

MEMORANDUM

Agenda Item No. 11(A)(12)

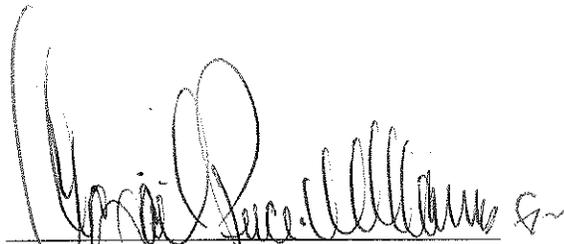
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: November 5, 2014

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

SUBJECT: Resolution urging the Cities of
Miami, North Miami, Opa-locka,
Homestead, Florida City and
Miami Gardens to waive and/or
release and satisfy municipal
liens recorded in the public
record against properties in the
Miami-Dade County Infill
Housing Initiative Program

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

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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 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)(12)
11-5-14

RESOLUTION NO. _____

RESOLUTION URGING THE CITIES OF MIAMI, NORTH MIAMI, OPA-LOCKA, HOMESTEAD, FLORIDA CITY AND MIAMI GARDENS TO WAIVE AND/OR RELEASE AND SATISFY MUNICIPAL LIENS RECORDED IN THE PUBLIC RECORD AGAINST PROPERTIES IN THE MIAMI-DADE COUNTY INFILL HOUSING INITIATIVE PROGRAM; AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE, SUBJECT TO THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS, TO NEGOTIATE WITH SAID CITIES FOR INTERLOCAL COOPERATION AGREEMENTS TO ENSURE THE TIMELY WAIVER AND/OR RELEASE AND SATISFACTION OF MUNICIPAL LIENS RECORDED IN THE PUBLIC RECORD AGAINST SUCH PROPERTIES

WHEREAS, the Board of County Commissioners ("Board") created the Miami-Dade County Infill Housing Initiative Program ("Infill Program") pursuant to Ordinance No. 01-47, as amended and codified in Chapter 17, Article VII of the Code of Miami-Dade County ("Code"); and

WHEREAS, the purpose of the Infill Program is to increase the availability of affordable homes for low and moderate income persons ("Qualified Households"), maintaining a stock of affordable housing, redeveloping urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, equitably distributing homeownership opportunities within certain infill target areas, as defined in the Code, and generating payment of ad valorem taxes; and

WHEREAS, the Infill Program further encourages the redevelopment of vacant, dilapidated or abandoned property through the sale or transfer of County property to qualified developers and the inclusion of privately owned vacant, dilapidated or abandoned properties; and

WHEREAS, through the Infill Program, developers build single family homes to be sold to Qualified Households; and

WHEREAS, oftentimes these properties have both County and municipal liens which encumber them and which must be resolved prior to the sale of a home to a Qualified Household; and

WHEREAS, pursuant to Section 17-26 of the Code, the County Mayor is authorized to release or satisfy any County lien that is placed on a publicly or privately owned property if the property has been approved by the County Mayor for the Infill Program and the private owner records in the public records a declaration of restrictive covenants in a form approved by the County; and

WHEREAS, such County liens include, but are not limited to, civil restitution liens; code enforcement liens; demolition liens; hospital liens; judgment liens; lot clearing liens; minimum housing standard liens; mortgage liens; nuisance abatement liens; public defender liens; stormwater utility liens; waste liens; water and sewer liens; and welfare liens; and

WHEREAS, there is no similar provision for the waiver and/or release and satisfaction of municipal liens recorded by the Cities of Miami, North Miami, Opa-locka, Homestead, Florida City, and Miami Gardens (collectively referred to as "the Cities") against properties in the Infill Program that are located within their city limits; and

WHEREAS, the Board finds that such municipal liens may frustrate the purpose of the Infill Program; and

WHEREAS, the Board's desires to take all actions that may be necessary to remove obstacles to the successful implementation of the Infill Program, including but not limited to, entering into interlocal cooperation agreements with the Cities to ensure that municipal liens are timely waived and/or released and satisfied to allow for the sale by developers of single family homes to Qualified Households,

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

Section 1. Incorporates and approves the foregoing recitals as if fully set forth herein.

Section 2. Urges the Cities of Miami, North Miami, Opa-locka, Homestead, Florida City, and Miami Gardens to waive and/or release and satisfy municipal liens recorded in the public record against properties in the Infill Program within their respective cities.

Section 3. Directs the County Mayor or the Mayor's designee to negotiate with the cities identified in section 2 above for interlocal cooperation agreements to ensure the timely waiver and/or release and satisfaction of municipal liens, and present all such agreements to the Board for committee review for its consideration within 60 days of the effective date of this resolution; provided, however, if the County Mayor or the Mayor's designee is unable to successfully negotiate the terms of any such agreements with such cities within the requisite time period, a report detailing the status of the negotiations shall be presented to this Board related to any agreements that are not successfully negotiated. The County Mayor or Mayor's designee shall provide the report to this Board within 60 days of the effective date of this resolution and shall place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 4. The Board directs the Clerk of the Board to transmit certified copies of this resolution to the City Mayors, City Managers, if applicable, and Code Enforcement Directors of each of the Cities.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan and the Co-Sponsor 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
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 5th day of November, 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.



Terrence A. Smith