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

Memorandum

MIAMI-DADE COUNTY

Date: February 2, 2010

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

From: George M. Burgess
County Manager

Agenda Item No. 8(K)(1)(B)

Resolution No. R-111-10

Subject: Resolution Amending the FY 2009 Action Plan to Reprogram Multi-Year CDBG funds and Amending the FY 2007 through FY 2009 Action Plans to Include Refinancing Guidelines for CDBG and HOME Funds

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RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) authorize the Mayor or Mayor's designee to amend the FY 2007 through FY 2009 Action Plan to address two issues:

1) recapture funds from prior year projects in order to allocate $555,000 of Community Development Block Grant (CDBG) funds as indicated in Exhibit A; and
2) amend the same Action Plans (FY 2007 through FY 2009) to include refinancing guidelines for HOME and CDBG affordable housing projects (See Exhibit B). Such guidelines were not included when the Action Plans were originally approved. Consequently, the proposed amendment will bring Miami-Dade County into compliance with federal regulations that require refinancing guidelines to be included in the Consolidated Plan.

SCOPE

Exhibit A includes information on the Commission District location for each project to be allocated CDBG funds; however, the benefits from certain projects may affect more than one Commission District. In some cases, the benefit may be countywide. Exhibit B, the refinancing guidelines, will benefit eligible affordable housing projects countywide.

FISCAL IMPACT

Approval of this resolution does not create a negative fiscal impact to the County.

A total of $555,000 in multi-year CDBG funding is recommended for reallocation from the Commission District Funds reserve. Funds are being reallocated to public facilities and/or economic development projects that serve Neighborhood Revitalization Strategy Areas (NSRAs), and other eligible geographic areas throughout Miami-Dade County.

The refinancing guidelines allow for affordable housing projects that receive either HOME or CDBG funds to use a portion of these funds to refinance existing non-federal and or non-county debt. It is important to note that the proposed guidelines set forth the general conditions for refinancing, while the specific terms and conditions for the loans are addressed annually under the Consolidated Request for Application (RFA) for HOME and CDBG. The ability to refinance affordable housing projects will provide an additional tool to help ensure that such projects remain financially viable.

BACKGROUND

Reallocation of CDBG Funds

CDBG funds are allocated annually through a Consolidated Request for Application (RFA) process. The corresponding $555,000 is a result of prior year CDBG Commission District Funds that have never been allocated. District funds that are not awarded are considered 'on reserve' and as such, these funds are not technically being recaptured, but allocated. These allocations are recommended for activities that are currently in progress, with the intention of spending the monies and meeting the requirement of a federally

mandated national objective. Activities funded throughout the year are monitored for compliance with regulations and progress.

The total amount of CDBG funds recommended for allocation is $555,000 and represents seven funded activities. Exhibit 1 identifies each activity recommended to receive the funding. The activities eligible for allocation of Commission District Funds were limited to existing activities that were approved for funding in prior year RFAs and have an existing funding gap. All recommended allocations are part of Exhibit A.

Refinancing Guidelines

Miami-Dade County is required to submit a Consolidated Plan to US Department of Housing and Urban Development (US HUD) and an annual Action Plan for each calendar year covered by the Consolidated Plan. The current five-year Consolidated Plan extends from FY 2008 to FY 2012. The County's annual Action Plan document describes federal and other resources expected to be available to carry out the goals and objectives in the Consolidated Plan, and sets guidelines for the use of federal funds. This includes guidelines on the use of CDBG and HOME funds to refinance existing debt on affordable housing projects. Federal regulations require refinancing guidelines to be included in the Consolidated Plan and the annual Action Plans. However, the refinancing guidelines were omitted from the Miami-Dade County FY 2007, FY 2008, and FY 2009 Action Plans. The proposed amendment seeks to remedy this issue. It is important to note that CDBG regulations for refinancing are not the same as the HOME regulations. The proposed guidelines reflect what is required by each respective federal funding program.

In compliance with federal regulations for HOME, the FY 2007 through FY 2009 Action Plans are being amended to include refinancing guidelines for multifamily affordable housing rehabilitation projects. Specifically, the regulations allow organizations that receive HOME funds for the rehabilitation of multifamily affordable housing projects to use a portion of the HOME funds to refinance existing non-federal debt. The primary intent of the refinancing must be to make the project more financially viable and to ensure the preservation of affordable housing. The main requirements to refinance existing debt with HOME funds in the proposed Federal guidelines are as follows:

- Rehabilitation needs to be the primary eligible activity for refinancing, with a minimum of $7,500 of rehabilitation required per unit. The maximum refinance cannot be more than 50% of the HOME allocation, unless other County funds are being used for the rehabilitation.
- The new investment is being made to maintain current affordable units or to create greater affordability in current affordable units.
- HOME funds may be used countywide for refinancing.
- Minimum HOME affordability period shall be 15 years.
- HOME funds cannot be used to refinance multifamily loans made, or insured by any federal program, including CDBG. Refinancing of any Miami Dade County debt or other municipal debt is not permitted.

The FY 2007 through FY 2009 Action Plans are also being amended to include refinancing guidelines for CDBG affordable housing projects. The proposed guidelines will allow Miami-Dade County to make loans to refinance existing indebtedness secured by a single-family or multi-family residential property being rehabilitated with CDBG funds in an effort to preserve affordable housing projects. The main federal requirements to refinance existing debt with CDBG funds are as follows:

- Demonstrate that refinancing is necessary to permit or continue affordability.
- The minimum CDBG affordability period for refinancing existing debt shall be 15 years for multifamily and 10 years for single family units.
- CDBG funds may be used countywide for refinancing.
- CDBG funds cannot be used to pay off or refinance existing liens and judgments, including personal debts, tax liens, delinquent utility bills, homeowner association fees, or any other related unsecured debts.

TRACK RECORD/MONITORING

The entities being recommended for the reallocation of CDBG funding have either a history of successfully delivering the products and/or services pursuant to their contractual agreements with DHCD. The additional funds will assist in meeting their objective in a timely manner.

DHCD through its planners and project managers will work to monitor and manage the projects mentioned above to ensure successful completion and compliance with federal guidelines and County policies.

Attachments

Cynthia W. Curry
Senior Advisor to the County Manager

MEMORANDUM
(Revised)

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

DATE: February 2, 2010

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

SUBJECT: Agenda Item No. 8(K)(1)(B)

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. 8(K)(1)(B)
2-2-10

RESOLUTION NO. **R-111-10**

RESOLUTION AUTHORIZING THE MAYOR TO AMEND THE FY 2007, 2008, AND 2009 ACTION PLANS TO REFLECT THE REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF $555,000, AND ALSO AMENDING THE SAME ACTION PLANS TO INCLUDE REFINANCING GUIDELINES FOR CDBG AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) AFFORDABLE HOUSING PROJECTS; 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 Mayor or Mayor's designee to amend the FY 2007, FY 2008, and FY 2009 Action Plans to reflect the reallocation of $555,000 in Community Development Block Grant (CDBG) funds, as indicated in Exhibit A, and to include refinancing guidelines for CDBG and Home Investment Partnerships Program (HOME) affordable housing projects, as indicated in Exhibit B; authorizes the Mayor or Mayor's designee to execute 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.

The foregoing resolution was offered by Commissioner **Barbara J. Jordan**, 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 **absent**

Bruno A. Barreiro	**aye**	Audrey M. Edmonson	**absent**
Carlos A. Gimenez	**absent**	Sally A. Heyman	**aye**
Barbara J. Jordan	**aye**	Joe A. Martinez	**absent**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of February, 2010. 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

MIAMI-DADE COUNTY

Exhibit A
PROPOSED AMENDMENT TO THE
FY 2007 AND 2009 ACTION PLANS

SOURCES OF REALLOCATED CDBG FUNDS						RECOMMENDED REDISTRIBUTION OF CDBG FUNDS					
Agency	Activity Name	Commission District	IDIS #	Source	Amount	Agency	Activity Name	Commission District	IDIS #	Source	Amount
Commission District Fund	Commission Disrict Fund 02, Reserve	District 2	N/A	CDBG 2009	-$150,000	City of Opa Locka	Sherbondy Park Pool/ Gymnasium Expansion & Renovation	District 1	3062	CDBG 2009	$25,000
						Contractor's Resource Center	ED Technical Assistance (CCRC)	Countywide	4756	CDBG 2009	$75,000
						Dynamic Community Development Corp.	Economic Development Technical Assistance	District 2	4777	CDBG 2009	$50,000
					-$150,000						**$150,000**
Commission District Fund	Commission Disrict Fund 07, Reserve	District 7	N/A	CDBG 2009	-$160,000	City of South Miami	Murray Park Aquatic Center (to include swimming pool)	District 7	3245	CDBG 2009	$160,000
					-$160,000						**$160,000**
Commission District Fund	Commission Disrict Fund 13, Reserve	District 13	N/A	CDBG 2009	-$200,000	Hialeah-Dade Development, Inc.	Economic Development Technical Assistance	Multi-District 6,12,13	N/A	CDBG 2009	$200,000
					-$200,000						**$200,000**
Commission District Fund	Commission Disrict Fund 08, Reserve	District 8	N/A	CDBG 2007	-$40,000	Accion USA, Inc.	Micro Loan Program	Countywide	N/A	CDBG 2009	$15,000
						Partners for Self Employment, Inc./dba Micro-Business, USA	Matched Savings Fund	Multi-District 1,2,3,4,5,6,7,8,9, 10,11	4778	CDBG 2009	$25,000
					-$40,000						**$40,000**
Commission District Fund	Commission Disrict Fund 13, Reserve	District 13	N/A	CDBG 2007	-$5,000.00	Hialeah-Dade Development, Inc.	Economic Development Technical Assistance	Multi-District 6,12,13	N/A	CDBG 2009	$5,000
					-$5,000						**$5,000**
TOTAL CDBG FUNDS RECAPTURED					**-$555,000**	**TOTAL CDBG FUNDS TO BE REALLOCATED**					**$555,000**

Exhibit B: Proposed Refinancing Guidelines to Include in the FY 2007 to FY 2009 Action Plans

Miami-Dade County Proposed HOME Refinancing Guidelines

Multifamily projects developed by locally based organizations that receive HOME funds for rehabilitation may utilize HOME funds to refinance existing debt, consistent with Section 24 Code of Federal Regulations (CFR) Part 92.206(b)(2) and 24 CFR 91.220(l)(2)(iii), if they demonstrate the following:

- Rehabilitation is the primary eligible activity for refinancing. A minimum of $7,500 of rehabilitation per unit is required. **In any event the maximum refinance amount cannot be more than 50% of the HOME allocation (unless other county funds are being used for the rehabilitation).**

- Management capacity and practices are in place to ensure that: 1) disinvestment in property has not occurred; 2) long-term needs of project can be met; and 3) targeted population can be served over an extended affordability period.

- The new investment is being made to maintain current affordable units, to create greater affordability in current affordable units, or to create additional affordable units. The applicant must demonstrate that refinancing is necessary to permit or continue affordability under 24 CDR 92.252.

- The minimum HOME affordability period shall be 15 years.

- All HOME loans will continue to be secured by a mortgage on the property.

- HOME funds may be used countywide for refinancing.

- HOME funds cannot be used to refinance multifamily loans made or insured by any federal program, including CDBG. Refinancing for any Miami-Dade County or municipal loan program is also not permitted.

- Refinancing shall be limited to projects that have previously received local or State public funds.

Miami-Dade County Proposed CDBG Refinancing Guidelines

Pursuant to 24 CFR 570.202(b)(3) and 24 CFR 570.200(e), Miami-Dade County may make loans to refinance existing indebtedness secured by a residential property (single-family and multi-family) being rehabilitated with CDBG funds if the following is demonstrated:

- Refinancing is necessary or appropriate to achieve the locality's community development objectives

- Refinancing is necessary to permit or continue affordability under 24 CDR 92.252.

- The minimum CDBG affordability period for refinancing shall be 15 years for multifamily and 10 years for single-family units.

- All CDBG refinance loans will be secured by a mortgage on the property.

- CDBG funds may be used countywide for refinancing.

- CDBG funds can be used only to refinance existing secured loans, such as mortgages. CDBG funding cannot be used to pay-off or refinance existing liens and judgments,[1] including personal debts, tax liens, delinquent utility bills, homeowner association fees, or any other related unsecured debts.

- CDBG funds cannot be used to refinance loans made or insured by any CDBG, HOME, Miami-Dade County or municipal loan program. Only State and private loans shall be eligible for refinancing.

[1] 1992 memo from the Deputy Assistant Secretary for Grants Programs

The Miami Herald

Publication Date: 11/09/2009

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MIAMI DADE COLLEGE

MDC to train Mexican Red Cross

BY LUISA YANEZ
lyanez@MiamiHerald.com

When paramedics in Mexico arrive at the scene of a bad accident, the life-saving measures they'll perform will have a South Florida connection to Miami Dade College's Medical Center Campus.

On Monday, Cruz Roja Mexicana — the Mexican Red Cross — will enter into an agreement with MDC, whose staff will teach the EMS emergency services model used by rescue workers in Miami-Dade County and Miami to their counterparts in Mexico. The partnership will enable the Mexican Red Cross to better manage its emergency services in that country.

"Our collaborations on best practices will allow both countries to gain an international perspective on providing the best patient care in pre-hospital environments, be it in Mexico or the U.S.," said Anita Kaplan, president of the Medical Center Campus. For now, the two sides are agreeing only to work together. No financial arrangements have been set up.

A signing ceremony will be at 3 p.m. Monday at MDC's Medical Center Campus, 950 NW 20th St., Room 1175.

TOWN OF CUTLER BAY
PUBLIC HEARING
NOTICE TO AMEND THE TOWN CODE RELATING TO ACCESSORY USE AND STRUCTURES WITHIN THE TOWN

NOTICE IS HEREBY GIVEN that the Town Council of the Town of Cutler Bay, sitting in its capacity as the Local Planning Agency, will hold a public meeting on **Wednesday, November 18, 2009, at 7:00 p.m., at South Dade Regional Library, 10750 SW 211th Street, Cutler Bay, Florida.** The purpose of the public meeting is to consider and make recommendations to the Town Council, regarding the ordinance described below.

PLEASE NOTE that the Town Council will hold a public hearing and first reading of the Ordinance immediately following the meeting of the Town Local Planning Agency. The purpose of the public hearing is to consider the adoption of the following Ordinance:

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 2 OF ORDINANCE 06-06 OF THE TOWN CODE OF ORDINANCES RELATING TO ACCESSORY USES AND STRUCTURES; AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed ordinance may be inspected by the public at the Town Clerk's Office 10720 Caribbean Blvd, Suite 105, Cutler Bay, FL 33189. Interested parties are invited to attend the public hearing or provide written comments to the Town Council.

All persons who are disabled and who need special accommodations to participate in this proceeding should contact the Town Clerk's Office (305-234-4262) not later than four (4) business days prior to such proceeding (Americans with Disabilities Act of 1990).

If a person decides to appeal any decision made by the Town Council, with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Erika Gonzalez-Santamaria, CMC
Town Clerk

MIAMI-DADE COUNTY

REQUEST FOR PUBLIC COMMENTS ON THE PROPOSED AMENDMENT TO THE FY 2007 THROUGH 2009 ACTION PLAN

A public hearing is scheduled for the Housing and Community Development Committee (HCDC) Meeting on December 9, 2009, at 9:30 a.m., in the Board of County Commission Chambers located on the second level of the Stephen P. Clark Center, 111 NW 1st Street, Miami, Florida. The amendment reallocates Community Development Block Grant (CDBG) funds and revises the FY 2007, FY 2008 and FY 2009 Action Plans to include refinancing guidelines for the HOME Investment Partnerships Program (HOME) and for the CDBG program, pursuant with Section 24 of the Code of Federal Regulations (CFR), Part 92.206(b)(2), 24 CFR 91.220(1)(2)(iii), 24 CFR 570.202(b)(3), and 24 CFR 570.200(e). The purpose of this meeting is to give the public an opportunity to comment on this proposed plan amendment in a Public Hearing. The public is invited to attend and comment. Comments may also be submitted in writing until December 9, 2009 to the attention of Shalley Jones Horn, Director, Miami-Dade County Department of Housing and Community Development, 701 NW 1st Court, Miami, Florida 33136. Please contact Rosa Davis, Lead Principal Planner, at (786) 469-2100, if you have any questions concerning this action, or if you need to request accommodations for disabled or non-English speaking residents. Such requests must be made in advance of the scheduled public hearing. Federal regulations governing the CDBG funds require that a participating jurisdiction provide citizens with reasonable notice of, and an opportunity to comment on, any substantial amendments to the FY 2007 through 2009 Action Plans. A copy of the amendment, which includes the refinancing guidelines, is available at our office at 701 NW 1st Court, Miami, Florida and will be available on our web site at miamidade.gov/ced. Miami-Dade County is proposing to make the allocation amendments indicated below:

SOURCES OF RECAPTURED CDBG FUNDS

Agency	Activity Name	IDIS #	Amount	Source
Commission District Fund	Commission District Fund 02 Reserve	N/A	$150,000	CDBG 2009
Commission District Fund	Commission District Fund 07 Reserve	N/A	$160,000	CDBG 2009
Commission District Fund	Commission District Fund 13 Reserve	N/A	$200,000	CDBG 2009
MBCDC: The London LLC*	London Apartments (CDBG)	4795	$111,402	CDBG 2009
Commission District Fund	Commission District Fund 08 Reserve	N/A	$65,000	CDBG 2007
Commission District Fund	Commission District Fund 13 Reserve	N/A	$5,000	CDBG 2007
	TOTAL CDBG FUNDS RECAPTURED	--	**$691,402**	--

*The proposed number of rental units will be reduced from 33 to 24 units.

RECOMMENDED REDISTRIBUTION OF CDBG FUNDS

Agency	Activity Name	IDIS #	Amount	Source
City of Opa Locka	Sherbondy Park Pool/ Gymnasium Expansion & Renovation	3062	$36,402	CDBG2009
City of South Miami	Murray Park Aquatic Center (to include swimming pool)	3245	$160,000	CDBG2009
Contractor's Resource Center	ED Technical Assistance (CCRC)	4756	$75,000	CDBG2009
Dynamic Community Development Corp.	Economic Development Technical Assistance	4777	$50,000	CDBG2009
Hialeah-Dade Development, Inc.	Hialeah-Dade Development, Inc.	N/A	$205,000	CDBG2009
Accion USA, Inc.	Micro Loan Program	N/A	$15,000	CDBG 2009
Partners for Self Employment, Inc./ dba Micro-Business, USA	Matched Savings Fund	4778	$50,000	CDBG 2009
City of North Miami Beach	NE 173rd Street Roadway Improvements	N/A	$100,000	CDBG 2009
	TOTAL CDBG FUNDS TO BE REALLOCATED	--	**$691,402**	--

TOTAL CDBG ALLOCATIONS RECAPTURED (Non CDF and CDF)	**$691,402**
TOTAL CDBG FUNDS REDISTRIBUTED (Non CDF and CDF)	**$691,402**

CLASSICAL MUSIC REVIEW

Modern scores a whirl of striking sights, sounds

BY LAWRENCE BUDMEN
South Florida Classical Review.com

The New World Symphony's Sounds of the Times series delved into the New York state of mind with a sampling of contemporary scores by members of the Bang on a Can collective conducted by Jeffrey Milarsky Saturday night at the Lincoln Theater.

Over the past three decades, many contemporary composers have sought to write music that is more accessible and listener friendly, instead of the academic serialism and atonality that dominated the new music scene in the 1950's and 60's. Strongly influenced by rock and world music as well as twentieth-century classical trends, the Bang on a Can creators like to blend sophisticated modernism with a hip sensibility.

CITY PORTRAIT

Michael Gordon (a graduate of Miami Beach High School) collaborated with filmmaker Bill Morrison on *Gotham* in 2004. Synched to Morrison's striking cornucopia of modern and historic images of New York City, *Gotham* is a three-movement tone poem. Utilizing an amplified orchestra with electric guitar and electric bass, Gordon has created a vibrant portrait of the city, by turns ruminative and frantic. Although the score was written before Morrison had completed his film, music and visuals blend seamlessly in a multimedia symphony of light and sound.

In the first section, Morrison's historical black-and-white footage of sheep in Central Park and balloon rides is paired with a hauntingly elegant soundscape. A solo violin plays a tenderly beautiful melody, reminiscent of Satie's *Gymnopedie*, that builds to a full orchestral glow of lush string textures and mellow brass chorales. Anastasia Storer displayed voluptuous tonal hues and nuanced phrasing in the impressively scaled solo part.

The fast-moving images of the second movement bring howls and roars in an exhilarating racket of brass and percussion, played at fierce speed. A zippy theme introduces the Bartok-infused finale, a canon that swells to full blown orchestral crescendo. This flourish is interrupted by sudden silences as Morrison's color film displays the subway station adjacent to the former World Trade Center site, a poignant conclusion to this work.

Gordon's mastery of orchestral color and bursts of astringent energy are reminiscent of Stravinsky's *Rite of Spring*. New music specialist Milarsky led the New World musicians in a high-voltage, whirlwind performance.

FLASHY BRASS

Preceding Gordon's tour de force, Evan Ziporyn's *War Chant* commenced with wind figures that would not have been out of place in Debussy's *La Mer*, only to morph, disappointingly, into a lavish Technicolor film score. Ziporyn contributes flashy brass writing which the young musicians blared gloriously.

David Lang's *Pierced* is an ingenuously crafted concerto for cello, piano, percussion and strings. The soloists and orchestra play totally divergent material that seems to coalesce. Over string tremolos, the three soloists produce spiky, acerbic Minimalist rhythms, led by the marimba. Despite the piece's modernist sensibilities, Lang's score is a New Age neo-Baroque concerto grosso (with cello and piano continuo), rendered in high style. The trio Real Quiet (cellist Felix Fan, pianist Andrew Russo and percussionist David Cossin) performed with dazzling virtuosity, Milarsky's taut pacing and rhythmic urgency providing stellar support.

TOWN OF CUTLER BAY
PUBLIC HEARING
NOTICE TO AMEND THE LIST OF PERMITTED USES IN NONRESIDENTIAL ZONING DISTRICTS WITHIN THE TOWN

NOTICE IS HEREBY GIVEN that the Town Council of the Town of Cutler Bay, will hold a public hearing on **Wednesday, November 18, 2009, at 7:00 p.m., at South Dade Regional Library, 10750 SW 211th Street, Cutler Bay, Florida.** The purpose of the public hearing is to consider the ordinance described below:

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING SECTION 33-39.4 ENTITLED "TEMPORARY OUTDOOR SALES" OF THE TOWN CODE OF ORDINANCES TO PERMIT CERTAIN TEMPORARY OUTDOOR SALES WITHIN THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed ordinance may be inspected by the public at the Town Clerk's Office 10720 Caribbean Blvd, Suite 105, Cutler Bay, FL 33189. Interested parties are invited to attend the public hearing or provide written comments to the Town Council.

All persons who are disabled and who need special accommodations to participata in this proceeding should contact the Town Clerk's Office (305-234-4262) not later than four (4) business days prior to such proceeding (Americans with Disabilities Act of 1990).

If a person decides to appeal any decision made by the Town Council, with respect to any matter considered at a hearing or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Erika Gonzalez-Santamaria, CMC
Town Clerk

MIAMI-DADE COUNTY

PUBLIC COMMENTS ON THE REVISIONS TO THE CITIZEN PARTICIPATION PLAN AND THE CITIZEN PARTICIPATION GUIDELINES

The public is being notified that the Miami-Dade County "*Citizen Participation Plan for the Consolidated Planning Process & Citizen Participation Guidelines for the Department of Housing and Community Development and the Community Action Agency*" (the Plan) will be available for review and comment beginning November 10, 2009 through December 9, 2009. The Housing and Community Development Committee (HCDC) will meet on December 9, 2009, at 9:30 a.m., in the Board of County Commission Chambers located on the second level of the Stephen P. Clark Center, 111 NW 1st Street, Miami, Florida to consider the proposed revisions to the Citizen Participation Plan. The main focus of the Plan is to encourage all residents, including minorities, non-English speaking persons, as well as persons with disabilities to participate in the planning and development of activities that affects their lives and their communities. The proposed update is intended to enhance the citizen participation process and incorporate changes in County, State and Federal policies.

Comments on the proposed revisions to the Plan may be submitted in writing until December 9, 2009 to the attention of Shalley Jones Horn, Director, Miami-Dade County Department of Housing and Community Development, 701 NW 1st Court, Miami, Florida 33136. Please contact Rosa Davis, Lead Principal Planner, at (786) 469-2100, if you have any questions concerning the Plan. These revisions do not contain any funding recommendations. A complete copy of the Citizen Participation Plan is available at our office at 701 NW 1st Court, 14th Floor, Miami, Florida and will be available on our website, http://www.miamidade.gov/ced, and the Community Action Agency website, http://www.miamidade.gov/caa. Copies will also be available at the Miami-Dade Homeless Trust, the Community Action Agency, the Office of ADA Coordination, and the Miami-Dade County libraries listed below:

Public Review Locations

South Dade Regional Library 10750 SW 211St Miami, Florida 33189	Miami-Dade DCED 701 NW 1st Court, 14th floor Miami, Florida 33136	North Dade Regional Library 2455 NW 183 Street Miami, Florida 33056
ADA Coordination 111 NW 1st Street,12th Floor, Suite 348, Miami, FL 33128	Community Action Agency 701 NW 1st Court, Miami, FL 33136, 9th Floor	Miami-Dade Homelass Trust Stephen P. Clark Center 111 NW 1st Street, 27 Floor Miami, Florida 33128

10

The Miami Herald

Publication Date: 12/05/2009

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LEGISLATURE

Senators continue to squabble over rail plan

■ The House appeared likely to approve a commuter rail proposal, but the outcome remained far from certain in the Senate.

BY SHANNON COLAVECCHIO, MARC CAPUTO AND JOHN FRANK
Herald/Times Tallahassee Bureau

TALLAHASSEE -- A special session on major rail projects in Central and South Florida continued to sputter Friday --- the result of election-year politics, personality conflicts and over-arching concerns about the legislation's cost and liability.

While the House debated the proposal and moved toward expected passage, the fragile Senate coalition grew shakier. Senate President Jeff Atwater spent Friday feverishly wooing back a key Republican senator who defected the day before, and used a procedural move to stack a key Senate committee in the rail proposal's favor.

At the same time, Republican Senate leader Alex Diaz de la Portilla of Miami led an effort to submit opinion columns to newspapers throughout the state in hopes of pressuring undecided senators before next week's pivotal vote and of garnering public support for the rail package.

"It's a little disheartening," Sen. Paula Dockery, the proposal's chief opponent, said of the maneuverings. "I haven't complained that all the committees have been stacked against me. But I'm just trying to get information out there, and I don't have this advantage the leadership has."

Dockery twice has successfully led the charge to kill the SunRail plan in Central Florida that is at the center of controversy in the rail legislation, saying it could cost taxpayers more than $1 billion to begin. The current proposal also seeks to boost funding for South Florida's Tri-Rail system by up to $15 million and to establish a new state agency to manage rail. The ultimate goal: Attract $2.5 billion in federal stimulus money for a bullet train.

Atwater insists the rail proposal is vital to transforming the state's economy. His allies dismissed rumors Friday that he was threatening Republicans with their committee chairmanships if they vote against it.

As word spread Friday that Democratic Sen. Larcenia Bullard was hospitalized following a heart attack and likely will miss the session, Atwater replaced her as vice chair of the Senate Transportation Committee with Sen. Mike Fasano, R-New Port Richey, a rail supporter. That panel will be the bill's first Senate stop Monday.

Choosing Fasano instead of another Democrat suggests Atwater is worried about the legislation being scuttled before it even reaches the Senate floor.

Also Friday, Senate leaders worked to reverse the surprise defection of Republican Sen. Carey Baker, R-Eustis, who voted for SunRail the past two years, but said Thursday that "this is not the same bill."

Now he says he is warming back toward the "yes" side. Baker is running for agriculture commissioner against U.S. Rep. Adam Putnam of Bartow, a position that makes Baker vulnerable to all sorts of pressure regarding fundraising and endorsements.

Even House leaders were recruited Friday to help sway wavering Republicans. Diaz de la Portilla, R-Miami, reached out to Bradenton Rep. Bill Galvano and asked him to submit a pro-rail column to his hometown paper, the Bradenton Herald.

Galvano shares a district with Sen. Mike Bennett, who was among the Republicans to defeat SunRail the past two years. He frets about the $1 billion cost and taxpayer liability for private rail carrier CSX once the state buys its tracks.

But Friday, Bennett said he's no longer firmly opposed to the rail deal because taxpayers are no longer completely liable for accidents caused by CSX on the SunRail tracks.

"Those of us in quasi-leadership don't want to embarrass the Florida Senate," Bennett said.

Herald/Times staff writer Steve Bousquet contributed to this report. Shannon Colavecchio can be reached at scolavecchio@sptimes.com

TALLAHASSEE

Ethics panel clears three

■ Ethics complaints against Attorney General Bill McCollum, Chief Financial Officer Alex Sink and Lt. Gov. Jeff Kottkamp were dismissed.

BY STEVE BOUSQUET
Times/Herald Tallahassee Bureau

TALLAHASSEE — The state Commission on Ethics on Friday dismissed complaints against three high-ranking elected officials over their frequent use of state airplanes, including trips involving family members and political activities.

The commission said it had no choice but to dismiss the allegations because state law is too vague regarding what would be improper use of state planes.

The action clears both leading candidates for governor in 2010, Attorney General Bill McCollum and Chief Financial Officer Alex Sink, as well as Lt. Gov. Jeff Kottkamp, a candidate for attorney general.

A probable-cause finding against any of the three would have meant a lengthy investigation, political embarrassment and hefty legal fees.

A Times/Herald investigation in June found dozens of cases in which McCollum called for an empty plane to fly him from his suburban Orlando home to his Tallahassee office, and cases in which Sink had a plane make side trips to her suburban Tampa home for her convenience or for family members.

KOTTKAMP

The recommendation by Craig Willis, the special advocate or prosecutor in the three cases, cited (in Sink's case) the lack of "clearly articulated legal or regulatory standards" that define what constitutes improper use of state-owned aircraft.

Sink issued a statement in which she said she appreciated the commission's "thorough review of the facts in this case and I am pleased the commission found no cause to support the complaint."

Kottkamp, who predicted he would be exonerated, praised the ethics commission for its thoroughness.

The ethics commission's decisions usually remain confidential until a news release several days later. But all three officials were eager to clear their names, so they waived their right to confidentiality, as the law allows.

The complaint against Kottkamp was filed by Dave Plyer, a citizen activist from Clearwater who attended Friday's discussion of Kottkamp's flights.

Plyer said the commission thoroughly discussed the issue and that the panel will make a recommendation to the Legislature that it amend state law "to draw a much clearer distinction as to what constitutes business travel and political travel."

Steve Bousquet can be reached at bousquet@sptimes.com.

COURTS

Win for Confederate group

BY JOHN FRANK
Herald/Times Tallahassee Bureau

TALLAHASSEE — The Sons of Confederate Veterans is trumpeting a federal judge's ruling as a major victory in its efforts to get the rebel battle flag on a specialty license plate in Florida.

The group filed a lawsuit in January against the state and the Legislature after lawmakers refused to take action for two years on its application for a "Confederate Heritage" plate.

U.S. District Judge John Antoon II in Orlando dismissed the complaint against the lawmakers, citing legislative immunity from litigation, but refused to drop the case against the state Department of Highway Safety and Motor Vehicles. Tuesday's ruling, though largely procedural, forces the state to fight the lawsuit and poses a significant challenge to the constitutionality of the specialty-plate program.

The order "is a huge step forward for our case and the ruling will pave the way for the Confederate Heritage plate to become a reality," said Fred O'Neal, the attorney for the group of descendants of Confederate soldiers.

A spokesman for the motor vehicles department said the judge's order means the stars and bars are nowhere closer to appearing on a Florida license plate. "This is simply just a step in the legislative process," spokesman Dave Westberry said.

For a nonprofit organization to receive a specialty tag, it must pay a $60,000 fee and conduct a survey that shows at least 30,000 Floridians intend to buy a plate. Once the application is approved, the Legislature must pass a bill authorizing the department to issue the tag.

John Frank can be reached at jfrank@sptimes.com

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MIAMI-DADE COUNTY

NOTICE OF CHANGE IN DATE OF PUBLIC HEARING

THE PROPOSED AMENDMENT TO THE FY 2007 THROUGH 2009 ACTION PLAN

In the Miami Herald of November 9, 2009, a **Public Hearing** was **advertized to be held on December 9, 2009, at 9:30 a.m.** before the Housing and Community Development Committee (HCDC) in the Board of County Commission Chambers. The purpose of the hearing was to give the public an opportunity to comment on the proposed plan amendment.

This item is being rescheduled for 9:30 a.m. on January 13, 2010, before the Housing and Community Development Committee (DHCD) at the Board of County Commission Chambers located on the second level of the Stephen P. Clark Center, 111 NW 1st Street, Miami, Florida. The public comment period is being extended to January 13, 2010, at 9:30 a.m. All comments should continue to be submitted in writing to the attention of Shelley Jones Hom, Director, Miami-Dade County Department of Housing and Community Development (DHCD), 701 NW 1st Court, 14th floor, Miami, Florida 33136. A complete copy of the proposed amendment is available on the DHCD website at www.miamidade.gov/hcd.

Miami-Dade County provides equal access and equal opportunity in employment and services and does not discriminate against persons with disabilities. Accommodations for disabled or non-English speaking residents will be made available free upon request. Please contact Rosa Davis, Lead Principal Planner, at (786) 469-2160, at least five days prior to the meeting or hearing, with such requests. A person who decides to appeal any decision made by any board, agency or commission with respect to any matter considered at this meeting or hearing will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, including testimony and evidence upon which the appeal is to be based.

CITY OF DORAL
NOTICE OF PUBLIC MEETING

NOTICE IS HEREBY GIVEN that on **Monday, December 7th, 2009 at 4:00 p.m.,** the City Council of the City of Doral will hold a **Special Council Meeting** to be held at the **City of Doral, City Hall, Council Chambers, 8300 N.W. 53rd Street, Suite 100, Doral, FL, 33166.**

Persons with disabilities requiring accommodations in order to participate in this public hearing should contact the Office of the City Clerk at City Hall, 8300 NW 53rd Street, Suite 100, Doral, Florida, telephone number (305) 593-6725, no later than 24 hours (1 business day) prior to such proceedings.

BARBARA HERRERA
CITY CLERK, CITY OF DORAL

MIAMI-DADE COUNTY

PUBLIC NOTICE

NOTICE IS GIVEN that **meetings will be held before the following Committees on the dates stipulated below,** in the Commission Chambers, located on the Second Floor, of the Stephen P. Clark Center, 111 NW First Street, Miami, Florida, wherein, among other matters to be considered, **a public hearing will be held relating on the following proposed ordinances/resolutions:**

Recreation, Culture and Tourism Committee (RCTC) meeting of Monday, December 7, 2009, at 2:00 PM

- Resolution **epproving the neming of Palm Glades Park located at 22820 SW 112 Avenue as "Debbie Curtin Park"**

Government Operations Committee (GOC) meeting of Tuesday, December 8, 2009, at 9:30 AM

- Ordinance **relating to ambulances and medical transportation vehicles; amending Section 4-7 of the Code to provide that rates charged by municipal ground ambulance certificate holders shall be determined by resolution adopted by City Commission**

Budget, Planning and Sustainability Committee (BPSC) meeting of Tuesday, December 8, 2009, at 2:00 PM

- Ordinance **relating to Municipal Boundary Change Requests; suspending the processing and consideration of Municipal Boundary Requests; creating Section 20-4.1 of the Code**
- Ordinance **relating to Municipal Boundary Changes; providing the Board of County Commissioners with discretion to decide whether to refer a Municipal Boundary Request to the Planning Advisory Board, to deny such request, or to defer consideration of such request; amending Section 20-5 of the Code**

Hoesing and Community Development Committee (HCDC) meeting of Wednesday, December 9, 2009, at 9:30 AM

- Ordinance **amending Chapter 2, Section 2-11.38.2 of the Code, to provide that County Commission may by specified vote waive term limits for members of County Boards**

Transit, Infrastructure and Roads Committee (TIRC) meeting of Wednesday, December 9, 2009, at 2:00 PM

- Ordinance **amending Section 2-103.15 of the Code; adding an exception to the sign ordinance allowing for the placement of Homeless Trust donation meters on County-maintained rights-of-way**

Health, Public Safety and Intergovernmental Committee (HPSIC) meeting of Thursday, December 9, 2009, at 2:00 PM

- Ordinance **relating to sexual offenders and predators; creating Section 21-285 of the Code; creating child safety zones and prohibiting loitering and prowling in child safety zones; amending Article XVII of Chapter 21 of the Code relating to residency restrictions; applying Miami-Dade County sexual offender and predator residency restrictions throughout incorporated end unincorporated Miami-Dade County**
- Ordinance creating the Miami-Dade County Youth Commission; providing for **appointment of student representatives of Miami-Dade Public Schools es members of such commission; providing for exception to Section 2-11.38 of the Code**
- Ordinance **relating to Conflict of Interest and Code of Ethics Ordinance; amending Section 2-11.1(s) to provide that any person who appears as a lobbyist on behalf of a certified small business enterprise or community small business enterprise shall not be required to pay lobbyist registration fees**
- Ordinance **relating to Conflict of Interest and Code of Ethics Ordinance; amending Section 2-11.1(s) of Code, relating to lobbying; requiring principals and lobbyists to file affidavit regarding contingency fees**

All interested parties may appear and be heard at the time and place specified.

A person who decides to appeal any decision made by any board, agency, or commission with respect to any matter considered at its meeting or hearing, will need a record of proceedings. Such persons may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Miami-Dade County provides equal access and equal opportunity and does not discriminate on the basis of disability in its programs or services. For material in alternate format, a sign language interpreter or other accommodation, please call 305-375-3566.

HARVEY RUVIN, CLERK
DIANE COLLINS, DEPUTY CLERK

11

MIAMI-DADE COUNTY

ANNOUNCEMENT ON PUBLIC HEARING FOR THE PROPOSED AMENDMENT TO THE FY 2007 THROUGH 2009 ACTION PLAN

In the Miami Herald of December 5, 2009, a Public Hearing was rescheduled to January 13, 2010 at 9:30 a.m. before the Housing and Community Development Committee (HCD), at the Board of County Commission Chambers located on the second level of the Stephen P. Clark Center, 111 NW 1st Street, Miami, Florida, to consider the proposed amendment to the FY 2007 through 2009 Action Plans, which includes the refinancing guidelines for the HOME Investment Partnerships Program (HOME) and the Community Development Block Grant (CDBG) program. The advertisement also extended the public comment period from November 9, 2009 to January 13, 2010 at 9:30 a.m.

Based on the comments received during the Public Comment period, the recommended allocations and refinancing guidelines are being re-advertised as indicated below. A copy of the amendment is available at our office at 701 NW 1st Court, Miami, Florida and is available on our web site at miamidade.gov/ced. All comments should continue to be submitted in writing to the attention of Shalley Jones Horn, Director, Miami-Dade County Department of Housing and Community Development (DHCD) , 701 NW 1st Court, 14th floor, Miami, Florida 33136.

Please contact Rosa Davis, Lead Principal Planner, at (786) 469-2100, if you have any questions concerning this action, or if you need to request free accommodations for disabled or non-English speaking residents. Such requests must be made at least five days in advance of the scheduled public hearing. Federal regulations governing the CDBG funds require that a participating jurisdiction provide citizens with reasonable notice of, and an opportunity to comment on, any substantial amendments to the FY 2007 through 2009 Action Plans.

PROPOSED AMENDMENT TO THE FY 2007 THROUGH 2009 ACTION PLANS

SOURCES OF REALLOCATED CDBG FUNDS

Agency	Activity Name	IDIS #	Amount	Source
Commission District Fund	Commission Disrict Fund 02 Reserve	N/A	-$150,000	CDBG 2009
Commission District Fund	Commission Disrict Fund 07 Reserve	N/A	-$160,000	CDBG 2009
Commission District Fund	Commission Disrict Fund 13 Reserve	N/A	-$200,000	CDBG 2009
Commission District Fund	Commission Disrict Fund 08 Reserve	N/A	-$40,000	CDBG 2007
Commission District Fund	Commission Disrict Fund 13 Reserve	N/A	-$5,000	CDBG 2007
TOTAL CDBG FUNDS TO BE REALLOCATED			-$555,000	

RECOMMENDED REDISTRIBUTION DF CDBG FUNDS

Agency	Activity Name	IDIS #	Amount	Source
City of Opa Locka	Sherbondy Park Pool/ Gymnasium Expansion & Renovation	3062	$25,000	CDBG 2009
City of South Miami	Murray Park Aquatic Center (to include swimming pool)	3245	$160,000	CDBG 2009
Contractor's Resource Center	ED Technical Assistance (CCRC)	4756	$75,000	CDBG 2009
Dynamic Community Development Corp.	Economic Development Technical Assistance	4777	$50,000	CDBG 2009
Hialeah-Dade Development, Inc.	Economic Development Technical Assistance	N/A	$205,000	CDBG 2009
Accion USA, Inc.	Micro Loan Program	N/A	$15,000	CDBG 2009
Partners for Self Employment, Inc./dba Micro-Business, USA	Matched Savings Fund	4778	$25,000	CDBG 2009
TOTAL CDBG FUNDS REDISTRIBUTED		$555,000		

TOTAL CDBG FUNDS TO BE REALLOCATED	-$555,000
TOTAL CDBG FUNDS REDISTRIBUTED	$555,000