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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM Agenda Item No. 11(A)(27)

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 rescinding Resolution No. R-1374-08; rejecting all bids for the District Four (4) Building Better Communities General Obligation Bonds (GOB) portion of the FY 2010 consolidated request for applications

Resolution No. R-1336-09

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

R. A. Cuevas, Jr.
County Attorney

RAC/cp

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MEMORANDUM

(Revised)

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

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

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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)(27)
11-17-09

RESOLUTION NO. **R-1336-09**

RESOLUTION RESCINDING RESOLUTION NO. R-1374-08; REJECTING ALL BIDS FOR THE DISTRICT FOUR (4) BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BONDS (GOB) PORTION OF THE FY 2010 CONSOLIDATED REQUEST FOR APPLICATIONS, ISSUED PURSUANT TO RESOLUTION NO. R-1374-08; WAIVING THE REQUIREMENTS OF SECTION 2-8.4 OF THE MIAMI-DADE COUNTY CODE PERTAINING TO BID PROTEST PROCEDURES, AND SECTION 4.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE MIAMI-DADE COUNTY CODE PERTAINING TO COMPETITIVE BID PROCEDURES, BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING THE COUNTY MAYOR OR THE MAYOR'S DESIGNEE TO ENTER INTO NEGOTIATIONS WITH ALL OF THE DEVELOPERS WHO SUBMITTED PROPOSALS IN RESPONSE TO THE RFP ISSUED PURSUANT TO RESOLUTION NO. R-1374-08 FOR THE CONSTRUCTION OF MULTI-FAMILY AFFORDABLE HOUSING UTILIZING GOB FUNDS IN DISTRCT FOUR (4)

WHEREAS, pursuant to Resolution No. R-918-04 (the "Affordable Housing Resolution"), the voters approved the issuance of general obligation bonds ("GOB") in a principal amount not to exceed $194,997,000 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, there is a need for multi-family rental housing for families that is affordable in District 4; and

WHEREAS, this need may be satisfied in part through the development of multi-family rental units on privately owned land for which preference will be afforded to families who have at least one member employed by public sector and/or health care providers located in Miami-Dade County; and

WHEREAS, each Commissioner is entitled to choose the particular project to which he or she wishes his or her District's respective BBC Program GOB funds be allocated; and

WHEREAS, in an effort to get the best deal for the County, the Board of County Commissioners ("Board"), pursuant to Resolution No. R-1374-08, directed the County Mayor or the Mayor's designee to issue a Request for Proposals ("RFP") that would set forth requirements to be met by each proposer and to present the results to this Board for approval; and

WHEREAS, the RFP process conducted pursuant to Resolution No. R-1374-08 encountered technical issues not related to this Board's resolutions or actions, and

WHEREAS, this Board seeks to proceed in an expeditious manner while still allowing for competition among the developers who submitted proposals in response to the RFP issued pursuant to Resolution No. R-1374-08; and

WHEREAS, this Board finds that it is in the best interests of the citizens of the County and in particular District 4, to approve the allocation of $10,592,307 from Project No. 249 and to direct the County Mayor or the Mayor's designee to negotiate with the developers who submitted proposals in response to the RFP issued pursuant to Resolution No. R-1374-08 in order to fund the development of multifamily rental housing on privately owned land in District 4 through a grant, subject to Board approval of the recommended proposer and all necessary agreements,

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. Resolution No. 1374-08 is hereby rescinded and shall have no effect.

Section 3. This Board authorizes the rejection of all proposals received in response to the Building Better Communities General Obligation Bonds ("GOB") Project Number 249 Request for Proposals ("District 4 GOB RFP") for the Construction of Multi-Family Housing in District 4 issued pursuant to Resolution No. R-1374-08.

Section 4. This Board approves the allocation of $10,592,307 ("Allocation") from the $137.7 million allocated for BBC Program Project No. 249 – "Preservation of Affordable Housing Units and Expansion of Home Ownership" to fund the development of multifamily rental housing on privately owned land in District 4 through a grant pursuant to the negotiations, subject to Board approval of the recommended proposer and all necessary agreements.

Section 5. The following are minimum requirements for the project: (i) the proposal shall maximize the number of rental units that could be financed from the GOB funds on privately owned land; (ii) forty percent (40%) of the units are to be rented to families that earn up to sixty percent (60%) of the adjusted median income for Miami-Dade County ("Median Income") and sixty percent (60%) of the units shall be rented to families that earn up to one hundred and forty percent (140%) of Median Income; (iii) the property shall be subject to a Land Use Restriction Agreement requiring the owner to continue to meet the requirements in (ii) above for as long as the bonds issued to fund the development remain outstanding but in no event less than thirty (30) years; (iv) preference shall be given to families who have at least one member employed by public sector and/or health care providers located in Miami-Dade County; and (v) the successful proposer shall enter into a grant agreement that will require the repayment of the grant if the conditions of the grant are not satisfied.

Section 6. This Board hereby waives all competitive bid procedures pursuant to Section 4.03(D) of the Home Rule Charter and Section 2-8.1 of the Miami-Dade County Code by a two-thirds (2/3's) vote of the Board members present upon written recommendation of the County Mayor. This Board further waives the bid protest procedures, pursuant to the requirements of Section 2-8.4 of the Miami-Dade County Code, by a two-thirds (2/3's) vote of the Board members present upon written recommendation of the County Mayor.

Section 7. The County Mayor or the County Mayor's designee shall conduct competitive negotiations between the developers who submitted proposals in response to the RFP issued pursuant to Resolution No. R-1374-08 for the Building Better

Communities General Obligation Bonds (GOB) Project Number 249 for the Construction of Multi-Family Housing in District 4 in accordance with the criteria to be presented in the form of a Supplement by the County Manager before the November 17, 2009, meeting of the Board of County Commissioners. The Mayor or the Mayor's designee may, upon a determination that it is in the best interest of the County, allow the submission of updated proposals prior to negotiations.

Section 8. The Mayor or the Mayor's designee shall recommend further action to the Board as a result of the negotiations.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. 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.

Brenda Kuhns Neuman