

MEMORANDUM

Amended
Agenda Item No. 7(A)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: (Second Reading: 4-2-24)
February 6, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the Rules
of Procedure of the Board;
amending section 2-1 of the
Code; requiring a statement of
community benefits by the
County Mayor for certain agenda
items relating to housing
development projects

Ordinance No. 24-30

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Marleine Bastien and Co-sponsor Senator René García.


Geri Bonzon-Keenan
County Attorney

GBK/gh

Memorandum



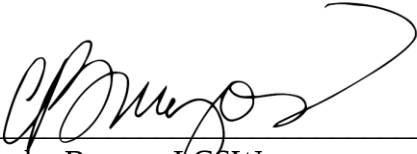
Date: April 2, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to Community Benefits
Statement Requirement Development Project - File No. 232069

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.



Cathy Burgos, LCSW
Chief Community Services Officer

Memorandum



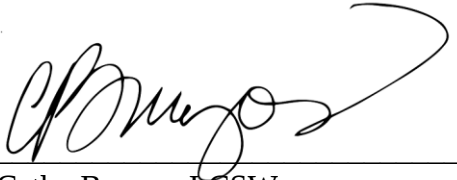
Date: April 2, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Community Benefits
Statement Requirement Development Project - File No. 232069

A succinct and comprehensive Community Benefits Statement is crucial for fostering public and County Commission comprehension of housing development projects and their impact on neighborhoods. This statement would highlight project benefits, job creation, infrastructure improvements and contractual obligations to the County while prominently featuring the Community Benefits Statement and desired outcomes in the Commission approval documentation.

A handwritten signature in black ink, appearing to read "C. Burgos", written over a horizontal line.

Cathy Burgos, LCSW
Chief Community Services Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: April 2, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
Agenda Item No. 7(A)

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 _____

Amended
Agenda Item No. 7(A)
4-2-24

ORDINANCE NO. 24-30

ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING A STATEMENT OF COMMUNITY BENEFITS BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE FOR CERTAIN AGENDA ITEMS RELATING TO HOUSING DEVELOPMENT PROJECTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Miami-Dade County frequently sells or leases property to private entities for the development or redevelopment of County land or facilities, and provides grants and other financial incentives to private entities for development projects, including through development agreements, conveyances and leases for the benefit of the public; and

WHEREAS, section 125.379, Florida Statutes, authorizes the County to sell or lease County-owned property on a non-competitive basis to provide much needed affordable housing for the benefit of the community; and

WHEREAS, section 125.38, Florida Statutes, provides that the Board may non-competitively lease or sell County-owned property to a not-for-profit entity upon a finding that such property is required for the purpose of promoting community interest and welfare; and

WHEREAS, pursuant to section 125.045, Florida Statutes, the Board is authorized to non-competitively lease or sell County-owned property for economic development purposes, to attract, expand, and retain businesses, in order to facilitate the growth and creation of business enterprises in Miami-Dade County; and

WHEREAS, section 125.35(1), Florida Statutes, permits the County to competitively sell or lease property to private entities for the highest and best use to which the property may be put; and

WHEREAS, legislative items leasing or conveying property pursuant to these statutes and the grants and financial incentives provided in connection therewith, often incorporate a housing component as well as obligations and commitments related to community benefits; and

WHEREAS, although such community benefits may be set forth throughout such contracts, leases, and grants, which are often voluminous in nature, a separate community benefits statement, specifically identifying these impacts in a consolidated fashion, would assist in encouraging a well-informed debate during the Board's consideration of the legislative items; and

WHEREAS, the provision of a community benefits statement may allow the public and community groups to be better informed and to have a greater voice in shaping the impact that a housing development project has on the surrounding community,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-1. Rules of Procedure of County Commission

* * *

**>>Rule 5.12. STATEMENT OF COMMUNITY BENEFITS
RELATING TO HOUSING DEVELOPMENT
PROJECTS.**

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(A) The County Mayor or County Mayor's designee shall provide a written statement of community benefits prior to the placement of an item on an agenda of a regularly scheduled or special meeting of the Board of County Commissioners which seeks the approval of one of the following (collectively, a "Housing Development Project"):

- (1) a contract for the sale, lease, sub-lease, management, or operation of County-owned real property that will be used for the development, redevelopment or construction of capital improvements that are estimated by the County to cost no less than \$15,000,000.00 and which include the development of housing; or
- (2) a contract providing a monetary grant or other in-kind financial incentives to a private entity for the development, redevelopment, or construction of capital improvements to real property in Miami-Dade County in an amount estimated by the County to be no less than \$15,000,000.00 and which include the development of housing.

(B) The statement of community benefits shall indicate, as applicable:

- (1) binding obligations and non-binding commitments to provide amenities, benefits, urban revitalization, cash incentives, or improvements to the community where the Housing Development Project is located, as well as any indicated benefits to adjacent or other communities affected by the Housing Development Project;
- (2) the amount of funds that are contractually required to be invested into the Housing Development Project and the community;
- (3) the number and type of direct and indirect jobs, both temporary and permanent, anticipated to be created by the Housing Development Project, the wage benefit levels of each, and any apprentice or job training programs;
- (4) neighborhood amenities and infrastructure that will be created as part of the Housing Development Project, including streetscape improvements, green space, and parks;
- (5) compliance, reporting, and monitoring of contractual requirements related to any of the foregoing; and
- (6) the consequences for failure to meet any contractual requirements related to any of the foregoing, and the County's remedies; and
- (7) a statement detailing any community meetings.

(C) Notwithstanding the requirements of subsection (A), an item as defined in paragraphs (A)(1) or (2) may be placed on an agenda of a regularly scheduled or special meeting of the Board of County Commissioners without a statement of community benefits, but such item may only be approved:

(1) upon a two-thirds affirmative vote of Board members present;
or

(2) if (a) the item is sponsored by a county commissioner or a commission committee without any accompanying County Mayor's memorandum recommending approval of the item, and (b) said item was provided to the County Mayor or County Mayor's designee at least 30 days prior to the date of the regularly scheduled or special meeting at which the item is to be considered.

(D) The provisions of this rule shall not apply to County-owned real property controlled by the airport, seaport, or Public Health Trust as the user departments, or to items for which a social equity statement is required pursuant to Rule 4.01(t) of this Board's Rules of Procedures.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

April 2, 2024

Approved by County Attorney as
to form and legal sufficiency:

GKS For GBK

Prepared by:



Debra Herman
Monica Rizo Perez

Prime Sponsor: Commissioner Marleine Bastien
Co-Sponsor: Senator René García