

# MEMORANDUM

Agenda Item No. 11(A)(3)


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

**DATE:** March 4, 2014

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

**SUBJECT:** Resolution restricting contract extensions for persons or entities funded with Community Development Block Grant, Home Investment Partnerships, Documentary Surtax (affordable housing), State Housing Initiatives Partnership Program, or Emergency Solutions Grant funds

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell.

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

RAC/cp



**MEMORANDUM**  
(Revised)

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

**DATE:** March 4, 2014

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

**SUBJECT:** Agenda Item No. 11(A)(3)

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. 11(A)(3)

Veto \_\_\_\_\_

3-4-14

Override \_\_\_\_\_

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

RESOLUTION RESTRICTING CONTRACT EXTENSIONS FOR PERSONS OR ENTITIES FUNDED WITH COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIPS, DOCUMENTARY SURTAX (AFFORDABLE HOUSING), STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM, OR EMERGENCY SOLUTIONS GRANT FUNDS

**WHEREAS**, Miami-Dade County provides funding from state, local and federal sources for the provision of economic development, community development, and affordable housing activities as well as social services throughout the County, which include Documentary Surtax funds, State Housing Initiative Partnership funds, Home Investment Partnerships funds, Emergency Solutions Grant funds, and Community Development Block Grant funds (hereinafter together referred to as “Housing and Community Development Funds”); and

**WHEREAS**, the County’s need is great but its resources are limited, making the efficient and transparent use of these Housing and Community Development Funds imperative; and

**WHEREAS**, this Board desires to ensure that persons and entities which receive Housing and Community Development Funds (“Agency” or “Agencies”) are using these much-needed funds expeditiously in order to avoid waste; and

**WHEREAS**, the Board desires to ensure that the County Mayor or County Mayor’s designee brings contracts and conditional loan commitments with Agencies to the Board for review if more than two (2) contract extensions are required for the Agency to complete its contractual obligations,

3

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

**Section 1.** After one (1) extension of time has been granted for up to one (1) year to an Agency to perform an activity described in the County's Annual Action Plan or to perform an activity funded with Housing and Community Development Funds awarded by the Board – whether the extension is of a conditional loan commitment or an a contract executed between the Agency and the County – the Mayor shall review the project, specifically the Agency's performance and non-compliance issues, and make a determination as to whether it is in the best interest of the County to grant another extension or bring a recommendation to the Board to recapture those funds. If the Mayor or Mayor's designee finds it is in the best interest of the County to grant the extension, the Mayor will take that executive action and so extend the agreement. After two (2) extensions for up to two (2) additional years have been granted, the Mayor shall bring a recapture/reallocation item to this Board making either (a) a recommendation to extend the contract or conditional loan commitment granting more time for the Agency to perform and explain why that is the recommendation, or (b) a recommendation to recapture and reallocate the Housing and Community Development Funds. When the item comes to committee, there shall be a public hearing at which the Agency may come and explain why it needs more time to perform the activity, and the Board will decide whether to recapture the funds or authorize another extension of the commitment or contract.

**Section 2.** This resolution is intended to apply only to contracts and conditional loan commitments executed after the adoption date of this resolution.

The Prime Sponsor of the foregoing resolution is Vice Chair Lynda Bell. 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:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

Bruno A. Barreiro	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of March, 2014. 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