



MEMORANDUM

Agenda Item No. 11(A)(12)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

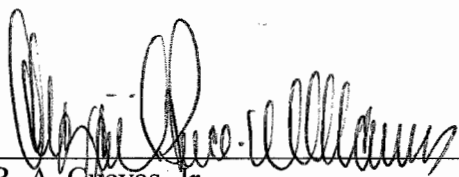
**DATE:** September 1, 2011

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

**SUBJECT:** Resolution requiring a greater public participation prior to bringing any resolution recommending the reallocation of CDBG Home Investment Partnership Program, Emergency Solutions Grant Program, and/or local Documentary Surtax Funds before the full Board of County Commissioners

Resolution No. R-697-11

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa, and Co-Sponsors Commissioner Jean Monestime and Commissioner Dennis C. Moss.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/up



# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

**DATE:** September 1, 2011

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

**SUBJECT:** Agenda Item No. 11(A)(12)

**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)(12)  
9-1-11

RESOLUTION NO. R-697-11

RESOLUTION REQUIRING A GREATER PUBLIC PARTICIPATION PRIOR TO BRINGING ANY RESOLUTION RECOMMENDING THE REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG), HOME INVESTMENT PARTNERSHIP PROGRAM (HOME), EMERGENCY SOLUTIONS GRANT PROGRAM (ESG), STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM (SHIP) AND/OR LOCAL DOCUMENTARY SURTAX (SURTAX) FUNDS BEFORE THE FULL BOARD OF COUNTY COMMISSIONERS, UNLESS CERTAIN CONDITIONS APPLY

**WHEREAS**, the County awards Community Development Block Grant Program (“CDBG”), Home Investment Partnership Program (“HOME”), Emergency Solutions Grant Program (“ESG”), State Housing Initiatives Partnership Program (“SHIP”) and local Documentary Surtax (“Surtax”) funds (hereinafter to be collectively referred to as “Community Development Funds”) for community development, economic development, affordable housing and other social service activities and projects throughout the County (hereinafter to be collectively referred to as “Community Development Projects”); and

**WHEREAS**, the Mayor or the Mayor’s designee develops recommendations for funding particular Community Development Projects; and

**WHEREAS**, these recommendations are based upon policies adopted by the Board of County Commissioners (the “Board”) in a five-year Consolidated Plan Policy Paper and a subsequent Request for Applications (“RFA”) process conducted by the Department of Housing and Community Development (“DHCD”); and

**WHEREAS**, such Community Development Projects may experience funding deficiencies or other issues which delay their progress or cause them to be non-performing; and

**WHEREAS**, the County is obligated by the respective funding source to expend the Community Development Funds in a timely manner; and

**WHEREAS**, it is often in the best interest of the County to recapture funds from delayed or non-performing Community Development Projects in order to reallocate them to other activities or projects in order to expend the Community Development Funds in a timely manner; and

**WHEREAS**, the public has an interest in providing comments and input as to these reallocations of the Community Development Funds; and

**WHEREAS**, the Neighborhood Revitalization Strategy Area (NRSA) Community Advisory Committees (CAC) have expressed a desire for greater involvement in recommendation process for recapturing and reallocating CDBG funds which affect their respective NRSA; and

**WHEREAS**, this Board wishes to provide a greater opportunity for the public and CACs to participate in the reallocation process for Community Development Funds in order to ensure that these funds are maximized to the benefit of the residents of the County,

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

Section 1. Prior to presenting to the full Board any resolution recommending the reallocation of Community Development Funds, the residents of Miami-Dade County shall be afforded an opportunity to comment on the reallocation recommendations and in a public hearing to be held before the appropriate Board committee.

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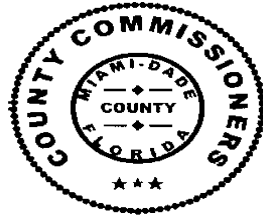
Section 2. Prior to holding a public hearing before a Board committee on any resolution recommending the reallocation of CDBG funds, the Mayor or Mayor's Designee shall transmit its recommendations to the NRSA CACs that will be impacted by such recommendations. The CACs shall be afforded an opportunity to provide feedback on the recommendations during the federally required 30-day public comment period and prior to the public hearing before a Board committee. The Mayor or Mayor's designee shall then make appropriate changes to the reallocation recommendations as necessary and/or report a summary of the CAC recommendations to the Board in the form of an interoffice memorandum or supplemental report to the resolution. These steps will give the Board an opportunity to consider adjusting the recommendations made in the resolution based upon the feedback of the NRSAs.

Section 3. Except where otherwise required by appropriate law, regulation, rule, or resolution, the requirements set forth in this resolution shall not apply in the event that (i) the Community Development Funds are at risk of being recaptured by the agency administering the funding, (ii) the County risks suffering a monetary penalty, (iii) the County is approaching an expenditure deadline, or (iv) the Mayor or Mayor's designee determines that it is in the best interest of the County not to provide the public hearing required herein.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa, and the Co-Sponsors are Commissioner Jean Monestime and Commissioner Dennis C. Moss. It was offered by Commissioner **Rebeca Sosa**, 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:

|                      |                                     |                                 |
|----------------------|-------------------------------------|---------------------------------|
|                      | Joe A. Martinez, Chairman           | <b>aye</b>                      |
|                      | Audrey M. Edmonson, Vice Chairwoman | <b>aye</b>                      |
| Bruno A. Barreiro    | <b>aye</b>                          | Lynda Bell <b>aye</b>           |
| Esteban L. Bovo, Jr. | <b>aye</b>                          | Jose "Pepe" Diaz <b>aye</b>     |
| Sally A. Heyman      | <b>aye</b>                          | Barbara J. Jordan <b>aye</b>    |
| Jean Monestime       | <b>aye</b>                          | Dennis C. Moss <b>aye</b>       |
| Rebeca Sosa          | <b>aye</b>                          | Sen. Javier D. Souto <b>aye</b> |
| Xavier L. Suarez     | <b>absent</b>                       |                                 |

The Chairperson thereupon declared the resolution duly passed and adopted this 1<sup>st</sup> day of September, 2011. 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: **Christopher Agrippa**  
 Deputy Clerk

Approved by County Attorney as  
 to form and legal sufficiency.

Brenda Kuhns Neuman