

MEMORANDUM

EPC
Agenda Item No. 1G2

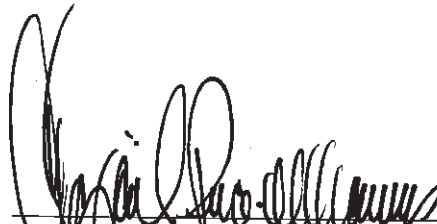
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 11, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance amending Chapter 17,
Article VIII of the Code related
to the Affordable Housing Trust
Fund Board of Trustees; revising
membership of the Board of
Trustees; changing method of
appointment of members to
Board of Trustees; updating
terminology

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



Abigail Price-Williams
County Attorney

APW/smm

Memorandum



Date:

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name.

Subject: Ordinance related to the Affordable Housing Trust Fund Board of Trustees

The proposed ordinance amends Chapter 17, Article VIII of the Code related to the Affordable Housing Trust Fund Board of Trustees, revises membership of the Board of Trustees, changes method of appointment of members to the Board of Trustees, and requires the County Mayor or County Mayor's designee to provide adequate staff support services to enable the Board of Trustees to carry out its purposes.

The proposed ordinance will have an estimated \$12,100 fiscal impact to the County. It is estimated that one part-time Administrative Officer 2 position at a cost of approximately \$12,100 annually for both salary and fringes will be required to provide the necessary staff support to the Affordable Housing Trust Fund Board of Trustees. Typical board staff support includes, but is not limited to, attending, coordinating, and scheduling of board meetings, preparation of meeting minutes, gathering information related to board requested assignments, correspond regularly with the Director of the board and its members, and prepare any required reports.

The forecast of expenditures included in the attached table assumes a five percent annual inflationary increase for salary and fringes, and is subject to change. The estimated expenses would be funded by the revenues in the Affordable Housing Trust Fund and will be subject to the fund's 5 percent cap for administrative expenses. This expense is not part of the FY 2015-16 Adopted Budget.

A handwritten signature in black ink, appearing to read "Russell Benford", written above a horizontal line.

Russell Benford
Deputy Mayor

Fis02316 153015

Fiscal Impact Table

Use Existing Resources

Revenue Category	Value	Year 1	Future Yr 1	Future Yr 2	Future Yr 3	Future Yr 4	Future Yr 5	Yes	No
General Fund									
Proprietary	\$ 12,100	\$ 12,100	\$ 12,705	\$ 13,340	\$ 14,007	\$ 14,708	\$ 15,443		
Federal Funds									
State Funds									
Interagency Transfers									
Subtotal	\$ 12,100	\$ 12,100	\$ 12,705	\$ 13,340	\$ 14,007	\$ 14,708	\$ 15,443		X
Expenditure Category									
<i>Operating</i>									
Salary	\$ 11,000	\$ 11,000	\$ 11,550	\$ 12,128	\$ 12,734	\$ 13,371	\$ 14,039		
Fringes	\$ 1,100	\$ 1,100	\$ 1,155	\$ 1,213	\$ 1,273	\$ 1,337	\$ 1,404		
Court Costs									
Contractual Services									
Charges for County Services									
Other Operating									
Grants to Outside Organizations									
Capital									
Subtotal	\$ 12,100	\$ 12,100	\$ 12,705	\$ 13,340	\$ 14,007	\$ 14,708	\$ 15,443		
<i>Non-Operating</i>									
Debt Services									
Distribution of Funds In Trust									
Transfers									
Depreciation, Amortization, and Deletions									
Subtotal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
Grand Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		X

Note: Fiscal impact narrative (paragraph above the table) should contain the following, if applicable:

1. Description of the anticipated increase or decrease of expenditures listed above and current and subsequent fiscal years, if any,
2. Description of projected dollar value of anticipated expenditures that will be absorbed within existing resources within the current fiscal year;
3. Description of subsequent governmental action that will be required in order to determine anticipated revenues and expenditures, including new revenues (federal, state, or the need to increase existing fees)
4. Any long-term fiscal implications as a result of the implementation of the proposed legislation, if any, in cases where risk factors or other variables that may impact future revenues or expenditures are uncertain, volatile, or difficult to project, a description of risk factors or variables and estimate or projection of anticipated or projected impacts to revenues and expenditures
5. Description of all assumptions used to project the fiscal impact of the proposed legislation and include estimate anticipated revenues and expenditures
6. In the cases where the Mayor has determined a "no fiscal impact", a description of the assumptions and analysis used to reach that conclusion

W



MEMORANDUM

(Revised)

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

DATE: January 20, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 4(G)

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
- Statement of social equity 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. 4(G)

1-20-16

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 17, ARTICLE VIII OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATED TO THE AFFORDABLE HOUSING TRUST FUND BOARD OF TRUSTEES; REVISING MEMBERSHIP OF THE BOARD OF TRUSTEES; CHANGING METHOD OF APPOINTMENT OF MEMBERS TO BOARD OF TRUSTEES; UPDATING TERMINOLOGY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 17-133 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 17-133. Membership.

(1) *Members.* The governing body of the Trust shall be a Board of Trustees composed of nine (9) members ~~[[, none of whom shall be employees of the Miami-Dade County]]~~. The members shall be the following:

(a) ~~[[One (1) member representing the financial or investment banking community]]~~>>One member designated by the director of Miami-Dade Public Housing and Community Development Department, which member may be an employee of Miami-Dade County<<;

(b) One (1) member nominated by ~~[[the Chairperson of the Board of County Commissioner's Committee which has jurisdiction over housing and community and economic development]]~~>>Housing Opportunities Projects for Excellence, Inc.<<;

¹ 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.

(c) One (1) member ~~[[with a background in public sector budgeting and finance]]~~>>nominated by the Builders Association of South Florida<<;

(d) One (1) member ~~[[nominated]]~~>>designated<< by the ~~[[Metro Miami Action Plan Trust]]~~ >>director of Miami-Dade Economic Advocacy Trust, which member may be an employee of Miami-Dade County<<;

(e) One (1) member nominated by the >>Miami-<<Dade Affordable Housing Advisory Board;

(f) One (1) member ~~[[nominated]]~~>>designated<< by Miami-Dade Housing Finance Authority>>, which member may be an employee of Miami-Dade County<<;

(g) One (1) member ~~[[representing the non-profit developer community;]]~~>>nominated by the Miami Coalition for the Homeless, Inc. <<;

(h) One (1) member ~~[[representing the insurance community]]~~>>nominated by Fannie Mae<<; and

(i) One (1) member ~~[[from the private home builders community]]~~>>nominated by the Latin Builders Association, Inc.<<.

~~[[The Chair of the Board of the County Commissioners shall contact each of the entities referenced in Section 17-133 (1) to obtain the names of interested and eligible persons and their resumes. The Chair shall obtain a pool of no less than three (3) names of candidates per seat on the Trust. Upon receipt of the names all candidates, the Chair shall forward them by resolution to the Board of County Commissioners. From the pool of candidates for each seat, the Board of County Commissioners shall appoint one (1) eligible person to serve as a member of the Board of Trustees.]]~~

Individuals shall be appointed based on the following criteria:

- (a) Knowledge of and demonstrable service to the affordable housing community;
- (b) Representation of the diverse populations of the Miami-Dade County community, including the proportional representation of women; and
- (c) Special expertise in affordable housing.

>>The County Mayor or the County Mayor's designee shall contact each non-County agency or organization to obtain the name of such agency's or organization's representative. The County Mayor or the County Mayor's designee shall verify that each representative nominated by their respective agency or organization meets the requirements of Section 2-11.38 of the Code of Miami-Dade County and any other applicable requirements established by the Board of County Commissioners. In the event a representative does not meet such requirements, then the agency or organization shall nominate another representative, subject to the before-mentioned requirements.<<

Members of the Trust shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

(2) *Vacancies on Board of Trustees.* Vacancies on the Board of Trustees shall be filled in the same manner by which the original Trustees were appointed, with a special emphasis on choosing persons who represent the demographic composition of the entire community.

(3) *Qualifications of Members.* Each member of the Board of Trustees shall be a permanent resident and duly qualified elector of Miami-Dade County, unless the Board of County Commissioners waives the residency requirement by a two-thirds (2/3) vote of its membership, and shall be of an outstanding reputation of integrity, responsibility, and commitment to serving the community.

(4) *Tenure and Removal of Members.* All members shall serve staggered terms of three (3) years each, provided, however, of the original Board of Trustees, >> the<< two [(2)] members >> designated by Miami-Dade Public Housing and Community Development Department and Housing Opportunities Projects for Excellence, Inc.<< shall serve for a term of one [(1)] year; >> the<< two [(2)] members >> designated by the Builders Association of South Florida and Miami-Dade Economic Advocacy Trust<< shall serve for a term of two [(2)] years; and ~~three (3)]~~ >> the remaining five<< members shall serve for a term of three [(3)] years. No trustee shall be permitted to serve more than two [(2)] consecutive and complete terms of three [(3)] years each unless so authorized by two-thirds (2/3) vote of the full membership of the Board of County Commissioners. Trustees may be removed in accordance with the provisions of ~~[Chapter]~~ >> Section<< 2-11.38 of the Code of Miami-Dade County.

- (5) *Organization of the Board of Trustees.*
- (a) *Officers.* The Trust shall organize after the members thereof have qualified to serve and shall, each fiscal year, elect one ~~[[4]]~~ of its voting members as chairperson and one ~~[[4]]~~ of its voting members as vice-chairperson and shall designate a secretary who may or may not be a member of the Board, and such other officers as the Trust may determine to be necessary. In addition, the Trust shall make, adopt and amend by-laws, rules and regulations for its own governance and for the operation, governance, restoration, preservation and maintenance of designated facilities.
- (b) *Meetings.* The Trust shall hold regular meetings, no less ~~[[then]]~~ than ~~six~~ ~~[[6]]~~ times per year, and such other meetings, as it deems necessary. Five ~~[[5]]~~ members shall constitute a quorum. Minutes shall be kept of all meetings of the Trust and all meetings shall be duly noticed to the public.
- (c) *Committees.* The chairperson shall nominate and the Trust shall appoint the chairperson and members of such committees as the Trust shall find helpful to their mission, however, no authority to act or speak in the name of the Trust shall be delegated to a committee. Each committee shall be chaired by a duly appointed member of the Trust, however, committee membership may include persons who are not members of the Trust. The Trust may establish or eliminate committees at its discretion.
- (d) *Applicability of County rules and procedures.* The Trust shall at all times operate under the Florida Open Government laws, including the "Sunshine Law," public meeting laws and public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1 of the Code of Miami-Dade County.
- (e) *Voting Requirements.* Trustees may not designate alternates to vote on their behalf or vote by proxy.

- (f) *Attendance requirement.* Notwithstanding any other provision of this Code, any board member shall be automatically removed if, in a given fiscal year:
- (i) ~~[[He or she]]~~>>Such member<< is absent from two (2) consecutive meetings without an acceptable excuse;
 - (ii) ~~[[He or she]]~~>>Such member<< is absent from three (3) of the Trust's meetings without an acceptable excuse; or
 - (iii) Whether excused or not, ~~[[he or she]]~~>>if such member<< misses two-thirds (2/3) of the Trust's meetings in a given fiscal year. A member shall be deemed absent from a meeting when ~~[[he or she]]~~>>such member<< is not present at the meeting at least ~~[[seventy-five (7)]]~~ 75 ~~[[%]]~~ percent of the time. An "acceptable excuse" is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason which the Trust, by a two-thirds (2/3) vote of the membership, deems appropriate. By a two-thirds (2/3) vote of the members of the full Board of Trustees, the provisions of this section may be waived.
- (g) The County ~~[[Manager]]~~>>Mayor or the County Mayor's designee<< shall provide to the Trust adequate staff and support services to enable it to carry out its purposes.

Section 2. Section 17-134 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 17-134. - Powers.

The Trust shall have the power to invite individuals to address it, to hold public hearings, workshops and seminars. The Trust shall have all the powers necessary to carry out its purposes. The Trust cannot commit itself or the County to any expenditure of funds without the specific approval of the Board of County Commissioners, or of the County

~~[[Manager]]~~>>County Mayor or the County Mayor's designee<<, under circumstances when the Board of County Commissioners has delegated that authority to ~~[[him or her]]~~>>the County Mayor or the County Mayor's designee<<.

Expenditures by the Trustees from the Trust shall be controlled, authorized and paid in accordance with County policy and upon approval of the Board of County Commissioners. Execution of contracts related to the use or administration of Trust monies shall be in accordance with standard County policy.

Section 3. 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 4. It is the intention of the Board of County Commissioners, and it is hereby 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 5. 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:



Terrence A. Smith

Prime Sponsor: Commissioner Barbara J. Jordan
Co-Sponsor: Commissioner Daniella Levine Cava