

MEMORANDUM

Agenda Item No. 11(A)(10)

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


DATE: June 3, 2014

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

SUBJECT: Resolution authorizing and directing the County Mayor to recapture Documentary Surtax funds from Agencies that do not close financing on the funds within six months of award or six months from the effective date of this resolution

This item was amended at the 5-12-14 Health and Social Services Committee. The committee amendments make the recapture and allocation of the Surtax funds subject to Board approval. The amendment also requires the County Mayor or the County Mayor's designee to confirm that next in line projects are ready to proceed prior to allocation of funds and allows the County Mayor or the County Mayor's designee to grant extensions to next in line projects pursuant to the terms of resolution R-232-14.

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Jean Monestime, Commissioner Jose "Pepe" Diaz and Commissioner Audrey M. Edmonson, and Co-Sponsors Vice Chair Lynda Bell and Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney


RAC/cp



MEMORANDUM
(Revised)

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

DATE: June 3, 2014

FROM: 
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County Attorney

SUBJECT: Agenda Item No. 11(A)(10)

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
Veto _____
Override _____

Agenda Item No. 11(A)(10)
6-3-14

RESOLUTION NO. _____

RESOLUTION AUTHORIZING AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECAPTURE DOCUMENTARY SURTAX FUNDS FROM AGENCIES THAT DO NOT CLOSE FINANCING ON THE FUNDS WITHIN SIX MONTHS OF AWARD OR SIX MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION, WHICHEVER IS LATER; FURTHER AUTHORIZING AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AWARD THOSE FUNDS THAT ARE RECAPTURED TO AGENCIES FOR NEXT IN LINE FEASIBLE PROJECTS FOR DOCUMENTARY SURTAX FUNDING

WHEREAS, Miami-Dade County provides affordable housing activities throughout the County, which include Documentary Surtax; and

WHEREAS, the County's need is great but its resources are limited, making the efficient and expedient use of these Documentary Surtax funds imperative; and

WHEREAS, this Board desires to ensure that persons and entities which receive Documentary Surtax funds 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 recaptures these Documentary Surtax funds from Agencies that do not expeditiously close on the financing of these funds so that the funds may be used by Agencies better equipped to expeditiously use them and provide much needed housing,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes and directs the County Mayor or County Mayor's designee to recapture Documentary Surtax

funds from Agencies that do not close financing on the funds within six months of award of the funds or six months from the effective date of this resolution, whichever is later. The County Mayor or County Mayor's designee is further authorized and directed to allocate the recaptured Documentary Surtax funds to Agencies for next in line feasible projects for Documentary Surtax funding. >>The recapture and allocation shall be subject to Board approval.<<¹ The County Mayor or County Mayor's designee is authorized to execute all letters of commitment, contracts, agreements and amendments, following approval by the County Attorney's Office, to effectuate the allocation of recaptured funds to the next in line feasible projects. >>County staff will review the next in line applicant's ability to proceed by confirming with their permitting agency, general contractor, and the other financing sources that they expect the applicant to be able to close within six months at terms equal to or better than the terms presented in the Surtax application. The County Mayor or County Mayor's designee shall be authorized to grant extensions pursuant to the terms of resolution R-232-14.<<

The Co-Prime Sponsors of the foregoing resolution are Commissioner Jean Monestime, Commissioner Jose "Pepe" Diaz and Commissioner Audrey M. Edmonson, and the Co-Sponsors are Vice Chair Lynda Bell and Commissioner Barbara J. Jordan. 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:

¹ Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez


The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 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.



Shannon D. Summerset-Williams