

MEMORANDUM

Agenda Item No. 11(A)(9)

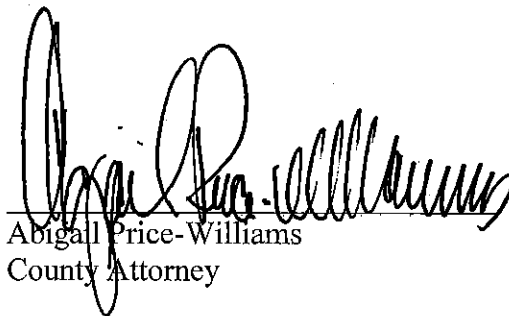
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: July 6, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution allocating
\$273,148.60 to Black Economic
Development Coalition, Inc.
d/b/a Tools for Change, to be
taken from the funds in the
Commercial Development Fund
Program; authorizing an
amendment to the Guaranty
Fund Agreement; and directing
the County Mayor to execute said
amendment

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.



Abigail Price-Williams
County Attorney

APW/smm

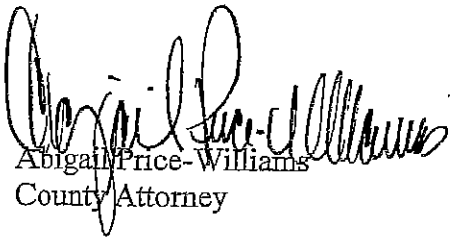


MEMORANDUM

(Revised)

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

DATE: July 6, 2016

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(9)

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. 11(A)(9)
7-6-16

RESOLUTION NO. _____

RESOLUTION ALLOCATING \$273,148.60 TO BLACK ECONOMIC DEVELOPMENT COALITION, INC. D/B/A TOOLS FOR CHANGE, TO BE TAKEN FROM THE FUNDS IN THE COMMERCIAL DEVELOPMENT FUND PROGRAM; AUTHORIZING AN AMENDMENT TO THE GUARANTY FUND AGREEMENT; AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAID AMENDMENT

WHEREAS, Black Economic Development Coalition, Inc. d/b/a Tools for Change has been operating in Miami-Dade County since 1989 to implement a multi-pronged program to further the creation and growth of black-owned businesses, improve income circulation within black communities in Miami-Dade County and enhance the availability of goods and services in predominately black communities; and

WHEREAS, Black Economic Development Coalition, Inc. d/b/a Tools for Change is also responsible for administering the Commercial Development Loan Program for the development of Disadvantaged Businesses in Miami-Dade County; and

WHEREAS, the Commercial Development Fund Program was initially funded with \$1,832,000.00 of general revenue funds at the September 19, 1991 Public Hearing; and

WHEREAS, this Board, on July 21, 1992, in Resolution No. 944-92 authorized execution of a Guaranty Fund Agreement and an Escrow Agreement with Tools for Change, which among other things provided that the \$1,832,000.00 was to be placed in an interest bearing account and set forth the conditions under which the interest could be disbursed; and

WHEREAS, the \$1,832,000.00 was placed in an interest bearing account and has to date earned approximately \$1,018,045.60 in interest; and

WHEREAS, the purpose of the Commercial Development Fund Program was to revitalize commercial and industrial projects in low-to-moderate income communities through the provision of commercial loan guarantees on behalf of low-to-moderate income small businesses; and

WHEREAS, to date, Tools for Change has successfully guaranteed twenty-five loans for a total of \$4,148,766.00 in small business lending; and

WHEREAS, the Guaranty Fund Agreement currently allows disbursements of the funds only for the following purposes: first, to pay the Escrow Agent's fees and costs and second to pay for the guaranteed portions of the loans which have fallen into default; and

WHEREAS, this Board desires to amend the Guaranty Fund Agreement to allow for the provision of financial support to Black Economic Development Coalition, Inc. d/b/a Tools for Change to allow it to continue implementation of its programs; and

WHEREAS, Black Economic Development Coalition, Inc. d/b/a Tools for Change is in need of funds for operating and guaranty funds; and

WHEREAS, \$273,148.60 remains in the Commercial Development Fund Program fund, which could be used to provide needed funds to Tools for Change,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board allocates the remaining balance of \$273,148.60 to Black Economic Development Coalition, Inc. d/b/a Tools for Change to be taken from the funds in the Commercial Development Fund Program, authorizes the amendment to the Guaranty Fund Agreement in substantially the form attached hereto and made a part hereof, and directs the County Mayor or the County Mayor's designee to execute said amendment.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. 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	

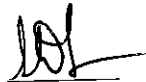
The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of July, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by 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.



Shannon D. Summerset-Williams

AMENDMENT FOUR TO
GUARANTY FUND AGREEMENT

The Guaranty Fund Agreement made and entered into on July 21, 1992 by and between Black Economic Development Coalition, Inc., a Florida not-for-profit corporation d/b/a Tools for Change ("TFC"), and Miami-Dade County (f/k/a Dade County), a political subdivision of the state of Florida is hereby, as authorized by Resolution No. _____ of the Board of County Commissioners, adopted on _____, 2016, amended as follows:

5. Deposit and Disbursement of Funds.

* * *

TFC shall strive to retain and protect the Funds. The Funds shall only be disbursed, to pay for the guaranteed portions of the Loans which have fallen into default and, if required from time to time, to pay amounts due to Escrow Agent for managing and administering the escrow account. Additionally, funds shall be disbursed for any other purpose upon written authorization of the County. TFC shall require in any and all agreements it executes with the Banks that the Banks seek in good faith to exhaust other sources of repayment, by using all available legal or other remedies, including, but not limited to, realization of collateral pledged by the borrower by foreclosure action and seeking payment from individual business owners pursuant to any personal guarantees issued to the Banks, prior to their making any demand for any portion of the Funds pledged to guarantee a portion the Loan. Furthermore, the Guaranty Agreements between TFC and the Banks shall only guarantee the collection by Banks of the originally pledged percentage of the principal amount outstanding at the time of default. TFC shall provide quarterly status reports to Miami-Dade County specifying the status of the Funds and the Loans.

Except for the changes enumerated above all other provisions of the Guaranty Fund Agreement shall remain in full force and effect.

This Amendment is hereby made a part of the Guaranty Fund Agreement.

IN WITNESS THEREOF, the parties hereto have caused this Amendment to the Guaranty Fund Agreement to be executed by their undersigned officials as duly authorized, this _____ day of _____ 2016.

BLACK ECONOMIC DEVELOPMENT
COALITION, INC. d/b/a TOOLS FOR
CHANGE, a Florida not-for-profit
corporation

MIAMI-DADE COUNTY, a political
subdivision of the State of Florida

BY: _____

BY: _____

NAME: _____

NAME: _____

DATE: _____

TITLE: _____

BY: _____

ATTEST

NAME: _____

BY: _____

DATE: _____

TITLE: _____

WITNESSES:

BY: _____

(Signature)

Type or Print Name

BY: _____

(Signature)

Type or Print Name