

MEMORANDUM

Agenda Item No. 11(A)(5)

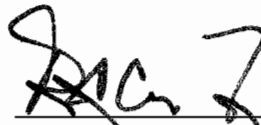
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: November 17, 2009

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

SUBJECT: Resolution directing the Mayor
to conduct a study and report
which projects and programs
are currently funded with
General Funds but are eligible
to receive CDBG funds
Resolution No. R-1314-09

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Carlos A. Gimenez.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss **DATE:** November 17, 2009
and Members, Board of County Commissioners

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County Attorney

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 Manager'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)(5)
11-17-09

RESOLUTION NO. R-1314-09

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE MAYOR'S DESIGNEE TO CONDUCT A STUDY AND REPORT TO THE BOARD OF COUNTY COMMISSIONERS WHICH PROJECTS AND PROGRAMS ARE CURRENTLY FUNDED WITH GENERAL FUNDS BUT ARE ELIGIBLE TO RECEIVE CDBG FUNDS, INCLUDING RECOMMENDATIONS AS TO WHICH PROJECTS AND PROGRAMS SHOULD BE ALLOCATED CDBG FUNDS IN PLACE OF GENERAL FUNDS

WHEREAS, CDBG funds are designed to help local governments achieve economic development, the reduction of slum and blight, job creation and affordable housing; and

WHEREAS, CDBG funds may be used for broad purposes, including but not limited to, (a) job creation, (b) the acquisition, construction, rehabilitation, and reconstruction of real property to be used as affordable housing for low- and moderate-income households; hospitals; nursing homes; or shelter for homeless persons, battered spouses, persons with special needs, or runaway children; (c) improvements to the exterior of commercial buildings in areas of need; (d) historic preservation; (e) lead-based paint removal, (f) the repairing of streets, sidewalks, playgrounds and parks, or neighborhood clean-up activities in areas in need of immediate action to arrest deterioration, and (g) foreclosure prevention; and

WHEREAS, Miami-Dade County (the "County") funds numerous projects and programs designed to achieve economic development, the reduction of slum and blight, job creation and affordable housing with funds from its general fund ("General Funds"); and

WHEREAS, many of these projects and programs funded with General Funds are of such a nature that they are eligible to receive Community Development Block Grant (“CDBG”) funds; and

WHEREAS, the County faces a budgetary shortfall in fiscal years 2009 and 2010 as a result of the present real estate and economic crisis; and

WHEREAS, the Board of County Commissioners (the “Board”) has the power to allocate CDBG funds to projects meeting the CDBG criteria in accordance with federal statutes and regulations; and

WHEREAS, the County’s budgetary shortfall could be eased by rescinding or recapturing General Funds allocated toward CDBG-eligible projects and instead funding such projects with CDBG funds,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the County Mayor or the Mayor’s designee to conduct a study and bring before the Board within sixty (60) days a report and recommendation listing all the projects currently receiving General Funds which are eligible to receive CDBG funds and which are of such status that the reallocation described herein shall be legal and of benefit to the County.

The Prime Sponsor of the foregoing resolution is Commissioner Carlos A. Gimenez. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** 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	absent	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	absent
Dorrin D. Rolle	absent	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of November, 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 as
 to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "BKN".

Brenda Kuhns Neuman

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 11A5
File Number: 092382
Committee(s) of Reference: BCC
Date of Analysis: September 3, 2009
Type of Item: Directive to Study which Projects & Programs Are or Should Be Eligible for CDBG Funds
Sponsor: Commissioner Carlos A. Gimenez

Summary

This resolution directs the County Mayor to conduct a study of all County programs and projects currently receiving General Funds which are eligible to receive Community Development Block Grants (CDBG funds); and to report his findings to the Board of County Commissioners (BCC) within 60 days of the resolution's effective date.

Background and Relevant Legislation

For purposes of addressing the County's current budgetary shortfall, this resolution advocates a thorough assessment of all General Fund spending programs and policies across the board to identify which County projects, meeting CDBG criteria, should be funded by CDBG funds, and which General Fund money, allocated towards CDBG-eligible projects, should be recaptured and re-allocated to other County projects and programs.

Under the Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) program, the federal government provides annual grants directly to qualifying cities and counties to carryout a wide range of community development activities directed toward providing decent housing, economic development, improved community facilities and public services that benefit low and moderate-income persons. Recipients of CDBG grant funds have broad discretion in determining their spending priorities, provided funded activities address the grant program's objectives. (Source: HUD'S Office of Community Planning & Development).

The County, as a recipient of CDBG funds, has the flexibility to identify and define how such grant funds will be used to address local needs based on fiscal feasibility. Accordingly, the Mayor is directed to review the use of CDBG funds and to assess which General Fund funds are currently allocated towards CDBG-eligible projects which could be recaptured to offset revenue reductions.

Policy Change and Implication

If approved, the proposed resolution would require the Administration to conduct a feasibility study of all County programs and projects currently receiving General Funds which are eligible to receive CDBG funds and to provide BCC with a list within 60 days.

Once this list is provided, the BCC may require Administration to establish and submit for approval a spending and reallocation plan which targets and segregates CDBG-eligible General Fund programs and projects. This may entail the following:

- An adjustment of General Fund funding priorities, and
- A new assessment of community needs, and fiscal capacity to meet those needs.

As proposed, the directive requires no changes to be made to the agencies or departments responsible for administering or overseeing CDBG allocations or program management procedures.

Budgetary Impact

Cost savings attributable to recapturing General Funds allocated to CDBG-eligible projects have not been quantified.

Prepared by: Lauren Young-Allen