



MEMORANDUM

Agenda Item No. 11(A)(12)

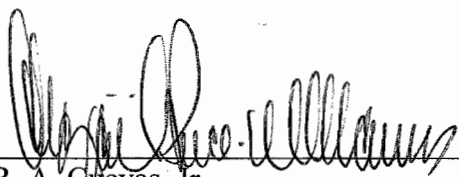
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 1, 2011

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

SUBJECT: Resolution requiring a greater public participation prior to bringing any resolution recommending the reallocation of CDBG Home Investment Partnership Program, Emergency Solutions Grant Program, and/or local Documentary Surtax Funds before the full Board of County Commissioners

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa, and Co-Sponsors Commissioner Jean Monestime and Commissioner Dennis C. Moss.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 1, 2011

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

SUBJECT: Agenda Item No. 11(A)(12)

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)(12)
9-1-11

RESOLUTION NO. _____

RESOLUTION REQUIRING A GREATER PUBLIC PARTICIPATION PRIOR TO BRINGING ANY RESOLUTION RECOMMENDING THE REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG), HOME INVESTMENT PARTNERSHIP PROGRAM (HOME), EMERGENCY SOLUTIONS GRANT PROGRAM (ESG), STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM (SHIP) AND/OR LOCAL DOCUMENTARY SURTAX (SURTAX) FUNDS BEFORE THE FULL BOARD OF COUNTY COMMISSIONERS, UNLESS CERTAIN CONDITIONS APPLY

WHEREAS, the County awards Community Development Block Grant Program (“CDBG”), Home Investment Partnership Program (“HOME”), Emergency Solutions Grant Program (“ESG”), State Housing Initiatives Partnership Program (“SHIP”) and local Documentary Surtax (“Surtax”) funds (hereinafter to be collectively referred to as “Community Development Funds”) for community development, economic development, affordable housing and other social service activities and projects throughout the County (hereinafter to be collectively referred to as “Community Development Projects”); and

WHEREAS, the Mayor or the Mayor’s designee develops recommendations for funding particular Community Development Projects; and

WHEREAS, these recommendations are based upon policies adopted by the Board of County Commissioners (the “Board”) in a five-year Consolidated Plan Policy Paper and a subsequent Request for Applications (“RFA”) process conducted by the Department of Housing and Community Development (“DHCD”); and

WHEREAS, such Community Development Projects may experience funding deficiencies or other issues which delay their progress or cause them to be non-performing; and

WHEREAS, the County is obligated by the respective funding source to expend the Community Development Funds in a timely manner; and

WHEREAS, it is often in the best interest of the County to recapture funds from delayed or non-performing Community Development Projects in order to reallocate them to other activities or projects in order to expend the Community Development Funds in a timely manner; and

WHEREAS, the public has an interest in providing comments and input as to these reallocations of the Community Development Funds; and

WHEREAS, the Neighborhood Revitalization Strategy Area (NRSA) Community Advisory Committees (CAC) have expressed a desire for greater involvement in recommendation process for recapturing and reallocating CDBG funds which affect their respective NRSA; and

WHEREAS, this Board wishes to provide a greater opportunity for the public and CACs to participate in the reallocation process for Community Development Funds in order to ensure that these funds are maximized to the benefit of the residents of the County,

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

Section 1. Prior to presenting to the full Board any resolution recommending the reallocation of Community Development Funds, the residents of Miami-Dade County shall be afforded an opportunity to comment on the reallocation recommendations and in a public hearing to be held before the appropriate Board committee.

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Section 2. Prior to holding a public hearing before a Board committee on any resolution recommending the reallocation of CDBG funds, the Mayor or Mayor's Designee shall transmit its recommendations to the NRSA CACs that will be impacted by such recommendations. The CACs shall be afforded an opportunity to provide feedback on the recommendations during the federally required 30-day public comment period and prior to the public hearing before a Board committee. The Mayor or Mayor's designee shall then make appropriate changes to the reallocation recommendations as necessary and/or report a summary of the CAC recommendations to the Board in the form of an interoffice memorandum or supplemental report to the resolution. These steps will give the Board an opportunity to consider adjusting the recommendations made in the resolution based upon the feedback of the NRSAs.

Section 3. Except where otherwise required by appropriate law, regulation, rule, or resolution, the requirements set forth in this resolution shall not apply in the event that (i) the Community Development Funds are at risk of being recaptured by the agency administering the funding, (ii) the County risks suffering a monetary penalty, (iii) the County is approaching an expenditure deadline, or (iv) the Mayor or Mayor's designee determines that it is in the best interest of the County not to provide the public hearing required herein.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa, and the Co-Sponsors are Commissioner Jean Monestime and Commissioner Dennis C. Moss. 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:

Joe A. Martinez, Chairman

Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro

Lynda Bell

Esteban L. Bovo, Jr.

Jose "Pepe" Diaz

Sally A. Heyman

Barbara J. Jordan

Jean Monestime

Dennis C. Moss

Rebeca Sosa

Sen. Javier D. Souto

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of September, 2011. 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