

MEMORANDUM

Agenda Item No. 11(A)(11)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners


DATE: May 3, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution setting policy for Miami-Dade County related to Building Better Communities General Obligation Bond Program Project No. 124 – “Economic Development Fund” (“Project 124”); rescinding Project 124 allocation from projects meeting specified criteria; waiving provisions of Resolution No. R-58-20; and directing County Mayor to, pursuant to Ordinance No. 14-65, submit a report

This item was amended at the 4-12-22 Airports and Economic Development Committee to provide that, upon the conclusion of negotiations with the Project 124 grantees that have been allocated funds prior to the effective date of the item, including those grantees awaiting recaptured funds, any remaining Project 124 funds shall be set aside into a septic to sewer trust fund for financially disenfranchised neighborhoods to be created by the Board of County Commissioners under a separate resolution or ordinance.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney


GBK/gh



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: May 3, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

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

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(11)
5-3-22

RESOLUTION NO. _____

RESOLUTION SETTING POLICY FOR MIAMI-DADE COUNTY RELATED TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 124 – “ECONOMIC DEVELOPMENT FUND” (“PROJECT 124”); RESCINDING PROJECT 124 ALLOCATION FROM PROJECTS MEETING SPECIFIED CRITERIA; WAIVING PROVISIONS OF RESOLUTION NO. R-58-20; AND DIRECTING COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO, PURSUANT TO ORDINANCE NO. 14-65, SUBMIT A REPORT

WHEREAS, Appendix A to Resolution No. R-914-04 (“Public Infrastructure Resolution”) lists projects eligible for funding from the Building Better Communities General Obligation Bond Program (“Bond Program”) by project number, municipal project location, Commission district, project description, street address, and project funding allocation; and

WHEREAS, one of the projects listed in Appendix A to the Public Infrastructure Resolution and approved by the voters for funding is Project No. 124 – Economic Development Fund (“Project 124”) with a project description that states “Provide infrastructure improvements to spur economic development and attract new businesses to the community in order to create jobs” and a maximum allocation amount of \$75,000,000.00 for eligible (meets all federal and state legal requirements and is within the scope the ballot question) public infrastructure projects (“Project 124 Fund”); and

WHEREAS, this Board has previously allocated all \$75,000,000.00 of Project 124 Funds to infrastructure projects, subject to the negotiation of the County Mayor or County Mayor’s designee (the “County Mayor”), of a Grant or Interlocal Agreement to be presented by the County Mayor to this Board for its approval; and

WHEREAS, this Board established a wait list for projects awaiting Project 124 Funds that are recaptured from approved recipients of a Project 124 funding allocation that is no longer deemed eligible for such Project 124 funding (“Recaptured Funds”); and

WHEREAS, this Board, through Resolution No. R-123-15, directed the County Mayor to complete negotiations with proposed recipients of Project 124 funds within six months following this Board’s approval of a Project 124 funding allocation and to bring the negotiated agreement to this Board for its consideration; and

WHEREAS, it is in the best interest of the County to rescind and recapture Project 124 funding allocations from projects with whom the County has been unable to reach agreement and direct the County Mayor to enter into negotiations with the next project(s) in line awaiting Project 124 funding ~~[[and]]~~¹ >> to conclude such negotiations with the potential recipient(s) within 90 days of the effective date of this resolution >> and, upon the conclusion of such negotiations, the County Mayor is directed to set aside any remaining Project 124 funds into a “Septic to Sewer” trust fund to be created by this Board under a separate resolution or ordinance for the purpose of providing funding for septic to sewer conversions in financially disenfranchised neighborhoods<<.

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

Section 1. The foregoing recitals are approved and incorporated in this resolution.

Section 2. All Project 124 funding allocated to projects that: (1) are or have been completed prior to being awarded Project 124 funding, (2) submit or have submitted any correspondence to the County requesting removal from consideration of allocation or award of

¹ Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

Project 124 funding, or (3) were allocated Project 124 funding, whether from the original Project 124 distribution or from Recaptured Funds, prior to the effective date of this resolution that have not executed a grant or interlocal agreement, subject to approval of such grant or interlocal agreement by this Board, with the County prior to 60 days from the effective date of this resolution, are hereby rescinded and recaptured. The provisions of Resolution No. R-58-20 requiring that in the event of a rescission of Project 124 funds to a proposed project located on County-owned property that such funds shall, for a period of up to two years from the effective date of such rescission, be made available for reallocation first to other eligible applicants to develop the same or similar project on the same County-owned property, prior to such funds being made available for reallocation to other proposed Project 124 sites, are hereby waived.

Section 3. This Board hereby establishes a policy that negotiations of a grant or interlocal agreement with future recipients of Project 124 funding shall commence upon approval of a Project 124 grant allocation by this Board and automatically conclude no later than 90 days from the effective date of such allocation or, if the allocation is made subject to availability of Recaptured Funds, 90 days from the date upon which Recaptured Funds become available. Any allocation made by this Board to a project that fails to enter into an executed agreement, subject to approval by this Board, with the County within the negotiation period shall automatically be rescinded and the County Mayor is directed to commence negotiations with any projects awaiting Recaptured Funds in the order established by this Board in its prior resolutions>>, to set aside any remaining Project 124 funds for the purpose of providing funding for septic to sewer conversions in financially disenfranchised neighborhoods<< and to submit, pursuant to Ordinance No. 14-65,

a report detailing the implementation of this resolution and the availability of Project 124 funding. The completed report shall be placed on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65 within 90 days of the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|--------------------------------------|------------------------|
| Jose "Pepe" Diaz, Chairman | |
| Oliver G. Gilbert III, Vice Chairman | |
| Sen. René García | Keon Hardemon |
| Sally A. Heyman | Danielle Cohen Higgins |
| Eileen Higgins | Joe A. Martinez |
| Kionne L. McGhee | Jean Monestime |
| Raquel A. Regalado | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of May, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Juliette R. Antoine