



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Economic Prosperity Committee Meeting

November 10, 2016
2:00 P.M.
Commission Chamber

Research Division

Office of the Commission Auditor
111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

**Economic Prosperity Committee
November 10, 2016 Meeting
Research Notes**

Item No.	Research Notes
1G1 162306	ORDINANCE ESTABLISHING A MINIMUM WAGE FOR EMPLOYEES OF CERTAIN COUNTY CONTRACTORS AND SUBCONTRACTORS; CREATING SECTION 2-8.9.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR INDEXING OF THE MINIMUM WAGE RATE; PROVIDING FOR ENFORCEMENT AND PENALTIES; REQUIRING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ESTABLISH PROCEDURES FOR MONITORING COMPLIANCE; PROVIDING FOR DELAYED IMPLEMENTATION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
Notes	<p>The proposed ordinance:</p> <ul style="list-style-type: none"> • Creates Section 2-8.9.1 of the Miami-Dade County Code; • Establishes a minimum wage of no less than \$15.00 per hour for employees of certain County contractors and subcontractors beginning January 1, 2018; <ul style="list-style-type: none"> ○ The minimum wage requirement will not apply to: <ul style="list-style-type: none"> ▪ Recipients of County grants; ▪ Holders of County permits, concessions, franchises or license agreements; ▪ County agreements to purchase, lease and rent real property; and ▪ Employees that are covered by the Living Wage Ordinance. • Provides for indexing of the minimum wage rate beginning January 1, 2019; • Provides for enforcement and penalties; and <ul style="list-style-type: none"> ○ First underpayment – a penalty in an amount equal to 20 percent of the amount; ○ Second underpayment – a penalty in an amount equal to 40 percent of the amount; ○ Third and successive underpayment - a penalty in an amount equal to 60 percent of the amount; and ○ Fourth violation – default of the subject contract and may be cause for suspension or termination in accordance with debarment procedures. • Requires the County Mayor or Mayor's designee to establish procedures for monitoring compliance. <ul style="list-style-type: none"> ○ The County Mayor or Mayor's designee will designate a unit of County government (Compliance Unit) to conduct investigations of compliance. <p><u>Additional Information on Minimum Wage Rates:</u></p> <p>Federal</p> <p>The federal minimum wage for covered nonexempt employees is \$7.25 per hour effective July 24, 2009. The federal minimum wage provisions are contained in the Fair Labor Standards Act (FLSA). Many states also have minimum wage laws. In cases where an employee is subject to both the state and federal minimum wage laws, the employee is entitled to the higher of the two minimum wages.</p> <p>The FLSA does not provide wage payment or collection procedures for an employee's usual or promised wages or commissions in excess of those required by the FLSA. However, some states do have laws under which such claims (sometimes including fringe benefits) may be filed.¹</p> <p>The Department of Labor's Wage and Hour Division administers and enforces the federal minimum wage law.</p> <p>State</p> <p>The minimum wage rate for Florida² is \$8.05 per hour. Annual increases are based on the cost of living (Constitutional amendment 2004).³</p> <p>Florida requires employers to pay tipped employees above federal minimum wage⁴.</p> <ul style="list-style-type: none"> • Basic combined cash and tip minimum wage rate – \$8.05 • Maximum tip credit against minimum wage – \$3.02

¹ <https://www.dol.gov/general/topic/wages/minimumwage>

² <https://www.dol.gov/whd/minwage/america.htm#Florida>

³ <http://www.ncsl.org/research/labor-and-employment/state-minimum-wage-chart.aspx>

⁴ <https://www.dol.gov/whd/state/tipped.htm#Florida>

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	<ul style="list-style-type: none"> • Minimum cash wage – \$5.03 <p>Miami-Dade County⁵ The living wage for County contracts for covered services entered into BEFORE October 1, 2016 is \$12.83 per hour with qualifying health benefits valued at least \$1.86 per hour, otherwise \$14.69 per hour.</p> <p>The living wage for contracts for covered services entered into, extended, amended, or modified ON or AFTER October 1, 2016 and all services contractors operating under permits at Aviation Department facilities is \$12.63 per hour with qualifying health benefits valued at least \$1.83 per hour, otherwise \$14.46 per hour (effective October 1, 2016 through December 31, 2016). Effective January 1, 2017 through September 30, 2017, the living wage for these contracts will be \$12.63 per hour with qualifying health benefits valued at least \$2.89 per hour, otherwise \$15.52 per hour.</p>
1G2 162374	<p>RESOLUTION APPROVING MIAMI-DADE COUNTY PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT’S ADMISSION AND CONTINUED OCCUPANCY POLICY, PUBLIC HOUSING DWELLING LEASE, AND PUBLIC HOUSING COMMUNITY POLICIES; AUTHORIZING THE DEPARTMENT DIRECTOR TO MAKE ANY NECESSARY REVISIONS AS MAY BE REQUIRED BY REGULATORY AND STATUTORY CHANGES, COURT ORDERS OR INTERNAL POLICY CHANGES</p>
Notes	<p>The proposed resolution approves the following policies, procedures, and other related documents for Miami-Dade County’s (County) Public Housing and Community Development (Department):</p> <ul style="list-style-type: none"> • Public Housing Admission and Continued Occupancy Policy (Policy); • Conventional Public Housing Dwelling Lease (Lease); and • Public Housing Community Policies (Community Policies). <p><u>Fiscal Impact/Funding Source</u> The approval of this item will not result in a fiscal impact to Miami-Dade County.</p> <p><u>Background</u> The changes made to the Department’s internal policies and procedures are intended to provide fair and greater opportunity for applicants and residents to participate in its housing programs. For example, the housing admission criteria are amended to reduce barriers for homeless and individuals with criminal records. The Policy provides for a pilot program for homeless persons upon referrals from homeless organizations, flexibility in assessing prior criminal history, and allows reinstatement of ex-offenders to reunite with their families.</p> <p>Another change noted in the Policy and the Lease addresses United States Department of Housing and Urban Development’s (HUD) Office of Inspector General Audit Number 2015-PH-0002 regarding over-income families residing in public housing units. In response to that report, the Housing and Opportunity Through Modernization Act (HOTMA) of 2016 was signed into law on July 29, 2016, and includes Section 102 that addresses limitation on public housing tenancy for over-income families. Based on this section, the Department will adopt policies that allow for termination of leases for tenants who are 120 percent or more of the median income for the area. Exceptions are provided for families who participate in the Family Self-Sufficiency Program or families under any of the Earned Income Disallowance periods.</p> <p>The BCC approved the current Policy on October 21, 2014 through Resolution No. R-949-14.</p> <p>On May 7, 2013, the BCC, through Resolution No. R-357-13, approved the current Lease between the County and public housing residents. Additionally, on June 21, 2011, the BCC, through Resolution No. R-490-11, approved the current Community Policies. The Lease provides the due date for rent payment and the penalty for late payment, lists the authorized members of the household, establishes the Resident’s Obligations, the County’s Obligations, and the conditions for Termination of Lease.</p> <p>Finally, it should be noted that the Department has not included in the Policy, Lease and Community Policies, a smoke-free policy as required by Resolution No. R-1003-15. On July 6, 2016, the BCC adopted</p>

⁵ <http://www.miamidade.gov/smallbusiness/library/reports/2016-2017-living-notice.pdf>

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	<p>Resolution No. R-582-16, which approved the County’s Public Housing Agency Plan. At that time, the BCC amended that resolution to waive the requirements of Resolution No. R-1003-15 that the Policy, the Section 8 Administrative Plan, the Lease and the Community Policy be submitted with a smoke-free policy for the Board’s approval by April 2016. The Board amended Resolution No. R-582-16 to extend the date for submission of the smoke-free policy for the Board’s final approval no later than 18 months of the effective date of the final rule adopted by HUD pertaining to the implementation of smoke free policies by public housing agencies or such other date as determined by HUD. Although HUD announced the proposed rule on November 12, 2015, to date, HUD has not adopted the final rule.</p>
<p>1G3 162417</p>	<p>RESOLUTION APPROVING A LOAN OF \$1,221,500.00 OF HOME PROGRAM INCOME FUNDS TO LA JOYA ESTATES, LTD., OR RELATED ENTITY, FOR DEVELOPMENT OF THE LA JOYA ESTATES AFFORDABLE HOUSING PROJECT AND A LOAN OF \$180,517.52 OF HOME PROGRAM INCOME FUNDS TO CARRFOUR SUPPORTIVE HOUSING, INC., OR RELATED ENTITY, FOR REHABILITATION OF THE HARDING VILLAGE AFFORDABLE HOUSING PROJECT; AUTHORIZING THE FILING OF SUBSTANTIAL AMENDMENTS TO THE FY 2013-2017 CONSOLIDATED PLAN AND FY 2016 ACTION PLAN FILED WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE ALLOCATIONS OF HOME FUNDS IN THIS ITEM; AND AUTHORIZING THE EXECUTION OF CONDITIONAL LOAN COMMITMENTS, AND OTHER AGREEMENTS NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS RESOLUTION</p>
<p>Notes</p>	<p>The proposed resolution amends the FY 2013-2017 Consolidated Plan and FY 2016 Action Plan filed with the United States Department of Housing and Urban Development (U.S. HUD) in order to:</p> <ul style="list-style-type: none"> • Allocate \$1,221,500.00 of Home Investment Partnerships (HOME) program income funds received through the prepayment of two HOME program loans, and authorize, in accordance with Section 17-02 of the Miami-Dade County Code, the loan of these program income funds to La Joya Estates, Ltd., or related entity, for the development of La Joya Estates, an affordable housing project; • Allocate \$180,517.52 of HOME program income funds to Carrfour Supportive Housing, Inc. in the form of a loan for the rehabilitation of Harding Village, an affordable housing project; and • Execute all conditional loan commitments, standard shell contracts, standard shell loan documents, amendments and other agreements necessary to accomplish the purposes of this resolution. <p><u>Fiscal Impact/Funding Source</u></p> <p>This item allocates HOME program income funds and will not have a negative fiscal impact on the County’s General Fund. The funding in this item consists of proceeds from previously issued County loans to Naranja Affordable Housing, Ltd. and other HOME program income received by the County through its administration of the HOME program. Both of the loans to Naranja Affordable Housing, Ltd. were prepaid in full in April 2016. These prepaid funds are recommended to be reloaned to La Joya Estates, Ltd., or a related entity, in the amount of \$1,221,500.00, as requested in a letter from Naranja Affordable Housing, Ltd.</p> <p><u>Background</u></p> <ul style="list-style-type: none"> • La Joya Estates- A new construction, affordable housing, multi-family development located on the NE corner of SW 267 Street and SW 143 Avenue, Naranja, Florida, 33032. This loan involves the reloan of funds, which were prepaid by a developer on other County affordable housing loans. <i>The prepayment and reloan structure is permitted by Section 17-02 of the Miami-Dade County Code, which provides that any developer that repays its County loan in full before the date on which the loan is due in full may, upon approval of the BCC, have the repaid funds loaned to it, or a related entity, for additional eligible affordable housing projects without the need to compete again for those funds.</i> • Naranja Affordable Housing, Ltd.- received two (2) HOME program loans in the combined amount of \$1,221,500.00 for development of the Naranja Villas project (Resolution Nos. R-555-94 and R-137-96). Naranja Affordable Housing, Ltd. prepaid those loans in full on April 12, 2016, more than a year before the maturity date. Naranja Affordable Housing, Ltd. requested in a letter dated July 27, 2015, to use the prepaid funds, which upon repayment became HOME program income, on La Joya Estates, a new affordable housing project.

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	<ul style="list-style-type: none"> ○ The La Joya Estates project will be subject to a full credit underwriting analysis, including subsidy layering review, and must receive a favorable recommendation from the underwriter and show written financing commitments for the total development costs, all prior to the financial closing of the loan approved herein for the release of loaned funds. The project includes a total of 100 units consisting of four (4) one-bedroom/one-bath units; 64 two-bedroom/two-bath units; and 32 three-bedroom/two-bath units in a mixture of garden-style and direct-entry units situated in five (5) three-story residential buildings. The project is part of the Comprehensive Development Master Plan known as the Naranja Community Urban Center. Of the 100 units, 96 units will be rented to households with incomes not greater than 60 percent of Area Median Income (AMI) and four (4) units will be rented to households with incomes not greater than 50 percent of AMI. • Carrfour Supportive Housing, Inc. – Harding Village at 8520 Harding Avenue, Miami Beach, Florida, 33141. Harding Village is a 94-unit affordable housing project that has set-aside 22 units using HOME funds for households with incomes between 50–80 percent of AMI, per HOME regulations. The project will be subject to a full credit underwriting analysis, including subsidy layering review, and must receive a favorable recommendation from the underwriter and show written financing commitments for the total development costs, all prior to the financial closing of the loan approved herein for the release of loaned funds.
<p>2A 162466</p>	<p>RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO SUBMIT AN AMENDMENT TO THE COUNTY’S DISPOSITION APPLICATION FOR ELIZABETH VIRRICK I PUBLIC HOUSING SITE TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE PURPOSE OF PERMITTING THE COUNTY TO COMPETITIVELY SELECT A DEVELOPER TO CONSTRUCT AN ELDERLY, AFFORDABLE, MIXED-INCOME, AND MIXED-FINANCE HOUSING DEVELOPMENT ON SUCH SITE AND TO PERMIT THE COUNTY TO ENTER INTO A LONG TERM GROUND LEASE WITH THE SELECTED DEVELOPER; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE AN AMENDMENT TO THE ANNUAL CONTRIBUTION CONTRACT AND TO EXERCISE AMENDMENT, MODIFICATION, CANCELLATION AND TERMINATION PROVISIONS CONTAINED THEREIN</p>
<p>Notes</p>	<p>The proposed resolution authorizes the County Mayor or designee to submit an amendment to the County’s disposition application for Elizabeth Virrick I to HUD to accomplish the following:</p> <ul style="list-style-type: none"> • To permit the County to competitively select a developer to construct an elderly, affordable, mixed-income, and mixed-finance housing development on the Elizabeth Virrick I site; • To permit the County to enter into a long term ground lease with the selected developer, subject to the BCC’s approval; and • Execute an amendment to annual contributions contract, if required by HUD, and to exercise amendments, modifications, cancellation, and termination provisions. <p><u>Background</u></p> <p>On December 13, 2005, pursuant to Resolution No. R-998-05, the County submitted a demolition and disposition application to HUD to seek approval from HUD to lease both Elizabeth Virrick I and Elizabeth Virrick II to MDHA Development Corporation, an entity that was created by the County, to effect the demolition, construction and subsequent operation of a housing development for very low, low and moderate income individuals.</p> <p>On July 25, 2006, HUD issued a letter to the County approving the County’s disposition application and the buildings on the Elizabeth Virrick I and Elizabeth Virrick II sites were subsequently demolished.</p> <p>On January 1, 2010, pursuant to Resolution No. R-26-10, amended Resolution No. R-998-05 to (1) remove all references requiring the County to dispose of the Elizabeth Virrick I and II; and (2) remove the requirement that the County lease the two sites to MDHA Development Corporation.</p>
<p>2B 162255</p>	<p>RESOLUTION CREATING A CHARTER REVIEW TASK FORCE; SETTING FORTH POWERS AND RESPONSIBILITIES OF SUCH TASK FORCE; PROVIDING FOR A REPORT; AND PROVIDING FOR SUNSET</p>

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<p>Notes</p>	<p>The proposed resolution creates a Charter Review Task Force effective March 1, 2017, consisting of 17 members, one member will be appointed by each County Commissioner, one by the Mayor of Miami-Dade County, one by the Chair of the Miami-Dade Legislative Delegation, one by the League of Cities, and one by the Miami-Dade County Clerk of the Courts. <i>Appointments will be made by submission of a memorandum to the Clerk of the Board of Miami-Dade County within 15 days of adoption of this Resolution.</i></p> <p>All proceedings of the Charter Review Task Force will be conducted in accordance with the Government in the Sunshine Law (section 286.011, Florida Statutes) and the Citizens' Bill of Rights of the Miami-Dade County Home Rule Charter. The Task Force will sunset and stand dissolved on the 363rd day from the effective date, unless it is extended by an ordinance.</p> <p>The Charter Review Task Force will review the Home Rule Charter of Miami-Dade County in its entirety and prepare and submit to the BCC written recommendations setting forth any proposed amendments or revisions to the Charter. In conducting its review, the Task Force should:</p> <ul style="list-style-type: none"> • Study the Final Report of the last Charter Review Task Force; • Study all proposed charter amendments submitted to the voters since the last Charter Review Task Force issued its recommendations; • Invite knowledgeable members of the community to appear and make recommendations; • Invite representatives of Miami-Dade County's municipalities to appear and make recommendations; • Conduct public hearings at various stages in the review process; • Conduct regional public meetings throughout Miami-Dade County to convey recommendations of the Charter Review Task Force to persons in attendance and receive any additional comments from the public regarding recommendations. The Task Force will reconvene to consider any public comments prior to submission of a final report to the BCC recommending Charter amendment proposals and placement of such proposals on the General Election ballot. <p>The Task Force will submit its written recommendations to the BCC no later than 360 days after the effective date of this resolution. <i>Nothing in this resolution precludes the BCC or a petitioner who has been certified to have submitted a legally sufficient initiative petition with sufficient signatures from placing a proposal to amend the Charter on the ballot, nor does anything preclude the Mayor of Miami-Dade County from seeking to place such a proposal on the ballot.</i></p> <p>The proposed resolution directs the County Attorney to prepare any necessary resolutions to place these recommendations on the November, 2018 General Election ballot for consideration by the BCC.</p> <p><u>Background</u></p> <p>Section 9.07 of the Home Rule Charter provides that amendments to the Charter may only be proposed by a resolution adopted by the BCC or by petition of electors. Section 9.08 of the Charter requires the BCC at least once in every five-year period to review the Charter and determine whether or not there is a need for revisions of the Charter.</p> <p>On March 8, 2012 the Board through Resolution No. R-253-12 created the most recent Charter Review Task Force to review the Charter and advise the BCC of any recommended amendments or revisions. In March of 2017, it will be five years since the creation of the last Charter Review Task Force.</p>
<p>2E 162493</p>	<p>RESOLUTION SETTING POLICY FOR MIAMI-DADE COUNTY REQUIRING QUALIFIED TARGET INDUSTRY BUSINESSES TO FILL NOT LESS THAN 20 PERCENT OF THE JOBS CREATED ON A PROJECT WITH RESIDENTS OF MIAMI-DADE COUNTY AS A CONDITION OF THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING A RESOLUTION RECOMMENDING THAT THE PROJECT BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS</p>
<p>Notes</p>	<p>The proposed resolution sets policy requiring that Qualified Target Industry businesses fill not less than 20 percent of the jobs created on a project with residents of Miami-Dade County as a condition of the BCC adopting a resolution recommending that the project be approved as a qualified target industry business.</p>

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	<p><u>Additional Information- Qualified Target Industry (QTI) Tax Refund⁶</u></p> <p>The State of Florida incentive is available for companies that create high wage jobs in targeted high value-added industries and may provide the company with a tax refund of up to \$3,000 per new job created. This program is funded by the State of Florida (80%) and Miami-Dade County (20%).</p> <p>The QTI program requires the creation of at least 10 new fulltime jobs at salary levels equal to or exceeding 115% of the State annual average wage, or \$41,516. For businesses paying 150% of the State average annual wage, add \$1,000 per job; for 200% of the State average annual wage, add \$2,000 per job. For companies that locate or expand within any of Miami-Dade County's Enterprise Zones, this incentive is increased up to \$6,000 per new job created, and the minimum salary requirement may be waived.</p>
<p>2F 162472</p>	<p>RESOLUTION APPROVING A FOURTH AMENDMENT TO THE GROUND LEASE BETWEEN MIAMI-DADE COUNTY AND THE MOURNING FAMILY FOUNDATION, INC. PROVIDING FOR THE DEVELOPMENT OF AFFORDABLE RENTAL HOUSING FOR FAMILIES AND THE ELDERLY ON COUNTY-OWNED LAND AT THE SOUTHWEST CORNER OF NORTHWEST 3RD AVENUE AND NORTHWEST 17TH STREET IN COUNTY COMMISSION DISTRICT 3; AMENDING THE GROUND LEASE TO EXTEND CERTAIN DEADLINES; APPROVING THE ASSIGNMENT OF THE GROUND LEASE AND MIAMI-DADE COUNTY'S CONSENT TO ASSIGNMENT OF GROUND LEASE; CONSENTING TO THE FOURTH AMENDMENT TO SUBLEASE AGREEMENT AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE PROVISIONS CONTAINED THEREIN; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE A COPY OF THE FOURTH AMENDMENT TO GROUND LEASE TO THE PROPERTY APPRAISER</p>
<p>Notes</p>	<p>The proposed resolution provides for the following:</p> <ul style="list-style-type: none"> • Approves the Fourth Amendment to Ground Lease; • Approves the Assignment of Ground Lease and Miami-Dade County's Consent to Assignment of the Ground Lease, which consents to the assignment of the Ground Lease from the Mourning Family Foundation, Inc., a Florida non-profit corporation to AM Affordable Housing, Inc., a Florida non-profit corporation; • Consents to AM Affordable Housing, Inc., a Florida non-profit corporation entering into the Fourth Amendment to Sublease Agreement with AMC HTG 2, Ltd., a Florida limited partnership; • Authorizes the County Mayor or designee to enter into or execute such amendment, assignment or consent and exercise provisions on behalf of the County; and • Directs the County Mayor or designee to provide a copy of the Fourth Amendment to the Ground Lease to the Property Appraiser. <p>In order to develop the remaining phases of the project, the Lessee is seeking:</p> <ul style="list-style-type: none"> • Additional amendments to the Ground Lease to extend the time to obtain a commitment for financing for Phase II (elderly housing) of the Project; • Approval of the assignment of the Ground Lease to AM Affordable Housing, Inc., a 501(c)(3) not-for-profit entity that has the same or similar board of directors as the Mourning Family Foundation, Inc., which has as its sole mission the provision of affordable housing; and • Consent to a Fourth Amendment to Sublease Agreement between AM Affordable Housing, Inc. and its Sublessee AMC HTG 2, Ltd., a Florida limited partnership, in which the Sublessee agrees to abide by and be bound by all of the obligations of the Lessee under the Ground Lease, as amended by the Fourth Amendment. <p><u>Background</u></p> <p>In September 2016, a successful grand opening for the first phase of this development was held and the County has been informed that all 84 units of the Phase I of the Project are leased to residents who make less than 60 percent of the neighborhood's median income with rents ranging from \$760.00 to \$990.00 per month.</p>

⁶ <http://www.miamidade.gov/business/qualified-target-industry-tax-refund.asp>

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	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" data-bbox="272 247 435 331">Additional Information on Previous Legislation</th></tr> </thead> <tbody> <tr> <td data-bbox="272 331 435 583"> 12/2/2008 R-1369-08 </td><td data-bbox="435 331 1485 583"> <p>This resolution approved the terms of and authorized the execution of two sixty-five year lease agreements with Alonzo Mourning Charities, Inc., (AMC) a Florida not-for-profit corporation to develop affordable rental housing for families and the elderly on County owned land.</p> <p>AMC is also required to incorporate into its development plan the façade improvements of the businesses along NW 3rd avenue which abuts the property. Such improvements will be done at the sole cost and expense of AMC and its affiliates and partners, in a time and manner acceptable to and approved by the County.</p> </td></tr> <tr> <td data-bbox="272 583 435 741"> 6/19/2012 R-522-12 </td><td data-bbox="435 583 1485 741"> <p>This resolution extended the time by which Miami-Dade County as Lessor, under lease agreements approved by R-1369-08, with Alonzo Mourning Charities, Inc. as Lessee may reject or accept Lessee's financial plan. Miami-Dade County had one hundred eighty (180) days from the effective date of this Resolution to approve or reject the financial plan submitted by Alonzo Mourning Charities, Inc.</p> </td></tr> <tr> <td data-bbox="272 741 435 1728"> 9/18/2012 R-750-12 </td><td data-bbox="435 741 1485 1728"> <p>This resolution amended the Ground Leases for both phases between the County and the Mourning Family Foundation, Inc., formerly known as Alonzo Mourning Charities, Inc. Amendments to Ground Leases for both phases do the following:</p> <ul style="list-style-type: none"> • Change the name of the Lessees from Alonzo Mourning Charities, Inc. to Mourning Family Foundation, Inc.; • Change the Commencement Date of Phase I of the development to one year from the approval of this Amendment by the BCC, as opposed to when the Lessee closes on its construction financing and receives low-income housing tax credits; • Change the time periods for the both the commencement and completion of construction for all phases to December 31, 2012 from June 30, 2012; • Reduce the number of family units from 95 to 79; • Increase the number of elderly units from 95 to 114; increase the total number of units in the project from 180 to 193; • Reduce the number of parking spaces to be built from 107 to 70; • Provide for payments to the County in total amount of \$111,000 to offset the reduced parking requirement; • In addition to the Base Rent of \$1.00 per year for each Phase, provide for four additional payments to the County of \$25,000 each to assist the Community Action and Human Services Department with programming at the Culmer Neighborhood Service Center; and • Add language regarding the rebuilding of Demised Premises following a casualty. <p>The Amendments to Ground Leases and Amendments to Sublease Agreements have been prepared by the Internal Services Department at the request of Community Action and Human Services and are subject to the following provision:</p> <p style="padding-left: 40px;"><i>Pursuant to Article 6.3 of the leases being amended by this item, Lessee agree to, at Lessees sole expense, incorporate facade improvements to businesses along NW 3rd avenue, North of NW 16th street and south of NW 17th street, which abut the property. The obligation to perform such facade improvements are not impacted by the amendments set forth in this item and Lessee shall continue to have the obligation to perform those facade improvements at Lessees sole expense and in a time and manner acceptable to and approved by the County.</i></p> </td></tr> <tr> <td data-bbox="272 1728 435 1906"> 6/18/2013 R-481-13 </td><td data-bbox="435 1728 1485 1906"> <p>This resolution approved the Second Amendment to Leases between Miami-Dade County and Mourning Family Foundation, Inc., to include a Restrictive Covenant Agreement and Joinder.</p> <p>The property is located in a Community Redevelopment Area (CRA), the Mourning Family Foundation, Inc. sought funding assistance for the Development from the CRA and as a condition of funding, the CRA required the Mourning Family Foundation to enter into a</p> </td></tr> </tbody> </table>	Additional Information on Previous Legislation		12/2/2008 R-1369-08	<p>This resolution approved the terms of and authorized the execution of two sixty-five year lease agreements with Alonzo Mourning Charities, Inc., (AMC) a Florida not-for-profit corporation to develop affordable rental housing for families and the elderly on County owned land.</p> <p>AMC is also required to incorporate into its development plan the façade improvements of the businesses along NW 3rd avenue which abuts the property. Such improvements will be done at the sole cost and expense of AMC and its affiliates and partners, in a time and manner acceptable to and approved by the County.</p>	6/19/2012 R-522-12	<p>This resolution extended the time by which Miami-Dade County as Lessor, under lease agreements approved by R-1369-08, with Alonzo Mourning Charities, Inc. as Lessee may reject or accept Lessee's financial plan. Miami-Dade County had one hundred eighty (180) days from the effective date of this Resolution to approve or reject the financial plan submitted by Alonzo Mourning Charities, Inc.</p>	9/18/2012 R-750-12	<p>This resolution amended the Ground Leases for both phases between the County and the Mourning Family Foundation, Inc., formerly known as Alonzo Mourning Charities, Inc. Amendments to Ground Leases for both phases do the following:</p> <ul style="list-style-type: none"> • Change the name of the Lessees from Alonzo Mourning Charities, Inc. to Mourning Family Foundation, Inc.; • Change the Commencement Date of Phase I of the development to one year from the approval of this Amendment by the BCC, as opposed to when the Lessee closes on its construction financing and receives low-income housing tax credits; • Change the time periods for the both the commencement and completion of construction for all phases to December 31, 2012 from June 30, 2012; • Reduce the number of family units from 95 to 79; • Increase the number of elderly units from 95 to 114; increase the total number of units in the project from 180 to 193; • Reduce the number of parking spaces to be built from 107 to 70; • Provide for payments to the County in total amount of \$111,000 to offset the reduced parking requirement; • In addition to the Base Rent of \$1.00 per year for each Phase, provide for four additional payments to the County of \$25,000 each to assist the Community Action and Human Services Department with programming at the Culmer Neighborhood Service Center; and • Add language regarding the rebuilding of Demised Premises following a casualty. <p>The Amendments to Ground Leases and Amendments to Sublease Agreements have been prepared by the Internal Services Department at the request of Community Action and Human Services and are subject to the following provision:</p> <p style="padding-left: 40px;"><i>Pursuant to Article 6.3 of the leases being amended by this item, Lessee agree to, at Lessees sole expense, incorporate facade improvements to businesses along NW 3rd avenue, North of NW 16th street and south of NW 17th street, which abut the property. The obligation to perform such facade improvements are not impacted by the amendments set forth in this item and Lessee shall continue to have the obligation to perform those facade improvements at Lessees sole expense and in a time and manner acceptable to and approved by the County.</i></p>	6/18/2013 R-481-13	<p>This resolution approved the Second Amendment to Leases between Miami-Dade County and Mourning Family Foundation, Inc., to include a Restrictive Covenant Agreement and Joinder.</p> <p>The property is located in a Community Redevelopment Area (CRA), the Mourning Family Foundation, Inc. sought funding assistance for the Development from the CRA and as a condition of funding, the CRA required the Mourning Family Foundation to enter into a</p>
Additional Information on Previous Legislation											
12/2/2008 R-1369-08	<p>This resolution approved the terms of and authorized the execution of two sixty-five year lease agreements with Alonzo Mourning Charities, Inc., (AMC) a Florida not-for-profit corporation to develop affordable rental housing for families and the elderly on County owned land.</p> <p>AMC is also required to incorporate into its development plan the façade improvements of the businesses along NW 3rd avenue which abuts the property. Such improvements will be done at the sole cost and expense of AMC and its affiliates and partners, in a time and manner acceptable to and approved by the County.</p>										
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	<p>Restrictive Covenant Agreement requiring the Property to remain affordable for thirty (30) years and the terms of the Restrictive Covenant Agreement also require the County to join in the Restrictive Covenant Agreement, thereby obligating the County to use the Property as affordable housing for the thirty (30) year period, even if the Ground Lease terminates and the County regains possession of the Property prior to the expiration of the Restrictive Covenant Agreement,</p> <p>9/17/2013 R-773-13</p> <p>This resolution provided for the following:</p> <ul style="list-style-type: none"> • Authorized the execution of the Third Amendment to the Phase II Ground Lease between Miami-Dade County and Mourning Family Foundation, Inc., a Florida not-for-profit corporation (formerly known as Alonzo Mourning Charities, Inc.) for premises to be utilized by the Mourning Family Foundation, Inc., their sub-lessee, or their sub-sublessee, for the development of affordable housing; • Authorized the County Mayor or designee, at the option of Mourning Family Foundation, Inc., to enter into a new Ground Lease for Parcel C with Mourning Family Foundation, Inc. ("Phase III Ground Lease") under substantially the same terms and conditions as the Phase II Ground Lease and, in the event the Phase III Ground Lease is executed, amend the Phase II Ground Lease to remove Parcel C from the Phase II Ground Lease; and • Authorized the County Mayor or designee to exercise any and all other rights.
2G 162484	<p>RESOLUTION ALLOCATING FUNDING IN AN AMOUNT UP TO \$3,328,000.00, IN FISCAL YEAR 2015 DOCUMENTARY STAMP SURTAX FUNDS TO TACOLCY TUSCANY COVE I, LLC FOR THE TUSCANY COVE I HOUSING PROJECT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AWARD SUCH FUNDS, TO EXECUTE AMENDMENTS, SHELL CONTRACTS, LOAN DOCUMENTS AND OTHER TRANSACTIONAL DOCUMENTS NECESSARY TO ACCOMPLISH THE PURPOSES SET FORTH IN THIS RESOLUTION, AND TO EXERCISE TERMINATION, WAIVER, ACCELERATION AND OTHER PROVISIONS SET FORTH THEREIN</p>
Notes	<p>The proposed resolution provides for the following:</p> <ul style="list-style-type: none"> • Allocates funding in an amount up to \$3,328,000.00 in Fiscal Year 2015 Documentary Stamp Surtax (Surtax) funds associated with Fiscal Year 2015 Request for Applications (RFA) to Tacolcy Tuscany Cove I, LLC, for its Tuscany Cove I affordable housing development; • Authorizes the County Mayor or designee to execute all standard shell contracts, amendments, standard shell loan documents and other agreements necessary to accomplish the purposes of this resolution and to exercise the cancellation and other provisions. <i>All funding awards are contingent upon availability of funding from the funding source or program;</i> and • Authorizes the County Mayor or designee, upon a determination that such actions are in the best interest of the County, to subordinate and/or modify the terms of contracts, agreements, amendments and loan documents so long as such modifications are approved by the County Attorney's Office and are not substantially inconsistent with this resolution and to exercise the termination, waiver, acceleration, or other provisions. <p><u>Background</u></p> <p>The FY 2015 RFA was made available on May 27, 2015 and applications were due by June 29, 2015. All proposals were reviewed and scored by an Evaluation/Selection Committee and the FY 2015 Surtax RFA prioritized the Liberty City area for multi-family rental housing, homeownership acquisition rehabilitation, and small developments.</p> <p>Tacolcy Tuscany Cove I, LLC (Developer) applied for funds through the RFA process for funding for its Tuscany Cove I, a 160-unit, new construction multi-family and elderly affordable rental housing development (Project).</p> <p>The Project scored 108 points out of a possible 115 points and based on the Project's score, the Evaluation/Selection Committee recommended that the Project be funded at the level proposed in this resolution. The Project has undergone a full credit underwriting review and has a positive recommendation of financial feasibility conducted by First Housing Development Corporation of Florida located in Tampa, Florida and a due diligence review, as required by Resolution No. R-630-13, was also conducted by the Department of Public</p>

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	<p>Housing and Community Development (PHCD) and PHCD's due diligence review found no negative information concerning the recommended entity.</p> <p>The Developer has informed the County that if the award of the County's Surtax funds is not approved by the BCC by December 2016, the Developer will lose its State Florida Housing Finance Corporation (FHFC) funding commitments of \$2,524,999.00 and \$1,200,00.00. The County Mayor's recommendations for award of the Surtax Fiscal Year 2015 Request for Applications will not come before the BCC in time to meet the deadline to prevent the Developer from losing its FHFC funding commitments.</p> <p><u>Additional Information</u></p> <p>On May 17, 2016, the BCC, through Resolution No. R-420-16, provided for the following:</p> <ul style="list-style-type: none"> • Waived the requirement in the Administrative Rules that the maximum aggregate amount of Project 320 allocations to each Targeted Urban Area be capped at \$3,000,000.00, for Tacolcy Tuscany Cove I, LLC with regard to the Project; and • Approved an allocation of up to \$2,000,000.00 from Project 320 funds to Tacolcy Tuscany Cove I, LLC, <i>subject to the future consideration by the BCC of a Grant Agreement between the County and Tuscany Cove and the Recaptured Funds becoming available for re-allocation.</i> <p><i>The County will reallocate Recaptured Funds to projects in the order in which projects are allocated Project 320 Funds (i.e. the oldest allocation will receive Recaptured Funds first). Recaptured Funds will be allocated to each project as such Recaptured Funds become available until such project is fully funded in the amount of the allocation approved by the BCC.</i></p>
2L 162226	RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO REVIEW THE CONTRACT COMPLIANCE, PROGRESS, EFFICIENCIES, AND CONDUCT OF ALL AGENCIES THAT RECEIVE COUNTY FUNDS FOR THE PURPOSE OF PROVIDING MEALS TO ELDERLY RESIDENTS
Notes	<p>The proposed resolution directs the County Mayor or designee to review the contract compliance, progress, efficiencies, and conduct of all agencies that receive County funds for the purpose of providing meals to elderly residents, and provide the review as a report on a BCC agenda, within six months of the effective date of this resolution.</p> <p>The review will include other information which the County Mayor or designee considers relevant to the review of the agencies' effectiveness to improve the lives of elderly residents using the funds provided by the County for the provision of meals.</p>
3A 162307	RESOLUTION RETROACTIVELY AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE A FIRST AMENDMENT TO MASTER DEVELOPMENT AGREEMENT BETWEEN THE COUNTY AND MODELLO HOMES, LLC, A CONSULTING AGREEMENT BETWEEN THE COUNTY AND GORMAN & COMPANY, INC. FOR THE FIRST BUILDING PHASE IN THE TOTAL AMOUNT OF \$705,667.00 TO BE PAID TO THE COUNTY FOR CONSULTING SERVICES, A GROUND LEASE BETWEEN THE COUNTY AND MODELLO HOMES, LLC WITH A RENTAL PAYMENT TO THE COUNTY TOTALING \$750.00; AND ADDITIONAL CONSULTING AGREEMENTS WITH GORMAN & COMPANY, INC. OR THEIR ASSIGNEES IN TOTAL AMOUNT OF UP TO \$411,333.00 TO BE PAID TO THE COUNTY FOR CONSULTING SERVICES FOR THE REMAINING TWO PHASES OF THE DEVELOPMENT; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE TERMINATION, MODIFICATION, AMENDMENT AND ALL OTHER PROVISIONS CONTAINED THEREIN
Notes	<p>The proposed resolution provides for the following:</p> <ul style="list-style-type: none"> • Retroactively authorizes the County Mayor or designee to execute the First Amendment to the Master Development Agreement (First Amendment) between Miami-Dade County (County) and Modello Homes, LLC (Modello Homes), in which a total amount of \$1,117,000.00 will be paid to the County by Gorman & Company, Inc. (Gorman) after completion of all three (3) building phases; • Retroactively authorizes the County Mayor or designee to execute a Consulting Agreement For the First Building Phase (Consulting Agreement) between the County and Gorman in the amount of \$705,667.00 to be paid to the County for consulting services on the First Building Phase;

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	<ul style="list-style-type: none"> • Authorizes the County Mayor or designee to execute additional consulting agreements with Gorman or their assignees to provide consulting services for the remaining two (2) phases of the development in a total amount of up to \$411,333.00 to be paid to the County; • Retroactively authorizes the County Mayor or designee to execute a ground lease (Ground Lease) between the County and Modello Homes with a total rental payment of \$750.00 to be paid to the County in a lump sum payment; and • Authorizes the County Mayor or designee to exercise all termination, modifications, amendments, and other provisions. <p><i>Retroactive approval of the First Amendment, the Consulting Agreement, and the Ground Lease is required because the Department did not have sufficient time to bring these agreements to the BCC for approval.</i></p> <p><u>Fiscal Impact</u> There is no fiscal impact to the County. The County will receive payment from Gorman & Company, Inc. totaling \$1,117,000.00 after completion of all three (3) building phases, which includes a reimbursement payment to the County of \$617,000.00 for the demolition of Modello by the County and an additional \$500,000.00.</p> <p><u>Background</u> On July 14, 2011, Request for Proposals No. 794 was advertised to solicit offers from developers to maximize and expedite the development potential of over 100 existing public housing sites and vacant land sites administered by the Department. The solicitation sought to establish partnerships with qualified entities to rehabilitate/upgrade existing public housing units, remove and replace obsolete public housing units, increase the number of units on underutilized sites, develop vacant land owned by the County, and also incorporate commercial and other special purpose uses, where appropriate, at particular public housing sites or vacant land sites. Additionally, the Department sought to replace its older units with new contemporary designs that resemble market-rate units (regardless of whether these are public housing, affordable or market-rate units) and incorporate creative and sustainable design solutions.</p> <p>On November 23, 2011, the BCC, pursuant to Resolution No. R-1026-11, awarded site control through ground leases to six (6) developers for 28 project sites including, but not limited to, Modello. Gorman was awarded the development rights for Modello. On April 8, 2014, the BCC, pursuant to Resolution No. R-330-14, also authorized the County Mayor or the County Mayor's designee to execute a Master Development Agreement (Agreement) with Gorman or their assignee for the demolition and construction of new public housing, project-based Section 8, and affordable housing units at Modello site, subject to approval from the United States Department of Housing and Urban Development (HUD).</p> <p>On April 30, 2015, the County and Modello Homes, Gorman's assignee, executed the Ground Lease, which required rental payments in the amount of \$617,000.00 to be made in three (3) installments upon the completion of construction of each of the three (3) building phases. Additionally, on February 10, 2016, the County and Modello Homes, executed the Master Development Agreement between the County and Modello Homes (the Agreement).</p> <p>On August 16, 2016, the County received final approval from HUD to move forward with the project. Upon receiving HUD's approval, the financial closing on the Housing Finance Authority of Miami-Dade County's loan in the amount of \$15,400,000.00, the County's Replacement Housing Factor (RHF) fund loan in the amount of \$5,070,852.00 (RHF Loan), other financing, and the HUD mixed-financed documents was scheduled for and closed on August 25, 2016. The RHF are Capital Fund Grants that are awarded by HUD to public housing authorities that have removed units from inventory for the sole purpose of developing new public housing units and public housing authorities are required by HUD to obligate and expend these funds by certain dates. The County has a total of \$5,107,411.44 available in RHF funds, of which \$4,289,979.44 must be obligated by September 12, 2016 and the remaining \$817,432.00 must be obligated by November 12, 2016. Therefore, in order to meet this deadline, the County provided Modello Homes with the RHF Loan and has obligated the remaining \$36,559.44 to another mixed-finance project, Smathers Plaza Phase 2, previously approved by the BCC.</p>