



MIAMI-DADE COUNTY
FINAL OFFICIAL
Meeting Minutes

Board of County Commissioners

*Stephen P. Clark Government Center
111 N.W. 1st Street
Miami, FL 33128*

Monday, April 30, 2007
1:35 PM, Commission Chambers

Harvey Ruvlin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Scott Rapple, Commission Reporter, (305) 375-5108



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Members Present: Audrey M. Edmonson; Carlos A. Gimenez; Barbara J. Jordan;
Dennis C. Moss; Dorrin Rolle; Natacha Seijas; Katy Sorenson

Members Absent: Bruno Barreiro; Jose "Pepe" Diaz; Sally A. Heyman; Joe A.
Martinez; Rebeca Sosa; Javier D. Souto

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY

Report: *Scott Rappleye, Commission Reporter, (305) 375-5108*

1A INVOCATION

Report: *Chairman Barreiro called the meeting to order at 3:39 pm.*

1B PLEDGE OF ALLEGIANCE

1C ROLL CALL

Report: *The following staff support was present: County Manager George Burgess; First Assistant County Attorney Robert Cuevas, Assistant County Attorney Cynthia Johnson-Stacks; and Deputy Clerks Kay Sullivan and Scott Rappleye.*

ITEM NO. 1

071307 Discussion Item

CONSIDER THE COUNTY'S REPOSENSE TO ANY PROPOSED
TAKEOVER BY U.S.HUD OF FEDERALLY FUNDED
HOUSING PROGRAMS AND FACILITIES ADMINISTERED
AND OPERATED BY THE MIAMI-DADE HOUSING AGENCY

Presented

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Report: *Commissioner Edmonson questioned what would happen to the Housing Agency during litigation with the US Department of Housing and Urban Development (HUD).*

Assistant County Attorney Cuevas noted he felt that one of the potential issues during the litigation process could involve the discontinuation of federal funding if HUD determined the County was not in compliance with federal regulations; and that the impact of this issue depended upon how much of the federal funding was discretionary dollars.

Assistant County Attorney Cynthia Johnson-Stacks responded to Commissioner Edmonson's question as to who would control the Housing Agency during the litigation process. She noted she felt that if the County Attorney's Office intervened and litigated as authorized by the County Commission, the goal would be to seek for a judge to authorize the County to maintain the status quo during litigation.

County Manager Burgess responded to Commissioner Edmonson's question as to whether the County had the ability to run the Housing Agency without Federal funding, County Manager Burgess explained that without federal funding, the County did not have the ability to maintain public housing and Section 8 without federal funding. He also explained the primary goal was to reach an agreement with HUD that recognized their concerns while simultaneously allowing the County to maintain the momentum and to preserve the Housing Agency with multiple sources of revenue that compliment one another. Mr. Burgess said the administration did not understand the basis for this very aggressive desire to takeover based on all the analysis staff had done on other properties and receiverships elsewhere.

The County Manager reiterated that he had no desire to litigate, but in the event the County was unsuccessful, this Commission had stated very clearly that it wanted to defend its governance of this agency.

Commissioner Edmonson said she would like to foster a better working relationship with HUD.

County Manager Burgess said it was clear that well-intended individuals were on both sides. However, the issue was finding common ground, which was dependent on whether both sides were willing to bend. He said he was optimistic that we had not found middle ground and at the end of the day, an agreement could be carved out.

Commissioner Edmonson noted that she wanted the County to be less absolute with its position opposing the HUD takeover and pursue a working relationship with HUD.

Chairman Barrero advised his colleagues that he had to attend another meeting. He relinquished the chair to Vice Chairwoman Jordan before leaving the Chamber.

Vice-Chairwoman Jordan noted she had felt strongly that the County Commission should be involved in the Housing Agency and should resist any move for HUD to take over. She pointed out that HUD controlled the funds and had authority to takeover the Housing Agency at any time. She noted comments made by Congressman Kendrick Meek stating that the County Commission needed to act in the best interest of the people. Vice-Chairwoman Jordan said she would support Chairman Barreiro and the

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Mayor negotiating with HUD. She pointed out that the last time Chairman Barreiro and the Mayor met with HUD the HUD Secretary did not attend.

Assistant County Attorney Johnson-Stacks explained that the County had 15 days from the date of the substantial default notice to respond, which was May 9, 2007, except the County had to respond for one set of allegations by May 8, 2007. She advised that she thought negotiations could be ongoing before the deadline; and that as the deadline approached, without a concession from the Federal Government for an extension, she thought the Administration would act as authorized by the Commission, unless the will fo the Commission changed.

Commissioner Sorenson expressed discomfort with only half of the County Commission being present to make such an important decision.

Commissioner Moss noted he wanted a friendly solution to this issue. He said that for the County to maintain control of the Housing Agency during potential litigation would require resources to continue to come to the Agency. He explained that he would have no problem if HUD came in and had an individual present daily to see everything that happened in the Agency. Commissioner Moss noted he thought the County would do a better job managing the Agency, based upon the significant changes that had been made to the management team and the existing oversight, and the County would do a better job to ensure the needs of the community were met. He said he felt the County should have the opportunity to maintain enough control to continue correcting the problems. He said he would gladly allow HUD to have control if the County's efforts failed.

County Manager Burgess, pursuant to Commissioner Rolle's request for his recommendation, recommended the County Commission allow him to negotiate with HUD and entrust him to do his best to find the middle ground. He said he needed the ability to reason with HUD. Regarding Commissioner Rolle's concern about the future of HOPE VI, County Manager Burgess stated he did not want to abandon the individuals that were depending on that project.

Following comments by Commissioner Edmonson affirming her position to negotiate with HUD, Commissioner Gimenez spoke in support of allowing the Mayor and County Manager to negotiate with HUD. He noted that if the County did not change its position, HUD would takeover the Housing Agency without any assurance that it would return governance to the County. He said he thought the County could negotiate with goals, objectives, and timelines and, in turn, reach an agreement that HUD would return governance of the Housing Agency to the County Commission.

Vice-Chairwoman Jordan noted she had researched other HUD receiverships and she thought the background information of the other receiverships were far worse than the County's situation.

It was moved by Commissioner Gimenez that the Board of County Commissioners' Chairman, the Mayor, and the County Manager negotiate with HUD and come back to the Board with the best possible agreement. This motion was seconded by Commissioner Rolle.

Responding to Commissioner Seijas' request for clarification on the motion, Commissioner Gimenez affirmed that this motion intended to allow the Chairman, Mayor, and County Manager flexibility to meet in the middle with

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HUD and included a possible timeframe that HUD would have control.

The Commission proceeded to vote; the motion passed 5-2. (Commissioners Sorenson and Seijas voted "no." Commissioners Martinez, Sosa, Barreiro, Souto, Diaz, and Heyman were absent.)

Following further explanation of the motion by Commissioner Gimenez, Commissioner Seijas noted the motion was logical, but since she was not fully informed, she voted "no."

Commissioner Moss clarified that the County Manager was to bring back the best possible agreement; and the County Commission would consider it and make a final decision.

Responding to Assistant County Attorney Johnson-Stacks' question regarding the direction to the County Attorney's Office to take the necessary action to prepare to file litigation if receivership did happen, Vice-Chairwoman Jordan noted that the motion did not change the Board's former direction concerning filing litigation.

There being no further business to discuss the meeting was adjourned at 4:15 pm.

ADJOURNMENT



Bruno A. Barreiro, Chairman

ATTEST: HARVEY RUVIN, CLERK



By: _____
Kay Sullivan, Deputy Clerk