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

MEMORANDUM

Agenda Item No. 11(A)(13)

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

DATE: March 2, 2010

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

SUBJECT: Resolution directing County Mayor to identify and recover funds to finance and develop Senator Villas affordable housing project for the elderly to be located at Bird Road and 89th Avenue

Resolution No. R-262-10

The resolution was amended by the Housing and Community Development Committee to change the first whereas clause, which originally stated incorrectly that the United States Department of Transportation had conveyed the Senator Villas Site to the County. The property was actually conveyed by the State of Florida Department of Transportation.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM
(Revised)

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

DATE: March 2, 2010

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

SUBJECT: Agenda Item No. 11(A)(13)

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)(13)
3-2-10

RESOLUTION NO. **R-262-10**

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE MAYOR'S DESIGNEE TO IDENTIFY AND RECOVER FUNDS TO FINANCE AND DEVELOP SENATOR VILLAS AFFORDABLE HOUSING PROJECT FOR THE ELDERLY TO BE LOCATED AT BIRD ROAD AND 89TH AVENUE; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROCURE A DEVELOPER SUBJECT TO COMMISSION APPROVAL; AND REQUIRING A REPORT

WHEREAS, the [[~~United States~~]][1] >>State of Florida<< Department of Transportation conveyed property located at Bird Road and 89th Avenue (the "Senator Villas Site") to Miami-Dade County ("County") for the purpose of developing affordable elderly housing pursuant to the request of Senator Javier D. Souto; and

WHEREAS, the County was authorized, pursuant to Resolution No. R-289-02, to convey the Senator Villas Site to the MDHA Development Corporation ("Development Corporation") for development of the Bird Road Park and Ride Elderly Housing Project, also known as the Senator Villas Project; and

WHEREAS, the County entered into a contract with the Development Corporation on April 7, 2004 in the amount of $2.8 million to fund the development of the Senator Villas Project; and

[1] Committee amendments are indicated as follows: words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< constitute the amendment proposed.

WHEREAS, the Development Corporation drew down approximately $1.5 million dollars in documentary surtax funds to perform all activities necessary to develop the Senator Villas Site to include twelve (12) Section 8, elderly housing units/efficiencies; and

WHEREAS, the Senator Villas Project was never developed or built by the Development Corporation; and

WHEREAS, an audit of the Development Corporation by the Miami-Dade County Audit and Management Services Department dated June 27, 2007 revealed that the Development Corporation used $750,000 of the funds earmarked for the Senator Villas Project to fund a project that it was not authorized to fund; and

WHEREAS, pursuant to Resolution No. R-412-08, the County entered into a Transitional Agreement with the Development Corporation on April 21, 2008 for the purpose of terminating the County's relationship with the Development Corporation; and

WHEREAS, pursuant to the Transitional Agreement, the Senator Villas Project contract was terminated and thereafter the County recaptured the remaining undisbursed $1.3 million from the Development Corporation; and

WHEREAS, the Board has authorized $1 million in General Obligation Bonds ("GOB") to this project following Senator Javier D. Souto's allocation of this funding to the project; and

WHEREAS, other than the GOB allocation, there is currently no additional County funding or other funding allocated to this project; and

WHEREAS, the Transitional Agreement requires the Development Corporation to pay to the County $750,000 from its anticipated developer fee in connection with the Ward Towers development; and

WHEREAS, the County should take all necessary steps to ensure that the funds recovered from the Development Corporation be specifically designated for the Senator Villas Project and any other necessary project funding be identified to honor the Board's longstanding commitment to this project ; and

WHEREAS, the Board desires to increase the number of very low and low-income elderly housing units from twelve (12) to twenty-three (23) and to include a commercial component to the extent legally permitted on the Senator Villas Site,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The Board hereby directs the County Mayor or the County Mayor's designee to take all necessary steps to recover the Ward Tower developer fee of $750,000 and any other available funds from the Development Corporation within ninety (90) days from the effective date of this resolution. Upon receipt of such amounts from the Development Corporation, these amounts shall be allocated and utilized for the purposes of developing the Senator Villas Project.

Section 2. This Board directs the County Mayor or the County Mayor's designee to identify any additional funds that can be allocated and used for the Senator Villas Project within ninety (90) days from the effective date of this resolution, so that when combined with the GOB allocation and any funds recovered pursuant to Section 1 herein, there is $2 million dollars of County funds available to be allocated for the Senator Villas Project.

Section 3. The Senator Villas Project shall consist of twenty-three (23) very low and low-income elderly housing units from and a mixed-use or commercial component, to the extent legally permitted. Ten percent (10%) of such units shall be set aside for rental to persons or

households with incomes equal to or below thirty percent (30%) of the local area median income and ninety percent (90%) of such units to be set aside for rental to persons or households with incomes equal to or below sixty percent (60%) of the local area median income.

Section 4. The County Mayor or the County Mayor's designee is hereby directed to undertake a process in 120 days of the date of this resolution to procure a developer to whom the Senator Villas Site can be conveyed or leased for purposes of developing the Site in accordance with this resolution and obtaining any additional financing, including but not limited to tax credit funding, to complete the Senator Villas Project, subject to approval by the Board of County Commissioners.

Section 5. The County Mayor or the County Mayor's designee is further directed to provide a written report to the Board of County Commissioners indicating the funding identified, received and allocated pursuant to Sections 1 and 4 of this resolution within 120 days of the effective date of this resolution.

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

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

Cynthia Johnson-Stacks
Terrence A. Smith