



**OFFICE OF THE COMMISSION AUDITOR
MIAMI-DADE BOARD OF COUNTY COMMISSIONERS**

**COMMISSION AUDITOR'S
INFORMATIONAL RESEARCH**

BOARD OF COUNTY COMMISSIONERS MEETING

January 20, 2021

9:30 A.M.

Commission Chambers

Yinka Majekodunmi, CPA
Commission Auditor

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TABLE OF CONTENTS

CONSENT ITEMS

COMMISSIONER CONSENT ITEM

3A1 (210008): Codesignation Dr. Ana Maria Polo Way.....	3
---	---

PUBLIC HEARINGS

RESOLUTIONS

5A (210032): Codesignation Barbara Jordan Way.....	4
5C (202492): Codesignation Johnny Fletcher Way.....	5
5E SUB No. 2 (202454): Establishing Sawyer’s Landing Community Development District.....	6

ORDINANCES SET FOR SECOND READING

ORDINANCE

7D (201929): Relating to the Hispanic Affairs Advisory Board.....	7
---	---

COUNTY COMMISSION

RESOLUTIONS

11A1 (202086): Community Land Trust Tax Credit.....	14
11A9 (210006): Appointing Sandra Gonzalez-Levy to the Covid-19 Economic Recovery Task Force...	24

COUNTY ADVISORY BOARD APPOINTMENTS

REPORT

15C1 (210045): Appointment Dr. Anna R. Bernardo-Bricker to Environmental Quality Control Board..	25
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**BCC Meeting:
January 20, 2021
Research Notes**

Item No. 3A1

File No. 210008

Researcher: CB Reviewer: PGE

RESOLUTION APPROVING THE CITY OF HIALEAH CODESIGNATION OF THAT PORTION OF WEST 19TH COURT FROM WEST 72ND STREET TO WEST 76TH STREET AS “DR. ANA MARIA POLO WAY”

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: Chairman Jose “Pepe” Diaz, District 12

Department/Requester: None

This item has no procedural history.

ANALYSIS

OCA completed the required background research on “Ana Maria Polo” and noted no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Ana Maria Polo.” Pursuant to Ordinance No. 19-11, OCA verified that “Ana Maria Polo” is living. In accordance with the cited ordinances, OCA is providing this report as a Supplement to BCC Agenda File Item No. 210008.

APPLICABLE LEGISLATION

Ordinance No. 13-29, adopted on April 2, 2013, requires OCA to conduct background research on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item or an item approving the codesignation of state or municipal roads and prepare a report detailing the findings of said research prior to the Commission meeting during which the item is scheduled to be considered.

<http://intra/gia/matter.asp?matter=130511&file=true&yearFolder=Y2013>

Ordinance No. 18-79, adopted on July 24, 2018, relates to any item codesignating any Miami-Dade County road, facility, or property, or approving any state or municipal road codesignation, and requires that OCA prepare a report detailing: (1) whether the subject road, facility, or property has been the subject of any prior codesignation and, if so, the location or the end points of each; and (2) whether there are any other roads, facilities, or properties located in Miami-Dade County that already bear the same name as the proposed new codesignation and, if so, the location or end points of each.

<http://intra/gia/matter.asp?matter=181730&file=true&yearFolder=Y2018>

Ordinance No. 19-11, adopted on February 5, 2019, relates to codesignation items, requiring OCA’s report to indicate whether the person to be honored is living or deceased.

<http://intra/gia/matter.asp?matter=182789&file=true&yearFolder=Y2018>

**BCC Meeting:
January 20, 2021
Research Notes**

**Item No. 5A
File No. 210032**

Researcher: CB Reviewer: PGE

RESOLUTION CODESIGNATING THAT PORTION OF NW 37TH AVENUE FROM NW 135TH STREET TO NW 151ST STREET AS “COMMISSIONER BARBARA JORDAN WAY” BY A THREE-FIFTHS VOTE OF BOARD MEMBERS PRESENT; SUSPENDING RULE 9.02(D)(II) BY A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT AS IT RELATES TO THIS ITEM

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

**Prime Sponsor: Vice Chairman Oliver G. Gilbert, III, District 1
Department/Requester: None**

This item has no procedural history.

ANALYSIS

OCA completed the required background research on “Commissioner Barbara J. Jordan” and noted no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Commissioner Barbara J. Jordan.” Pursuant to Ordinance No. 19-11, OCA verified that “Commissioner Barbara J. Jordan” is living. In accordance with the cited ordinances, OCA is providing this report as a Supplement to BCC Agenda File Item No. 210032.

APPLICABLE LEGISLATION

Ordinance No. 13-29, adopted on April 2, 2013, requires OCA to conduct background research on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item or an item approving the codesignation of state or municipal roads and prepare a report detailing the findings of said research prior to the Commission meeting during which the item is scheduled to be considered.

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<http://intra/gia/matter.asp?matter=181730&file=true&yearFolder=Y2018>

Ordinance No. 19-11, adopted on February 5, 2019, relates to codesignation items, requiring OCA’s report to indicate whether the person to be honored is living or deceased.

<http://intra/gia/matter.asp?matter=182789&file=true&yearFolder=Y2018>

**BCC Meeting:
January 20, 2021
Research Notes**

Item No. 5C

File No. 202492

Researcher: CB Reviewer: PGE

RESOLUTION CODESIGNATING THAT PORTION OF SW 172ND STREET FROM SW 100TH AVENUE TO SW 104TH AVENUE AS “JOHNNY FLETCHER WAY”

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Kionne L. McGhee, District 9

Department/Requester: None

This item has no procedural history.

ANALYSIS

OCA completed the required background research on “Johnny Fletcher” and noted that there is publicly available information on the Miami-Dade County Clerk of Courts website revealing that Mr. Fletcher has a judgement, issued February 20, 2007, in the amount of \$4,606.57 owed to State Farm Mutual Automobile Insurance Company. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “Johnny Fletcher.” Pursuant to Ordinance No. 19-11, OCA verified that “Johnny Fletcher” is deceased. In accordance with the cited ordinances, OCA is providing this report as a Supplement to BCC Agenda File Item No. 202492.

APPLICABLE LEGISLATION

Ordinance No. 13-29, adopted on April 2, 2013, requires OCA to conduct background research on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item or an item approving the codesignation of state or municipal roads and prepare a report detailing the findings of said research prior to the Commission meeting during which the item is scheduled to be considered.

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<http://intra/gia/matter.asp?matter=181730&file=true&yearFolder=Y2018>

Ordinance No. 19-11, adopted on February 5, 2019, relates to codesignation items, requiring OCA’s report to indicate whether the person to be honored is living or deceased.

<http://intra/gia/matter.asp?matter=182789&file=true&yearFolder=Y2018>

**BCC Meeting:
January 20, 2021
Research Notes**

**Item No. 5E SUBSTITUTE No. 2
File No. 202454**

Researcher: CB Reviewer: PGE

ORDINANCE CREATING THE SAWYER'S LANDING COMMUNITY DEVELOPMENT DISTRICT

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Parks, Recreation and Open Spaces

The original item (File No. 200903) was adopted on first reading at the June 2, 2020 BCC meeting and was set for public hearing at the July 21, 2020 BCC meeting. The item, as well as a corresponding substitute (File No. 201334), was deferred to no date certain at the July 21, 2020 BCC meeting.

ANALYSIS

OCA completed the required background research regarding the initial members of the Board of Supervisors for the Sawyer's Landing Community Development District, i.e., Sidney Atzmon, Sherie Swerdlow, Nicholas Swerdlow, Stephen Garchik and Alben Duffie, and found the following:

- *Alben Duffie: (1) Default Final Judgement for \$23,949.74 to AMERICAN EXPRESS BANK, FSB ordered on June 21, 2011 in the Miami-Dade County Circuit Court, Case No. 11-06208 CA10; (2) Default Final Judgement for \$49,994.57 plus costs, interest and attorneys fees to REGIONS FINANCIAL CORP ordered on April 26, 2012 in the Miami-Dade County Circuit Court, Case No. 11-12690 CA32; (3) Default Final Judgement for \$20,114.29 to MIDLAND FUNDING LLC ordered on May 7, 2012 in the Miami-Dade County Circuit Court, Case No. 11-08404 CA20; (4) Default Final Judgement for \$22,695.83 to TRL 505 LLC ordered on August 7, 2012 in the Miami-Dade County Circuit Court, Case No. 12-20762 CA10; and (5) Default Final Judgement for \$15,088.82 to CAPITAL ONE BANK ordered on February 4, 2014 in the Miami Dade Circuit Court, Case No. 12-16755 CC23.*

Other than what has been noted above, OCA's background research did not yield any adverse findings, such as unsatisfied financial judgments and arrest records, regarding the initial members. This report is being provided as a Supplement to BCC Agenda File Item Number 202454.

APPLICABLE LEGISLATION

Resolution No. R-636-14, adopted on July 1, 2014, requires OCA to complete background research on applicants being considered to serve on County Boards and Trusts that require nominations and/or appointments by the BCC.

<http://intra/gia/matter.asp?matter=141238&file=true&yearFolder=Y2014>

**BCC Meeting
January 20, 2021
Research Notes**

**Item No. 7D
File No. 201929**

Researcher: VW Reviewer: PGE

ORDINANCE RELATING TO THE HISPANIC AFFAIRS ADVISORY BOARD; AMENDING SECTION 2-532 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING THE COMPOSITION AND TERMS OF OFFICE FOR MEMBERS OF THE HISPANIC AFFAIRS ADVISORY BOARD; REPEALING PROVISIONS RELATING TO THE NOMINATING COMMITTEE AND VACANCIES ON THE ADVISORY BOARD; MAKING TECHNICAL CHANGES; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve a proposed ordinance amending Section 2-532 of the Code of Miami-Dade County to revise the composition and terms of office for members of the Hispanic Affairs Advisory Board (HAAB), including repealing the nominating committee.

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Rebeca Sosa, District 6
Department/Requester: None**

This item was adopted on first reading at the October 6, 2020 BCC meeting. The item was then scheduled for the November 9, 2020 HSSSED meeting which was subsequently cancelled due to a tropical storm warning. Due to the meeting cancellation the item was carried over to the December 7, 2020 HSSSED meeting where it was forwarded with a favorable recommendation to the January 20, 2021 BCC meeting.

ANALYSIS

The purpose of this item is to approve a proposed ordinance which would amend Section 2-532 of the Code of Miami-Dade County to revise the composition and terms of office for HAAB members, eliminate the nominating committee, and replace the selection procedures for the HAAB members. The proposed ordinance will conform the term of office for HAAB members to Section 2-11.38.2 of the Code which is four years. Notwithstanding and prevailing over any other provision of the Code pertaining to time limitations or term limits for a member's service on a board, a member appointed to a board by a Commissioner may be reappointed to and may continue to serve on the board until such time as the appointing Commissioner leaves office.

The proposed ordinance will replace the nominating procedure for 13 of the 26 HAAB members. Per the original language of the Code, 13 of the 26 HAAB members were to be selected by a nominating committee which was itself composed of existing members of the HAAB as selected by majority vote of the board. The other 13 HAAB members were selected, one each, by each of the 13 County Commissioners. If the amendment to the Code is approved, all 26 members of the HAAB will be selected, two each, by each of the 13 County Commissioners.

The proposed changes to the Code are intended to increase the public accountability of the Board members by having members be directly chosen by elected officials rather than by an internal nominating committee. Table 1 outlined below compares the current language of the ordinance governing the nominating structure of the Hispanic Affairs Advisory Board to the proposed changes if the amendment is approved.

**BCC Meeting
January 20, 2021
Research Notes**

**Item No. 7D
File No. 201929**

Researcher: VW Reviewer: PGE

Table 1

Section 2-532 of the Code	Proposed Amendment to Section 2-532 of the Code
<p>The Miami-Dade County Hispanic Affairs Advisory Board ("the board"), in accordance with the provisions of <u>Section 2-11.38</u> of the Code of Miami-Dade County as may be amended, shall be composed of twenty-six (26) members who shall be permanent residents and electors of the county and who shall have a knowledge of and interest in the county's Hispanic community. Each county commissioner shall appoint one member to the board, and the other thirteen (13) members shall be nominated by a nominating committee. The nominating committee shall be comprised of existing members of the board as selected by majority vote of the board. The board shall develop procedures for the creation of the nominating committee in its bylaws. The nominating committee shall recommend potential members for appointment by the Hispanic Affairs Advisory Board, subject to compliance with the requirements of <u>Section 2-11.38.1(b)</u> of the Code of Miami-Dade County, as may be amended, including the requirement relating to criminal history background checks on potential advisory board members performed by the Office of the Inspector General and compliance with the requirements of Resolution No. R-636-14, as may be amended, pertaining to background research on potential advisory board members performed by the Office of the Commission Auditor. The board shall work with the Office of Community Advocacy or successor department to advertise vacancies occurring on the Hispanic Affairs Advisory Board in publications of general circulation and maintain an online application to generate a pool of potential members for the nominating committee's consideration.</p> <p>All appointments shall be made for a term of four (4) years. No member may serve more than eight (8) consecutive years. This section shall apply to all board members, except that current board members shall be allowed to complete their current terms.</p>	<p>The Miami-Dade County Hispanic Affairs Advisory Board ("the board"), in accordance with the provisions of Section 2-11.38 of the Code as may be amended, shall be composed of twenty six (26) members who shall be permanent residents and electors of the County and who shall have a knowledge of and interest in the County's Hispanic community. Each County Commissioner shall appoint two members to the board. Section 2-11.38.2 of the Code, as such may be amended from time to time, shall govern the terms of office of board members.</p>

**BCC Meeting
January 20, 2021
Research Notes**

Item No. 7D

File No. 201929

Researcher: VW Reviewer: PGE

Table 2 shown below compares the structure of the Hispanic Affairs Advisory Board to the other eight advisory boards under the purview of the Office of Community Advocacy: the Domestic Violence Oversight Board, the LGBTQ Board, the Commission for Women, Black Affairs Board, Asian-American Board, Community Relations Board, the Elder Affairs Board, and the Interfaith Board.

Table 2

Advisory Board	Nominating Structure	BCC Reporting Requirements	County Code Citation
Hispanic Affairs Advisory Board	Each county commissioner shall appoint one member to the board, and the other thirteen (13) members shall be nominated by a nominating committee. The nominating committee shall be comprised of existing members of the board as selected by majority vote of the board.	The Board shall annually report to the Commission as to its accomplishments, priorities, findings and recommendations.	Section 2-531—2-550
Interfaith Advisory Board	The IAB shall be comprised of a total of 27 voting members. Each member of the Board of County Commissioners ("Board") shall appoint two members to the IAB and the Mayor shall appoint one member.	The IAB shall report at least annually to the Board as to its activities, recommendations, and other relevant issues and shall appear as needed before the Board to present any matters pertinent to the IAB. The completed reports required by this section shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.	Section 2-221—2-230
Domestic Violence Oversight Board	Each member of the Board of County Commissioners of Miami-Dade County	The chairperson of the board, or other member of the board	Section 2-891—2-920

**BCC Meeting
January 20, 2021
Research Notes**

Item No. 7D

File No. 201929

Researcher: VW Reviewer: PGE

		shall appoint one (1) member to the board; the County Mayor shall appoint one (1) member of the law enforcement community to the board; and the State Attorney for Miami-Dade County shall appoint one (1) member to the board. Each appointed member must meet the requirements of Section 2-11.38 of the Miami-Dade County Code of Ordinances.	designated by the chairperson, or in the absence of a chairperson a member of the board selected by a vote of the board, shall give an oral presentation before the Board of County Commissioners each year summarizing and highlighting matters of importance from the report required by subsection (4) of section 2-893. The oral presentation shall also explain the board's proposed amendments, deletions or modifications to the plan, if any, and address other matters of significance affecting or relating to domestic violence.		
	LGBTQ Board	The Board shall be composed of 15 voting members appointed by the Board of County Commissioners and the County Mayor. Each member of the Board of County Commissioners may appoint one person to the Board and the County Mayor may appoint two members.	The Chairperson shall present to the Board of County Commissioners on an annual basis a written report describing the LGBTQ Advisory Board's activities and shall appear as needed before the Board of County Commissioners to present any matters pertinent to the LGBTQ Advisory Board. The completed reports required by this section shall be	<u>Section 2-1350—2-1353</u>	

**BCC Meeting
January 20, 2021
Research Notes**

**Item No. 7D
File No. 201929**

Researcher: VW Reviewer: PGE

			placed on an agenda of the Board of County Commissioners pursuant to Ordinance No. 14-65. The written report to be submitted by the Chairperson, on behalf of the Board, shall be approved by the Board		
	Commission for Women	The Miami-Dade County Commission for Women ("the Commission") is hereby created and established. The Commission shall consist of twenty-six (26) members. Members, while serving, shall not become candidates for election to any public office. In order to secure representative membership upon the Commission, each of the thirteen (13) County Commissioners shall appoint two (2) members to the Commission.	To report at least annually to the County Commission on the Commission for Women's accomplishments and priorities and to report the Commission for Women's analysis and recommendations based on Gender Equity Data annually to the County Mayor and to the County Commission, and to make the Commission for Women's report available to the public	Section 2-264—2-270	
	Black Affairs Board	The Miami-Dade County Black Affairs Advisory Board ("the board"), in accordance with the provisions of Section 2-11.38 of the Code of Miami-Dade County as may be amended, shall be composed of twenty-six	The board shall annually report to the Commission as to its accomplishments, priorities, findings and recommendations. In addition, the executive director of	Section 2-831—2-850	

**BCC Meeting
January 20, 2021
Research Notes**

Item No. 7D

File No. 201929

Researcher: VW Reviewer: PGE

		(26) members who shall be permanent residents and electors of the County and who shall have a knowledge and interest in the County's Black community. Each County Commissioner shall appoint one member of the board. The other thirteen (13) members shall be nominated by a nominating committee.	the Office of Community Advocacy shall provide a report on the board every twelve months to the Board of County Commissioners.		
	Asian-American Board	The Board shall be composed of twenty six (26) members who shall be permanent residents and electors of Miami-Dade County and who shall have a knowledge of and interest in the County's Asian Community. Each County Commissioner shall appoint two members of the Board, one of whom shall serve an initial term of one (1) year and one of whom shall serve an initial term of three (3) years. After the initial appointment, all members shall thereafter serve three (3) year terms.	The Board shall report at least annually to the Commission as to its activities, findings and recommendations.	Section 2-1086—2-1100	
	Community Relations Board	Shall consist of 13-member advisory board, all of whom shall be entitled to vote, comprised of three members appointed by the mayor and ten members appointed by the members of the commission, with each	The Board shall submit on an annual basis a report to the mayor, commissioners, and the city manager.	Section 2-1150—2-1174	

**BCC Meeting
January 20, 2021
Research Notes**

Item No. 7D

File No. 201929

Researcher: VW Reviewer: PGE

	commissioner nominating two individuals;		
Elder Affairs Board	The Miami-Dade County Elder Affairs Advisory Board (board) shall be comprised of a total of 15 members, as follows: (1) each County Commissioner shall appoint one member; (2) the Mayor shall appoint one member; and (3) the Miami-Dade Chapter of the American Association of Retired Persons shall appoint one member.	The board shall report at least annually to the Board of County Commissioners as to its activities and recommendations.	Section 2-2381—2-2384

APPLICABLE LEGISLATION/POLICY

Section 2-532 of the County Code sets forth the composition, terms, duties, powers, and responsibilities of the Hispanic Affairs Advisory Board.

<https://library.municode.com/fl/miami> -

[_dade county/codes/code of ordinances?nodeId=PTIIICOR_CH2AD_ARTLMIDECOHIAFADBO_S2-532COTE](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTLMIDECOHIAFADBO_S2-532COTE)

Section 2-11.38.2 of the County Code sets forth the terms of office for board members of advisory boards generally.

<https://library.municode.com/fl/miami> -

[_dade county/codes/code of ordinances?nodeId=PTIIICOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.1PRAP](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.1PRAP)

**BCC Meeting:
January 20, 2021
Research Notes**

**Item No. 11A1
File No. 202086**

Researcher: MF Reviewer: PGE

RESOLUTION CERTIFYING PURSUANT TO SECTION 220.183(3), FLORIDA STATUTES, THAT BHP COMMUNITY LAND TRUST, INC., D/B/A THE SOUTH FLORIDA COMMUNITY LAND TRUST'S (SFCLT) LOW-INCOME AND VERY LOW-INCOME AFFORDABLE HOUSING HOMEOWNERSHIP PROJECTS, PLACE LOUVERTURE AND LOFTS @ BROADWAY, ARE CONSISTENT WITH LOCAL PLANS AND REGULATIONS; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE ANY DOCUMENTS AND CERTIFICATIONS REQUIRED BY THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY IN ORDER TO CARRY OUT THE AIMS OF THIS RESOLUTION

ISSUE/REQUESTED ACTION

Whether the Board should certify pursuant to Florida law that Place Louverture and Lofts @ Broadway – low-income and very low-income affordable workforce homeownership projects of the BHP Community Land Trust, Inc. – are consistent with local plans and regulations, enabling BHP Community Land Trust to have the projects rendered eligible under the Community Contributions Tax Credit Program.

PROCEDURAL HISTORY

**Prime Sponsor: Former Commissioner Audrey M. Edmonson, District 3
Department/Requester: N/A**

This item was heard at the Housing, Social Services and Economic Development (HSSSED) Committee meeting of December 7, 2020 and forwarded to the BCC with a favorable recommendation. Previously, this item had been scheduled for the November 9, 2020 HSSSED meeting which was subsequently cancelled. Due to the meeting cancellation, the item was carried over to the December 7, 2020 HSSSED meeting.

ANALYSIS

The purpose of this item is for the County to certify, pursuant to Florida Statutes Section 220.183(3), that the proposed affordable workforce housing projects under the BHP Community Land Trust [dba South Florida Community Land Trust, (SFCLT)], are consistent with the local plans and regulations. Said affordable housing projects are Place Louverture, to be located in Little Haiti at 6601 NE Miami Place and Lofts @ Broadway, to be located in Liberty City at 6200 NW 17 Ave., both in District 3. The local government's certification – confirming that the subject affordable housing proposal is in line with local regulatory guidelines – is necessary in order for the housing projects to be considered eligible by the State of Florida's Department of Economic Opportunity (DEO) under the Community Contributions Tax Credit Program.

Section 220.183(3)(a) provides that any eligible sponsor wishing to participate in this program must submit a proposal to the Department of Economic Opportunity which sets forth the sponsor, the project, the area in which the project is located, and such supporting information as may be prescribed by rule. The proposal shall also contain a resolution from the local governmental unit in which it is located certifying that the project is consistent with local plans and regulations.

Table 1 below depicts the program eligibility and application requirements as per the Community Contributions Tax Credit Program, pursuant to Florida Statutes Section 220.183(3).

**BCC Meeting:
January 20, 2021
Research Notes**

**Item No. 11A1
File No. 202086**

Researcher: MF Reviewer: PGE

Table 1

Community Contributions Tax Credit F.S. 220.183(3)	
Application Requirements	Eligibility Requirements
There shall be allowed a credit of 50% of a community contribution against any tax due for a taxable year under this chapter.	All community contributions by a business firm shall be in the form specified in s. <u>220.03(1)(d)</u> .
The total amount of tax credit which may be granted for all programs approved under this section, s. <u>212.08(5)(p)</u> , and s. <u>624.5105</u> is \$12.5 million in the 2018-2019 fiscal year, \$13.5 million in the 2019-2020 fiscal year, and \$10.5 million in each fiscal year thereafter for projects that provide housing opportunities for persons with special needs as defined in s. <u>420.0004</u> and homeownership opportunities for low-income households or very-low-income households as defined in s. <u>420.9071</u> and \$3.5 million each fiscal year for all other projects.	All community contributions must be reserved exclusively for use in projects as defined in s. <u>220.03(1)(t)</u> .
If the credit granted is not fully used in any one year because of insufficient tax liability on the part of the business firm, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. <u>220.02(8)</u> .	If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide housing opportunities for persons with special needs as defined in s. <u>420.0004</u> or homeownership opportunities for low-income or very-low-income households as defined in s. <u>420.9071(19)</u> and (28) are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year.
No business firm shall receive more than \$200,000 in annual tax credits for all approved community contributions made in any one year.	If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide housing opportunities for persons with special needs as defined in s. <u>420.0004</u> or homeownership opportunities for low-income or very-low-income households as defined in s. <u>420.9071(19)</u> and (28) are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received

**BCC Meeting:
January 20, 2021
Research Notes**

**Item No. 11A1
File No. 202086**

Researcher: MF Reviewer: PGE

	before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide housing opportunities for persons with special needs as defined in s. <u>420.0004</u> or homeownership opportunities for low-income or very-low-income households as defined in s. <u>420.9071</u> (19) and (28) are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant the tax credits for those applications on a pro rata basis.
All proposals for the granting of the tax credit shall require the prior approval of the Department of Economic Opportunity.	
A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. <u>220.131</u> (1) may be allowed the credit on a consolidated return basis.	
A taxpayer who is eligible to receive the credit provided for in s. <u>624.5105</u> is not eligible to receive the credit provided by this section.	

BHP Community Land Trust (aka SFCLT) is a nonprofit corporation that specializes in affordable housing projects in the South Florida area. A community land trust is a nonprofit organization that focuses on providing permanent, affordable housing for working families whose annual income is at or below the area median income (AMI). The two planned affordable housing projects – Place Louverture and Lofts @ Broadway – will serve both very low-income and low-income households. The Trust is used as a common home-purchasing strategy to secure the availability of perpetual affordable housing for residents who are priced out of their neighborhoods.¹

According to the mayoral memo, adoption of this resolution will not require any financial investment by the County, but rather the developer will provide for project funding through donations from businesses. Per the SFCLT, the amount donated by each business would be entirely refunded by the State, up to a maximum limit of \$200,000 per year.

OCA contacted SFCLT on November 4, 2020 to obtain a list of the businesses that have committed to sponsoring housing projects as well as the amounts those businesses would be donating under the community land trust. However, such information is not yet available because the SFCLT – per state guidelines – is not allowed to solicit or approach any business on behalf of any projects at this time without SFCLT first having been certified by the local authority (which is the purpose of this item).²

¹Community Land Trusts and Stable Affordable Housing, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, Office of Policy Development and Research, <https://www.huduser.gov/portal/pdredge/pdr-edge-featd-article-110419.html>

²Phone communication with Charles T. Dabney Jr., SFCLT, conducted November 4, 2020.

**BCC Meeting:
January 20, 2021
Research Notes**

**Item No. 11A1
File No. 202086**

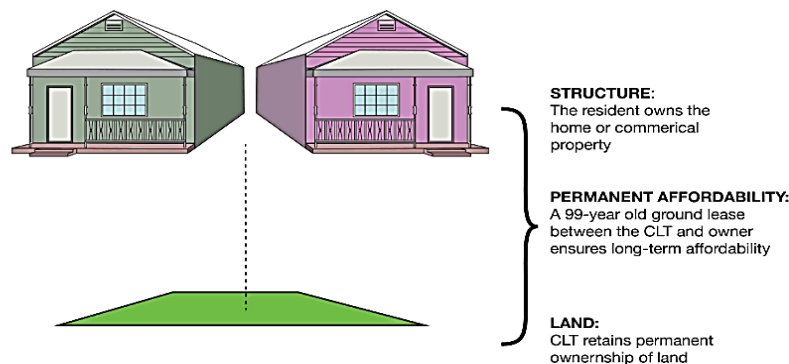
Researcher: MF Reviewer: PGE

Construction of both community land trust residential projects under this item will feature the following:

- Place Louverture – the 13-unit townhouse condo development in Little Haiti will be offered in one, two or three bedrooms for first-time buyers with incomes ranging between 50% to 140% of AMI. In Little Haiti, the AMI for household incomes is \$26,753 – compared to the State of Florida as a whole which stands at \$48,900.³
- Lofts @ Broadway – the 7-story high-rise mixed-use condominium in Liberty City will consist of 38 units with ground floor for retail or commercial activities. It is targeted for buyers whose income ranges between 45% and 140% of AMI. In Liberty City, the AMI for household incomes is \$26,600.⁴

Community land trusts began to emerge in Florida in the early 2000s, as the housing market pricing exploded, thereby excluding a key sector of working families whose AMI was below and could not afford to buy a home. According to the University of Miami, the way a community land trust works is that the individual purchaser gets to own the home through a long-term ground lease between the Trust and the owner, and while the purchaser owns the residential structure itself, the Trust retains ownership of the land in perpetuity.⁵ Instead of a traditional sale, the prospective homeowners enter into a long-term, renewable lease. Figure 1 below depicts the function of the community land trust transaction.

Figure 1



Source: University of Miami

³Areavibes, Little Haiti, Miami, Florida Employment, <https://www.areavibes.com/miami-fl/little+haiti/employment/>

⁴Statistical Atlas, Household Income, Liberty City, Miami, FL <https://statisticalatlas.com/neighborhood/Florida/Miami/Liberty-City/Household-Income>

⁵Community Land Trusts, UNIVERSITY OF MIAMI, Miami Housing Policy Toolkit, <http://cdn.miami.edu/wda/cce/Documents/Miami-Housing-Solutions-Lab/PolicyToolkit/subpages-folder/community.html>

**BCC Meeting:
January 20, 2021
Research Notes**

**Item No. 11A1
File No. 202086**

Researcher: MF Reviewer: PGE

According to the Lincoln Institute of Land Policy, jurisdictions that implement a community land trust consider this a highly desirable mechanism to maintain and expand affordable housing.⁶ Places such as the City of Albuquerque in New Mexico, for example, have successfully implemented this type of program as an effective method to secure affordable housing opportunities for families whose income and finances would otherwise impede them from owning a home.⁷ From a historic perspective, the genesis of community land trusts in the United States dates back to 1968 – when the first Trust was established by some civil rights activists who tried to assist African-Americans in rural Georgia obtain homeownership. The first Trust of its kind was known as “New Communities, Inc.” and encompassed more than 5,000 acres of farmland near Leesburg, Georgia, a small town of approximately 3,000 residents located ±177 miles south of Atlanta.⁸

As a benchmark, OCA conducted a review of community land trust programs across the state. Table 2 below provides an at-a-glance of some jurisdictions and their respective projects associated with community land trust programs.

Table 2

Community Land Trusts		
Jurisdiction and Entity	Projects	Weblink Access
City of Delray Beach Delray Beach Community Land Trust	Atlantic Park Square (a pending project) will consist of 24 quality single family homes affordably priced. Three and four bedroom models are being designed in the traditional neighborhood style with rear-and-side loaded garages, large, elevated porches and "Floribbean" architectural design.	http://www.delraylandtrust.org/
Palm Beach County Community Land Trust of Palm Beach County	Davis Landings West is a 24-home cul-de-sac community consisting of 8 townhomes and 16 single-family houses located on a private road overlooking the City of Atlantis golf course.	https://cltofbbc.org/

⁶Community Land Trusts: Leasing Land for Affordable Housing, LINCOLN INSTITUTE OF LAND AND POLICY, <https://www.lincolnst.edu/publications/articles/community-land-trusts>

⁷*Id.*

⁸Stephen R. Miller, Community Land Trusts: *Why Now is the Time to Integrate this Housing Activists Tool into Local Government Affordable Housing Policies*, ZONING AND PLANNING LAW REPORT, October 2013, Vol. 36 No. 9, <http://landuselaw.wustl.edu/Articles/A%20Land%20Trust%20Article.pdf>

**BCC Meeting:
January 20, 2021
Research Notes**

**Item No. 11A1
File No. 202086**

Researcher: MF Reviewer: PGE

	Palm Beach County provided the land for the entire development and purchase assistance for 22 of the homeowners. The construction of this new subdivision was completed in 2018.	
City of Orlando Community Land Trust	In June 2019, the City entered into an agreement with Hannibal Square Community Land Trust for the redevelopment of 6 vacant parcels into an estimated \$15 million mixed-income residential development. Of the 30 townhomes planned for construction: 15 will be sold to families earning between 65% and 80% of AMI; 9 homes are planned for families earning between 80% and 120% of AMI; and 6 will be available to any family that meets the mortgage qualifications.	https://www.orlando.gov/Initiatives/Community-Land-Trust
Lee County Lee County Housing Development Corporation	LCHDC Acquisition Rehabilitation program has yielded a positive impact in Lee County by providing additional affordable housing units available for sale. To date, approximately 50 homes have been acquired, rehabbed and sold under this program.	https://leecountyhdc.org/

According to the Florida Housing Coalition, counties and cities across Florida have explored the idea of whether to adopt community land trusts in their local governments.⁹ OCA contacted the Public Housing and Community Development (PHCD) Department on November 5, 2020 to learn the interplay between projects under a Trust and those affordable housing projects being managed by PHCD. However, PHCD staff indicated that the two housing initiatives do not intersect because the County would not be providing land or financing to projects under

⁹Community Land Trusts are Springing up in Florida, FLORIDA HOUSING COALITION, <https://www.flhousing.org/wp-content/uploads/2012/12/Community-Land-Trusts-are-Springing-up-in-FloridaCommunity-Land-Trusts-are-Springing-up-in-Florida.pdf>

**BCC Meeting:
January 20, 2021
Research Notes**

**Item No. 11A1
File No. 202086**

Researcher: MF Reviewer: PGE

the Trust. Regardless, according to PHCD staff, the Trust is an effective tool the County can use to achieve affordable housing.¹⁰

OCA reviewed the County's Housing Affordability Tracker website on January 9, 2021 to get a sense of the current affordable housing projects throughout the County. Table 3 below shows a snapshot of the affordable housing projects underway initiated by PHCD in District 3.¹¹

Table 3

Project Name & Status	Address	Affordable Unit Count Out of Total Units
Rainbow Village (pre-development)	2140 NW 3 Ave.	122 of 222
Gwen Cherry 23C (pre-development)	2000 NW 3 Ave.	115 of 151
Phillis Wheatley (planning)	1801 NW 1 Pl.	300 of 300
Father Marquess-Barry Apts. (pre-development)	301 NW 17 St.	60 of 60
Courtside Apt. (Phase III) (Planning)	NW 4 Ave. and NW 17 St.	70 of 70
St. John Plaza Apts. (under construction)	1301 NW 3 Ave.	90 of 90
St. John Village Apts. II (under construction)	1445 NW 1 Pl.	10 of 10
Culmer Place (pre-development)	800 NW 5 Ave.	737 of 888
Culmer Gardens (pre-development)	554 NW 5 Ave.	343 of 418

Illustrations 1 and 2 shown below depict the proposed development sites for the planned Place Louverture and Lofts @ Broadway affordable housing projects.

¹⁰Phone communication with Clarence Brown, PHCD, conducted November 5, 2020

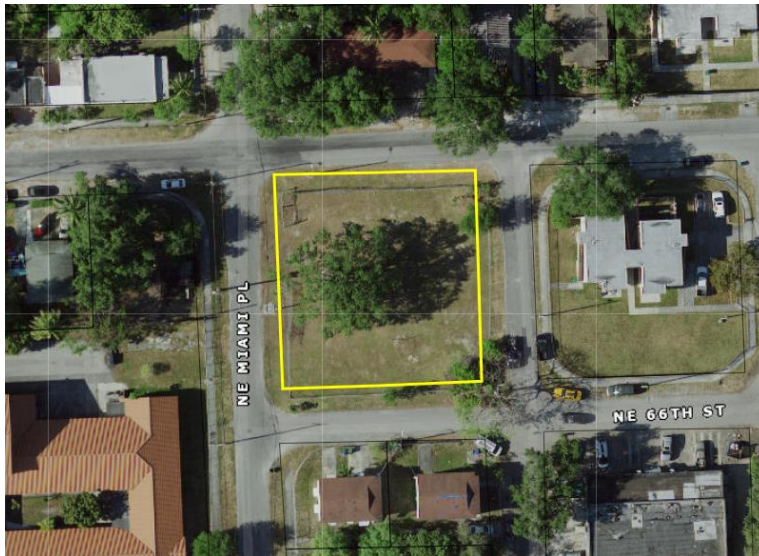
¹¹Miami-Dade County, PHCD Housing Affordability Tracker, <https://www.miamidade.gov/global/housing/housing-affordability-tracker.page>

**BCC Meeting:
January 20, 2021
Research Notes**

**Item No. 11A1
File No. 202086**

Researcher: MF Reviewer: PGE

Illustration 1 – Place Louverture will consist of ± 13 townhouse condominiums



Source: MDC Property Appraiser's Office

Illustration 2 – Lofts @ Broadway will consists of ± 38 condominium units.



Source: MDC Property Appraiser's Office

**BCC Meeting:
January 20, 2021
Research Notes**

**Item No. 11A1
File No. 202086**

Researcher: MF Reviewer: PGE

Illustration 3 below shows an example of an income-restricted, three-bedroom, two-bath residence sold in 2015 in Dania Beach for \$90,000¹² by SFCLT (the community land trust under this item).

Illustration 3



Source: SFCLT

OCA performed due diligence on January 9, 2021 pertaining to BHP Community Land Trust Inc. dba South Florida Community Land Trust (SFCLT); the findings are shown in Table 4 below.

Table 4

Community Land Trust Company	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
BHP Community Land Trust Inc. dba South Florida Community Land Trust (SFCLT)	Florida Not for Profit Corporation Active Principal Address: 718 NE 2nd Avenue Fort Lauderdale, FL 33304 Filed: January 27, 2006	Paid and Current Site Address: 6601 NE Miami PL Miami, FL 33138	Active Licensed for: Apartments	No litigation found

¹²South Florida Community Land Trust, <https://southfloridaclt.org/properties/sw-24th-avenue-dania-beach/>

**BCC Meeting:
January 20, 2021
Research Notes**

**Item No. 11A1
File No. 202086**

Researcher: MF Reviewer: PGE

ADDITIONAL INFORMATION

OCA conducted an Internet search of BHP Community Land Trust Inc. dba South Florida Community Land Trust (SFCLT) and reviewed the company website. As per the company profile, the SFCLT's mission is to "provide and preserve quality, sustainable, affordable housing for underserved populations."

<https://southfloridaclt.org/>

Another local affordable housing initiative is the South Florida Link Collaborative, a \$5 million, three-year endeavor aimed at developing affordable housing for residents who reside near Florida East Coast Railway transit stations in the tri-County South Florida area (Miami-Dade, Broward and Palm Beach). The initiative consists of five groups working toward the creation of affordable housing near transit stations. Among the partners in this joint venture are: SFCLT, JP Morgan Chase, Solar and Energy Loan Fund, Enterprise Community Partners, Community Land Trust of Palm Beach County, and the Florida Community Loan Fund.

<http://southfloridahousinglink.org/>

APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 220.183(3) sets forth the Community Contribution Tax Credit Program. Among the regulations stipulated under this provision: there shall be allowed a credit of 50 percent of a community contribution against any tax due for a taxable year under this chapter and no business firm shall receive more than \$200,000 in annual tax credits for all approved community contributions made in any one year.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0220/Sections/0220.183.html

**BCC Meeting:
January 20, 2021
Research Notes**

**Item No. 11A9
File No. 210006**

Researcher: CB Reviewer: PGE

RESOLUTION AMENDING RESOLUTION NO. R-325-20 AS AMENDED BY RESOLUTION NO. R-783-20; INCREASING THE NUMBER OF TASK FORCE MEMBERS; APPOINTING SANDRA GONZALEZ-LEVY TO THE ECONOMIC RECOVERY TASK FORCE; AND DIRECTING THE COUNTY MAYOR TO DISTRIBUTE THE COVID-19 SOCIAL SERVICES NEEDS ASSESSMENT SURVEY RECOMMENDED BY THE TASK FORCE, INCLUDING AVAILABLE FUNDING SOURCES, AND TO PROVIDE A REPORT

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Joe A. Martinez, District 11

Department/Requester: None

This item, per Ordinance 20-38, was placed on the January 20 BCC agenda by the BCC Chair without committee review and is not subject to 4-day rule.

ANALYSIS

OCA completed the required background research on the appointee to the COVID-19 Economic Recovery Task Force, Sandra Gonzalez-Levy. The research yielded no adverse informational findings for the appointee. This report is being provided as a Supplement to BCC Agenda File Item Number 210006.

APPLICABLE LEGISLATION

Resolution No. R-636-14, adopted on July 1, 2014, requires OCA to complete background research on applicants being considered to serve on County Boards and Trusts that require nominations and/or appointments by the BCC.

<http://intra/gia/matter.asp?matter=141238&file=true&yearFolder=Y2014>

**BCC Meeting:
January 20, 2021
Research Notes**

**Item No. 15C1
File No. 210045**

Researcher: CB Reviewer: PGE

APPOINTMENT OF DR. ANNA R. BERNARDO-BRICKER TO THE ENVIRONMENTAL QUALITY CONTROL BOARD (EQCB)

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Clerk of the Board

There is no procedural history for this item.

ANALYSIS

OCA completed the required background research on Dr. Anna R. Bernardo-Bricker, the appointee to the EQCB. The research yielded no adverse informational findings for the appointee. This report is being provided as a Supplement to BCC Agenda File Item Number 210045.

APPLICABLE LEGISLATION

Resolution No. R-636-14, adopted on July 1, 2014, requires OCA to complete background research on applicants being considered to serve on County Boards and Trusts that require nominations and/or appointments by the BCC.

<http://intra/gia/matter.asp?matter=141238&file=true&yearFolder=Y2014>

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The Office of the Commission Auditor, Miami-Dade Board of County Commissioners

The Office of the Commission Auditor (OCA) was established in September 2002 by Ordinance 03-2 to provide support and professional analysis of the policy, service, budgetary and operational issues before the Miami-Dade Board of County Commissioners. The Commission Auditor's duties include reporting to the Board of County Commissioners on the fiscal operations of County departments, as well as whether the fiscal and legislative policy directions of the Commission are being efficiently and effectively implemented

These research notes, prepared in collaboration with the Miami Dade County departments as subject matter experts, is substantially less detailed in scope than an audit in accordance with the Generally Accepted Auditing Standards (GAAS). The OCA plans and performs the review to obtain sufficient, appropriate evidence to provide a reasonable basis for its findings and conclusions based on its objectives; accordingly, the OCA does not express an opinion on the data gathered by the subject matter expert(s).