

MEMORANDUM

Agenda Item No. 11(A)(10)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: May 6, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to require the inclusion of a standardized master development agreement or similar instrument with all competitive solicitations related to the development of County property with affordable and workforce housing; establishing certain guidelines for such competitive solicitations; providing for exceptions; and directing the County Mayor to hold a developer roundtable or forum

Resolution No. R-446-25

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM
(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: May 6, 2025

FROM: 
Cliff Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(10)

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 ____, majority plus one ____, 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) ____, 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)(10)
5-6-25

RESOLUTION NO. _____ R-446-25

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO REQUIRE THE INCLUSION OF A STANDARDIZED MASTER DEVELOPMENT AGREEMENT OR SIMILAR INSTRUMENT WITH ALL COMPETITIVE SOLICITATIONS RELATED TO THE DEVELOPMENT OF COUNTY PROPERTY WITH AFFORDABLE AND WORKFORCE HOUSING; ESTABLISHING CERTAIN GUIDELINES FOR SUCH COMPETITIVE SOLICITATIONS; PROVIDING FOR EXCEPTIONS; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO HOLD A DEVELOPER ROUNDTABLE OR FORUM

WHEREAS, one of the most significant benefits of standardized contracts is their ability to streamline processes and save time; and

WHEREAS, rather than investing valuable resources into creating contracts from scratch, the County can rely on standardized contracts, thus, enabling the County administration to allocate its time and energy to other critical tasks, such as negotiating specific terms or focusing on core business operations of the County; and

WHEREAS, by reducing the time spent on contract creation and negotiation, standardized contracts help accelerate the County's business transactions, allowing parties to seize opportunities quickly and efficiently; and

WHEREAS, contracts that have been standardized offer a level of legal protection, thus, minimizing the likelihood of disputes and uncertainties, and have helped to avoid misunderstandings and disagreements that may arise due to ambiguous or poorly drafted terms; and

WHEREAS, further, contracts that have been standardized foster positive connections by establishing a framework that both parties can rely upon, ensures that essential terms and obligations are clearly defined from the outset, thereby reducing the likelihood of misinterpretation or divergent expectations, and repeated engagements and ongoing relationships benefit greatly from standardized contracts; and

WHEREAS, the County is experiencing an affordability crisis and the need for more housing that is both affordable and attainable is paramount to the residents of Miami-Dade County; and

WHEREAS, the County is the owner of land that has been identified as suitable for the construction of affordable and workforce housing; and

WHEREAS, such land includes public housing land, which the County owns as a public housing agency; and

WHEREAS, for a number of years, the County has been entering public/private partnerships with developers, many of whom are the same developers, to develop or redevelop the County's public housing stock, including through the United States Housing and Urban Development (HUD) approved mixed-finance method and the HUD program known as the Rental Assistance Demonstration program; and

WHEREAS, the County has also developed other non-public housing land with affordable and workforce housing, including, but not limited to, transit oriented developments that have an affordable housing component and other lands that once were not identified for affordable housing use; and

WHEREAS, in light of the urgency to produce affordable housing in Miami-Dade County, this Board wishes to require that the County administration develop a standardized master development agreement or a similar instrument, which shall be attached to all competitive solicitations that involve the development of affordable and workforce housing; and

WHEREAS, although currently the County's professional procurement staff, including the staff of the Department of Housing and Community Development, includes a template County contract with general terms and conditions in the County's competitive solicitations, the solicitations generally allow for contract terms to be negotiated during the procurement process; and

WHEREAS, this Board believes that by including a standardized master development agreement or a similar instrument, the County can reduce negotiation delays, clarify responsibilities of the County and developer, and ensure quicker project delivery, all while maintaining strong oversight and protecting the public's interest; and

WHEREAS, this Board further believes that by requiring standardized master development agreements or similar instruments, the County ensures that the project terms are clearly defined from the outset and eliminates the need for prolonged and repetitive negotiations over standard terms, thus accelerating the overall timeline for decision-making and project execution; and

WHEREAS, notwithstanding the foregoing, proposers can always raise as part of their response to the competitive solicitations the issue(s) they have with the terms and conditions set forth in the standardized master development agreement or similar instrument, and these issues can be considered by the selection committee; and

WHEREAS, this Board further believes that there is a need that the County should establish strict timelines to avoid protracted negotiations, prevent the negotiation process from stalling and ensures that housing projects can proceed without unnecessary delays; and

WHEREAS, accordingly, this Board wishes to direct the County Mayor or County Mayor's designee to establish certain guidelines to ensure that the purposes of this resolution are accomplished,

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

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

Section 2. This Board directs the County Mayor or County Mayor's designee to require the inclusion of a standardized master development agreement or similar instrument with all competitive solicitations related to the development of County property with affordable and workforce housing. Additionally, this Board directs the County Mayor or County Mayor's designee to include in all competitive solicitations the following:

- (a) A requirement that each proposer include in their response to the competitive solicitation any concerns they may have related to the terms set forth in the standardized master development agreement or similar instrument, including, but not limited to, any term that may limited the ability of the developer to obtain financing or investment opportunities for the proposed project;
 - (b) A requirement that ensures that negotiations are completed within a specific timeframe;
- and

- (c) A provision in each competitive solicitation that limits the scope of the negotiations related to the proposed project, including, but not limited to, the terms of the master development agreement or similar instrument.

In the event the County Mayor or County Mayor's designee believes that it is in the best interest of the County to materially deviate from the terms and conditions set forth in the competitive solicitation, including, but not limited to, the standardized master development agreement or similar instrument, the County Mayor or County Mayor's designee shall include in the County Mayor's award recommendation memorandum to this Board, a justification explaining the reason for the material deviation. Notwithstanding the foregoing, a material deviation does not include the inclusion or exclusion of terms in the master development agreement or similar instrument that are required or prohibited by federal, state or local laws, regulations, orders, or directives.

Section 3. This Board further directs the County Mayor or County Mayor's designee to hold a developer roundtable or forum within 60 days of the effective date of this resolution to obtain feedback from the affordable and workforce housing industry to receive comments and feedback on the standardized master development agreement or similar instrument. This Board further directs the County Mayor or County Mayor's designee, in their sole discretion, to incorporate such comments and feedback in the final standardized master development agreement or similar instrument prior to the advertisement of any competitive solicitation advertised after the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Raquel A. Regalado . It was offered by Commissioner **Eileen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** and upon being put to a vote, the vote was as follows:

Anthony Rodriguez, Chairman	aye		
Kionne L. McGhee, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Sen. René García	aye	Oliver G. Gilbert, III	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Raquel A. Regalado	aye	Micky Steinberg	aye
District 6 - Vacant			

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of April, 2025. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
 Deputy Clerk

Approved by County Attorney as
 to form and legal sufficiency.

Terrence A. Smith