

# MEMORANDUM

Agenda Item No. 17(C)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** (Second Reading 12-3-13)  
October 22, 2013

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

**SUBJECT:** Ordinance relating to  
Administration of Community  
Development Block Grant  
Funds; amending Chapter 2 of  
the Code, to permit the Mayor  
to change the national objective  
upon determination that the  
project has met another national  
objective

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson and Co-Sponsor Commissioner Barbara J. Jordan.



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R. A. Cuevas, Jr.  
County Attorney

RAC/jls

# Memorandum



**Date:** December 3, 2013

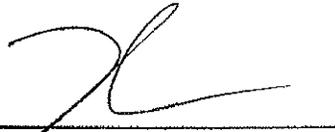
**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance Relating to Administration of Community Development Block Grant Funds;  
Amending Chapter 2 of the Code, to Permit the Mayor to Change the National  
Objective Upon Determination that the Project has met Another National Objective

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The proposed ordinance relates to administration of Community Development Block Grant funds, and amends Chapter 2 of the Code permitting the Mayor or Mayor's designee to change the national objective upon determination that the project has met another national objective. Implementation of this ordinance will not have a fiscal impact to the County.



Russell Behford  
Deputy Mayor

Fis1014



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** December 3, 2013

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

**SUBJECT:** Agenda Item No. 7(C)

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 Mayor'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

Agenda Item No. 7(C)

Veto \_\_\_\_\_

12-3-13

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; AMENDING CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PERMIT THE MAYOR OR MAYOR'S DESIGNEE TO CHANGE THE NATIONAL OBJECTIVE UPON DETERMINATION THAT THE PROJECT HAS MET ANOTHER NATIONAL OBJECTIVE; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, the County provides Community Development Block Grant ("CDBG") funds to numerous agencies for the provision of technical assistance/economic development, community development, housing and social services to residents and businesses in the community; and

**WHEREAS**, contracts executed between the County and agencies for CDBG funds include a requirement that the agency meet a national objective, as defined by 24 C.F.R. 570.483. The CDBG national objective is either specified in the resolution from the Board as a part of the Board's award of CDBG funds, or is identified by the Mayor or Mayor's designee at the time of contract execution, if the Board has not specified a national objective; and

**WHEREAS**, Resolution No. R-596-12 requires that twenty percent (20%) of the County's annual CDBG allocation be used for economic development projects for which the CDBG national objective is job creation; and

**WHEREAS**, Chapter 2 of the Code of Miami-Dade County, Florida, requires in Section 2-10.5 that CDBG funds used for economic development projects generate long-term employment for low- and moderate-income people and further requires that the County withhold funds or terminate the funding of projects which fail to meet job creation targets; and

**WHEREAS**, the U.S. Department of Housing and Urban Development (HUD) requires the County to achieve any of the CDBG national objectives, which are (1) benefit to low- and moderate-income (LMI) persons or communities, including LMI area benefit, LMI benefit to a limited clientele, LMI job creation/retention, LMI housing; (2) prevention or elimination of slum or blight; or (3) urgent community development needs; and

**WHEREAS**, it may become apparent to the Mayor or Mayor's designee after contract execution and the selection of the national objective that some agencies will be unable to meet the national objective required by the Board or in their particular contracts, but may be able to meet another national objective by completing the same activity contracted for; and

**WHEREAS**, U.S. HUD allows the County to meet any of the national objectives set forth in 24 C.F.R. 570.483 and to change the national objective when needed; however, where the Board has specified a particular national objective to be met in legislation approving the CDBG funding awards or by ordinance, the Mayor or Mayor's designee is restricted from changing the national objective without approval of the Board, even where the County is subject to the risk of repayment to U.S. HUD; and

**WHEREAS**, the County would benefit from tailoring the CDBG national objective to one which may be completed successfully, thus avoiding the risk of repaying to U.S. HUD the CDBG funds designated for that activity; and

**WHEREAS**, the Board desires to authorize the Mayor or Mayor's designee to change the national objective on projects which have received CDBG funds through the County, upon a determination by the Mayor or Mayor's designee that the project has met another national objective,

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

Section 1. Section 2-10.5 of the Code of Miami Dade County, Florida, is hereby amended to add a new subsection (g) and to renumber all subsequent sections as follows<sup>1</sup>:

**Sec. 2-10.5. - Administrative guidelines for community development block grant funds.**

\* \* \*

>>(g) The Mayor or Mayor's designee may change the national objective on CDBG-funded projects and amend contracts accordingly, including revising job creation requirements, upon a determination by the Mayor or Mayor's designee that the project has met another national objective. This authorization applies retroactively to existing, executed contracts for CDBG funds and future CDBG contracts executed after the adoption date of this ordinance and is intended to expedite the appropriate spending of CDBG dollars in order to meet the 1.5 spending ratio required by the U.S. HUD and to allow the County and the agencies it funds the flexibility to meet alternative national objectives. The Mayor or Mayor's designee is directed to report to the Board on a quarterly basis all administrative changes of the CDBG national objective.<<

[[g]]>>(h)<< No more than twenty (20) percent of the total federal community development block grant budget for each project year shall be spent for local administration of this program.

[[h]]>>(i)<< The provisions of this section shall be construed as directory only, and failure to comply with the provisions hereof shall not affect the validity of any acts taken pursuant to this section.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby

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<sup>1</sup> 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.

ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Brenda Kuhns Neuman

Prime Sponsor: Commissioner Audrey M. Edmonson  
Co-Sponsor: Commissioner Barbara J. Jordan