MEMORANDUM

Agenda Item No. 14(A)(1)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	October 20, 2015
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Resolution amending agreements related to grant from Building Better Communities General Obligation Bond Program Project No. 249 - "Preservation of Affordable Housing units and Expansion of Home Ownership" in amount of $9,000,000.00 to collaborative development corporation for development of the Gibson Community Center Project and directing the County Mayor to make the necessary amendments to Grant Agreement and Rental Regulatory Agreement

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez.

Abigail Price-Williams
County Attorney

APW/cp

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 20, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 14(A)(1)

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. 14(A)(1)
10-20-15

RESOLUTION NO. _____

RESOLUTION AMENDING AGREEMENTS RELATED TO GRANT FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 249 - "PRESERVATION OF AFFORDABLE HOUSING UNITS AND EXPANSION OF HOME OWNERSHIP" IN AMOUNT OF $9,000,000.00 TO COLLABORATIVE DEVELOPMENT CORPORATION FOR DEVELOPMENT OF THE GIBSON COMMUNITY CENTER PROJECT AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MAKE THE NECESSARY AMENDMENTS TO GRANT AGREEMENT AND RENTAL REGULATORY AGREEMENT

WHEREAS, pursuant to Resolution No. R-918-04 (the "Affordable Housing Resolution"), the voters approved the issuance of general obligation bonds in a principal amount not to exceed $194,997,000.00 to construct and improve affordable housing for the elderly and families; and

WHEREAS, Appendix A to the Affordable Housing Resolution lists projects eligible for funding from the Building Better Communities General Obligation Bond Program (the "BBC Program") by project number, municipal project location, BCC district, project name, project description, street address and allocation; and

WHEREAS, one of the projects listed in Appendix A to the Affordable Housing Resolution and approved by the voters for funding is Project No. 249 - "Preservation of Affordable Housing Units and Expansion of Home Ownership" with an original allocation of $137.7 million ("Project No. 249"); and

WHEREAS, this Board previously adopted Resolution No. R-893-11 on October 4, 2011 allocating $8,500,000 from Project No. 249 to fund the development of approximately 60 affordable units in Coconut Grove Village West at 3629 Grand Avenue and 3632 Florida Avenue, Miami, Florida (the "Gibson Community Center Project"); and

WHEREAS, by adoption of Resolution No. R-931-13 this Board subsequently amended Resolution No. R-893-11 to increase the $8,500,000.00 Bond Program allocation to the Gibson Community Center Project by $500,000.00 for a new total allocation equal to $9,000,000 and to reduce the amount of units to be developed from 60 to 48; and

WHEREAS, pursuant to Resolution No. R-360-14 the County entered into a Grant Agreement with Collaborative Development Corporation ("Grantee") dated April 23, 2014 ("Grant Agreement") and a Rental Regulatory Agreement with Grantee, Theodore Roosevelt Gibson Memorial Fund, Inc., and Gibson Center, Ltd. dated April 23, 2014 ("Rental Regulatory Agreement"); and

WHEREAS, both the Grant Agreement and Rental Regulatory Agreement provide that each rental unit shall include an ENERGY STAR water heater; and

WHEREAS, the Grantee has applied to the County for a modification to the Grant Agreement and the Rental Regulatory Agreement for an exemption from the requirement that the water heaters installed in the Gibson Community Center Project be ENERGY STAR water units on the basis that such appliances are not customary in other affordable housing communities; and

WHEREAS, this Board wishes to amend the Grant Agreement and the Rental Regulatory Agreement to exempt the parties from the requirement that ENERGY STAR water heaters be installed in the Gibson Community Center Project, and to direct the County Mayor or County Mayor's designee to make the necessary amendments to the Grant Agreement and Rental Regulatory Agreement to reflect the exemption of water heaters from the energy efficiency requirements, after consultation with the County Attorney's Office,

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

Section 1. The foregoing recitals are incorporated in this Resolution and are approved.

Section 2. This Board hereby amends the Grant Agreement and the Rental Regulatory Agreement to exempt the parties from the requirement that ENERGY STAR water heaters be installed in the Gibson Community Center Project and directs the County Mayor or County Mayor's designee to make the necessary amendments to the Grant Agreement and Rental Regulatory Agreement to reflect the exemption of water heaters from the energy efficiency requirements, after consultation with the County Attorney's Office.

The Prime Sponsor of the foregoing resolution is Commissioner Xavier L. Suarez. 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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of October, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

Juliette R. Antoine