

**OFFICIAL FILE COPY  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA**

**Memorandum**



**Date:** June 2, 2009

**To:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

Agenda Item No. 5(K)

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

**Resolution No. R-631-09**

**Subject:** Resolution Authorizing Submission of the Substantial Amendment to Miami-Dade County's FY 2008 Action Plan for the Community Development Block Grant Recovery (CDBG-R) Funds

**RECOMMENDATION**

It is recommended that the Board of County Commissioners (BCC) approve the substantial amendment to the County's FY 2008 Action Plan, in substantially the same form as attached to the accompanying resolution as Exhibit 1, and authorize the County Mayor or the County Mayor's designee to submit the substantial amendment in the amount of \$4,884,311 under Title XII of the American Recovery and Reinvestment Act of 2009 (ARRA), referred to as the Community Development Block Grant Recovery (CDBG-R) funds to the U.S. Department of Housing and Urban Development (US HUD).

**SCOPE**

A total of \$4,884,311 in FY 2008 CDBG-R funds are recommended for allocation to administration and planning, capital improvement, economic development and public service projects in Neighborhood Revitalization Strategy Areas (NRSAs), and other eligible geographic areas throughout Miami-Dade County. The specific recommendations for foreclosure prevention and the assistance to be provided through the newly developed Small Business Development loan program will have a countywide impact. Infrastructure improvements may be in multiple districts.

**FISCAL IMPACT**

Approval of this resolution will not require any matching funds from the County, nor do these funds count towards the US HUD required 1.5 CDBG spending ratio. The County has until September 30, 2012 to expend the \$4.884 million. All funds not expended by the deadline will be recaptured by US HUD and returned to the US Treasury Department.

**TRACK RECORD/MONITORING**

To ensure successful program completion and compliance with federal guidelines and County policies, the County's Office of Community and Economic Development (OCED) will be the administering body responsible for the management of the County's CDBG-R program. OCED, through its planners, contracts officers, and project managers will monitor and manage the projects through site visits and corresponding desk audits. Most of the entities being recommended for the allocation of CDBG-R funding have expenditures for successfully delivering these products and/or services in previous and current contractual agreements with OCED.

Miami-Dade County's CDBG-R application must be delivered to US HUD by no later than June 5, 2009. Upon approval by US HUD and fund availability, progress will be reported upon and evaluated through the OCED Information Tracking system.

**BACKGROUND**

Title XII of the ARRA of 2009, approved February 17, 2009 by Congress, appropriated \$1 billion to carry out the CDBG Program under Title I of the Housing and Community Development Act of 1974 on an expedited

basis. On May 4, 2009, US HUD issued its notice outlining the Allocations and Alternative Requirements and Regulatory Waivers for the CDBG-R funds. Entitlement grantees are to submit substantial amendments to their approved 2008 Action Plans to the US HUD field office by June 5, 2009. The CDBG-R application process includes a seven-day public comment period, in lieu of the standard 30 days, which commenced on May 26, 2009.

Funding available under ARRA has clear purposes. CDBG-R recipients are encouraged to:

1. Give preference to projects that can award contracts based on bids within 120 calendar days from the date funds are made available to the recipients;
2. Establish a goal of using at least 50 percent of the funds for those activities that can be initiated within the 120 calendar days;
3. Use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents and stimulate the economy through measures that modernize the nation's infrastructure.

Moreover, Section 1602 of ARRA requires that grantees shall use grant funds in a manner that maximizes job creation and economic benefit and that no more than 15 percent of CDBG-R funds can be used for public service activities. Finally, up to ten percent may be used for general administration and planning activities.

**FUNDING RECOMMENDATIONS**

In an effort to comply with HUD's recommendation of allocating at least 50 percent of the funds to activities which can be initiated within 120 calendar days (June 17, 2009), the following allocations below are being recommended.

AGENCY	ACTIVITY NAME	CATEGORY	AMOUNT	Percentage
Miami Dade Public Works	Infrastructure Improvements	Capital Improvements	\$1,709,509	35%
Miami Dade OCED	Small Business Assistance Loan Program	Economic Development	\$1,953,722	40%
Centro Campesino Farmworker Center, Hispanic Coalition Corp., NANAY, Inc., and Neighborhood Housing Services	Foreclosure Intervention	Public Service	\$732,648	15%
Miami Dade OCED	Administration and Planning	Administration and Planning	\$488,432	10%
<b>Total Distribution of CDBG-R Funds</b>			<b>\$4,884,311</b>	<b>100%</b>

***Infrastructure Improvements***

In keeping with HUD's requirements in the notice, 35 percent, or \$1.709 million, is being recommended towards Public Works to be used for infrastructure projects in low- to moderate-income areas countywide. The projects funded should start by June 17, 2009 and adhere to the 120-day implementation period.

***Foreclosure Prevention***

Through the approval of the FY 2009 Action Plan, \$500,000 was allocated to assist in Foreclosure Prevention services. In light of the sustained foreclosure rate in Miami-Dade County, it is recommended that the 15 percent, or \$732,648, of the CDBG-R funds be allocated to strengthen foreclosure prevention program currently underway. Furthermore, in an effort to expedite the expenditures of these dollars, it is recommended that funding be allocated among the same four agencies approved by the BCC to administer this program in the FY 2009 Action Plan.

The assistance will be given to eligible homeowners in the form of a deferred loan, which will be considered satisfied in five years provided the owner continues to occupy the home as their principal residence. Repayment of the full amount shall become due if any of the following occurs within the deferred loan term:

- 1) Homeowner sells, transfers, or disposes of the property by any means, including bankruptcy, foreclosure or deed in lieu of foreclosure;

- 2) Homeowner no longer occupies the unit as their principal residence; and
- 3) Homeowner fails to meet any of the terms of the County's Subordination Policy.

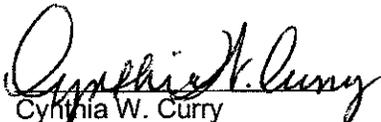
The funds will be used as rescue funds to assist eligible families who are delinquent with their mortgage payments due to loss of employment, sudden medical expenses, divorce or separation, death in a family or other unforeseen home repair bills. Pursuant to the program guidelines, the funds can not pay for more than three consecutive months of mortgage payments or \$7,500.

***Small Business Development Program***

Lastly, OCED is recommending that the remaining 40 percent, or \$1.953 million, be set aside for a Small Business Development Loan Program. Through the upcoming FY 2010 RFA, on target for a release date of June 30, 2009, OCED will solicit entities to administer the loan program. More specifically, OCED will subcontract with at least two not-for-profit organization(s) that have the necessary background in managing a small business loan program. The successful agencies will be given 24-month contracts which will expire in December 2011.

The funds will be used to assist small to medium size businesses with working capital to further their economic development. The maximum loan amount to each business will be set at \$100,000 and each sub-recipient will be required to create or retain existing jobs. The last 12 months of loan payments may be forgiven if: 1) required jobs are created, 2) the jobs are subsequently retained for more than one year, and 3) the borrower has been timely with monthly loan payments. The agencies will be required to report to OCED on all borrower repayments, program income, on an annual basis throughout the duration of the program.

Attachment

  
Cynthia W. Curry  
Senior Advisor to the County Manager



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss      **DATE:** June 2, 2009  
and Members, Board of County Commissioners

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

**SUBJECT:** Agenda Item No. 5 (K)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved  Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5 (K)  
6-2-09

RESOLUTION NO. R-631-09

RESOLUTION APPROVING THE SUBSTANTIAL AMENDMENT TO THE FY 2008 ACTION PLAN TO REFLECT THE ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY FUNDS (CDBG-R) AS AUTHORIZED BY TITLE XII, OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, IN THE AMOUNT OF \$4,884,311 IN SUBSTANTIALLY THE SAME FORM AS INDICATED IN EXHIBIT 1; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL CONTRACTS, AGREEMENTS AND AMENDMENTS NECESSARY TO CARRY OUT THE ABOVE PROGRAM; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN.

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board authorizes the County Mayor or the County Mayor's Designee to amend the FY 2008 Action Plan to reflect the allocation of \$4,884,311 FY 2008 Community Development Block Grant Recovery Funds (CDBG-R) in substantially the same form as indicated in Exhibit 1 and further authorizes the Mayor or Mayor's Designee to execute such contracts, agreements and amendments, as are required, following approval by the County Attorney's Office and subject to proper execution by the parties; and to exercise the cancellation provisions contained therein.

**Resolution No. R-631-09**

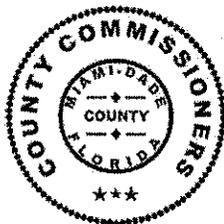
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The foregoing resolution was offered by Commissioner **Audrey M. Edmonson**, who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman	aye		
Jose "Pepe" Diaz, Vice-Chairman	aye		
Bruno A. Barreiro	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	absent
Dorin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	absent
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of June, 2009. 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: **DIANE COLLINS**  
Deputy Clerk

Approved by County Attorney  to form and legal sufficiency.

Shannon D. Summerset

### Exhibit 1

Source of Funds			
AGENCY	ACTIVITY NAME	AMOUNT	SOURCE
Miami-Dade OCED	Community Development Block Grant Recovery Funds	\$4,884,311	FY 2008 CDBG-R

Recommended Allocation of CDBG-R Funds				
AGENCY	ACTIVITY NAME	CATEGORY	AMOUNT	SOURCE
Centro Campesino Farmworker Center	Foreclosure Intervention	Public Service	\$183,162	FY 2008 CDBG-R
Hispanic Coalition, Corp.	Foreclosure Intervention	Public Service	\$183,162	FY 2008 CDBG-R
Neighborhood Housing Services of South Florida, Inc.	Foreclosure Intervention	Public Service	\$183,162	FY 2008 CDBG-R
NANAY	Foreclosure Intervention	Public Service	\$183,162	FY 2008 CDBG-R
Miami Dade Public Works.	Infrastructure Improvements	Capital Improvements	\$1,709,509	FY 2008 CDBG-R
Miami Dade OCED	Small Business Assistance Loan Program	Economic Development	\$1,953,722	FY 2008 CDBG-R
Miami Dade OCED	Administration and Planning	Administration and Planning	\$488,432	FY 2008 CDBG-R
<b>Total Redistribution of CDBG-R Funds</b>			<b>\$4,884,311</b>	



**MIAMI-DADE COUNTY PROPOSED SUBSTANTIAL AMENDMENT TO THE FY 2008 ACTION PLAN WITH FUNDING FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY (CDBG-R) PROGRAM OF TITLE XII OF DIVISION A OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 THE COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY (CDBG-R) PROGRAM**

A public hearing is scheduled for the Board of County Commissioners Meeting on June 2, 2009, at 9:30 a.m., in the Board of County Commissioners Chambers located on the second level of the Stephen P. Clark Center, 111 NW 1st Street, Miami, Florida. The public is invited to attend and comment. The purpose of this meeting is to give the public an opportunity to comment on this proposed plan amendment in a Public Hearing. Comments may also be submitted in writing from May 26, 2009 until June 2, 2009 at 9:30 A.M. to the attention of Shalley Jones Horn, Director, Miami-Dade County Office of Community and Economic Development, 701 NW 1st Court, Miami, Florida 33136. Please contact Brian Gillis, Planning, Community Outreach and Real Estate Section Supervisor, at (786) 469-2100, if you have any questions concerning this action. Federal regulations governing the Community Development Block Grant Recovery funds require that a participating jurisdiction provide citizens with reasonable notice of, and an opportunity to comment on, any substantial amendments to the FY 2008 Action Plan. Miami-Dade County is proposing to make the amendments indicated below:

Source of Funds			
AGENCY	ACTIVITY NAME	AMOUNT	SOURCE
MD OCED	Community Development Block Grant Recovery	\$4,884,311	FY 2008 CDBG-R

Recommended Allocation of CDBG-R Funds				
AGENCY	ACTIVITY NAME	CATEGORY	CATEGORY	SOURCE
Centro Campesino Farmworker Center	Foreclosure Prevention	Public Services	\$183,162	CDBG-R
Hispanic Coalition Corp.	Foreclosure Prevention	Public Services	\$183,162	CDBG-R
NANAY	Foreclosure Prevention	Public Services	\$183,162	CDBG-R
Neighborhood Housing Services	Foreclosure Prevention	Public Services	\$183,162	CDBG-R
Miami-Dade OCED	Small Business Assistance Loan Program	Economic Development	\$1,953,722	CDBG-R
Miami-Dade Public Works	Infrastructure Improvements	Capital Improvements	\$1,709,509	CDBG-R
Miami-Dade OCED	Administration and Planning	Administration and Planning	\$488,432	CDBG-R
<b>Total Redistribution of CDBG-R Funds</b>			<b>\$4,884,311</b>	CDBG-R

A person who decides to appeal any decision made by any board, agency or commission with respect to any matter considered at the meeting or hearing will need a record of the proceedings. Such person must ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based. Sign language interpreters are available upon request. Please call (786) 469-2100 at least five (5) days in advance.