to 72 Avenue  | 570.201(c)                                | LMA 570.208(a)(1)<br>Census Tract 59.02.1                       | \$ 100,000                       |                                |                              | \$ 100,000            |
| SW 21 Street Drainage Improvements                   | Drainage improvements on SW 21 Street from SW 67 to SW 72 Avenue   | 570.201(c)                                | LMA 570.208(a)(1)<br>Census Tract 59.03.1                       | \$ 175,000                       |                                |                              | \$ 175,000            |
| <b>Infrastructure Improvements</b>                   |  |   | <b>Total</b>  | <b>\$ 2,663,232</b>              |                                | <b>Subtotal</b>              | <b>\$ 2,663,232</b>   |
| Administration and Planning                          | Administration of and planning for CDBG-R projects including environmental reviews, contract development and monitoring of CDBG-R for compliance with CDBG-R regulations   | 570.206(a)(1)                             | 570.208(d)(4)   | \$ 488,432                       |                                |                              | \$ 488,432            |
| <b>Administration and Planning</b>                   |  |   | <b>Total</b>  | <b>\$ 488,432</b>                |                                | <b>Subtotal</b>              | <b>\$ 488,432</b>     |
| <b>GRAND TOTAL</b>                                   |  |   |   | <b>\$ 4,884,311</b>              |                                |                              | <b>\$ 4,884,311</b>   |

# PUBLIC HEARING

**PROPOSED SUBSTANTIAL AMENDMENT TO THE FY 2008 ACTION PLAN WITH FUNDING FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY (CDBG-R) PROGRAM OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009**

On May 12, 2010, at 9:30 a.m., the Housing and Community Development Committee (HCD) will hold a public hearing in the Board of County Commission Chambers at the second level of the Stephen P. Clark Center, 111 NW 1<sup>st</sup> Street, Miami, Florida. The hearing will give the public the opportunity to comment on the proposed Plan Amendment to the FY 2008 Action Plan detailed below. Comments may also be submitted in writing from May 5, 2010 through May 12, 2010 to Ms. Shalley Jones Horn, Director, Miami-Dade County Department of Housing and Community Development (DHCD), at 701 NW 1<sup>st</sup> Court, 14<sup>th</sup> Floor, Miami, Florida 33136. Please contact Rosa Davis, Planning Section Supervisor, at (786) 469-2100, in advance of the hearing if you have any questions concerning this action, or to request accommodations for disabled or non-English speaking persons. The amendment will be available for review at our office, on our web site at [miamidade.gov/ced](http://miamidade.gov/ced), and at the following locations: South Dade Regional Library, 10750 SW 211 St.; North Dade Regional Library, 2455 NW 183 St.; and the Miami-Dade Homeless Trust, 111 NW 1<sup>st</sup> St, 27<sup>th</sup> Floor.

| <b>SOURCES OF RECAPTURED CDBG-R FUNDS</b>          |  |                             |                 |                   |
|--|--|-----------------------------|-----------------|-------------------|
| <b>Activity Name</b>                               | <b>Agency</b>  | <b>Category</b>             | <b>District</b> | <b>Amount</b>     |
| Small Business Assistance Loan Program             | Miami-Dade Department of Housing and Community Development | Economic Development        | Countywide      | -\$953,723        |
| <b>TOTAL CDBG-R FUNDS RECAPTURED</b>               |  |                             |                 | <b>-\$953,723</b> |
| <b>Activity Name</b>                               | <b>Agency</b>  | <b>Category</b>             | <b>District</b> | <b>Amount</b>     |
| SW 37 Street Improvements                          | Miami-Dade Public Works Department                         | Infrastructure Improvements | 10              | \$15,000          |
| SW 95 Avenue, Street Improvements                  | Miami-Dade Public Works Department                         | Infrastructure Improvements | 10              | \$10,000          |
| SW 37 Terrace Drainage Improvements                | Miami-Dade Public Works Department                         | Infrastructure Improvements | 10              | \$90,000          |
| SW 35 Street Drainage Improvements                 | Miami-Dade Public Works Department                         | Infrastructure Improvements | 10              | \$155,000         |
| SW 36 Street and SW 87 Court Drainage Improvements | Miami-Dade Public Works Department                         | Infrastructure Improvements | 10              | \$130,000         |
| SW 12 Street Sidewalk and Drainage Improvements    | Miami-Dade Public Works Department                         | Infrastructure Improvements | 6               | \$278,723         |
| SW 14 Street Drainage Improvements                 | Miami-Dade Public Works Department                         | Infrastructure Improvements | 6               | \$100,000         |
| SW 21 Street Drainage Improvements                 | Miami-Dade Public Works Department                         | Infrastructure Improvements | 6               | \$175,000         |
| <b>TOTAL CDBG-R FUNDS RECAPTURED</b>               |  |                             |                 | <b>\$953,723</b>  |