

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, February 06, 2018 9:17 AM
To: Sanchez, Rodzandra (COE)
Subject: Rebeca Sosa, Miami-Dade County Commissioner (DIST6) (Voting Conflict re: item 172915 (8K1, 02-06-18 BCC))
Attachments: Demolition Application to the U.S. Department of Housing and Urban.pdf

INQ 18-32 Fernandez

From: Centorino, Joseph (COE)
Sent: Monday, February 05, 2018 3:57 PM
To: Fernandez, Alejandro J. (DIST6) <Alejandro.Fernandez2@miamidade.gov>; Aguirre, Betty (DIST6) <Betty.Aguirre@miamidade.gov>; Castro, Vivian (DIST6) <Vivian.Castro@miamidade.gov>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>
Subject: INQ 18-32 Rebeca Sosa, Miami-Dade County Commissioner (DIST6) (Voting Conflict re: item 172915 (8K1, 02-06-18 BCC))

Mr. Fernandez:

You have inquired on behalf of Miami-Dade County Commissioner Rebeca Sosa (DIST6) regarding whether Commissioner Sosa would have a voting conflict of interest, under Section 2-11.1(d) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, in connection with an upcoming item concerning a demolition application by the County to the U.S. Department of Housing and Urban Development for the demolition of the Medvin Apartments public housing site. Commissioner Sosa has asked for the opinion in light of her full-time position with the Miami-Dade County Public Schools as a Curriculum/Program Facilitator at Lindsey Hopkins Technical Education Center for services related to the county-wide South Florida Workforce one-stop delivery system, and the fact that it is noted in the materials regarding this item that the Miami-Dade County School Board has expressed its interest to the County in acquiring this site for the construction of a new school.

In previous opinions, this agency has noted that the automatic disqualification of employees of entities affected by voting items does not apply to employees of governmental agencies, which include the Miami-Dade County Public Schools (e.g., see INQ 15-281). In order for the Commissioner to have a voting conflict of interest under Section 2-11.1(d) of the Ethics Code on the item in question, there would need to be a determination that she might profit or be enhanced, directly or indirectly, by the vote. I note that, at this point, there is nothing pending before the County Commission concerning any transfer of ownership of the parcel in question to the School Board. It is specifically noted in the materials on this application that any such transfer would have to be the subject of a separate item before the board. Further, it is also noted that there are substantial reasons for the demolition, apart from any interest that the School Board may have in acquiring the site, due to the current structure's abandonment, deterioration and determination to be an unsafe structure. The fact of the demolition is supported by public safety concerns that are well-documented and entirely independent of the School Board or its possible interest in the property. Since it is premature to analyze any possible conflict that could occur in the event of the site's acquisition by the School Board, and because there are substantial, independent reasons upon which the demolition application is supported, I am unable to conclude at this point that Commissioner Sosa could profit or be enhanced in any way by the vote on the application for demolition.

Accordingly, it is my opinion that Commissioner Sosa may participate and vote on the item in question. However, in the event that the School Board's expression of interest in the property should develop into a proposed transfer of the property to the School Board or any other proposal involving the School Board, then I would suggest that Commissioner Sosa seek another opinion from this agency within which any possible interest on her part due to her employment at the School Board could be analyzed.

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
ethics.miamidade.gov



From: Fernandez, Alejandro J. (DIST6)
Sent: Friday, February 02, 2018 3:45 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: Aguirre, Betty (DIST6) <Betty.Aguirre@miamidade.gov>; Castro, Vivian (DIST6) <Vivian.Castro@miamidade.gov>
Subject: Conflict of interest opinion on item 172915 (8K1, 02-06-18 BCC)

Good afternoon, Mr. Centorino:

I hope this email finds you well. On behalf of Commissioner Sosa, I send for your review and opinion the attached resolution to determine whether or not the Commissioner has a conflict of interest that would prohibit her voting on the item. As you will note, the item authorizes the submission of an application to HUD for the demolition of the Medvin Apartments public housing site. In reviewing the materials provided, the item indicates that the School Board has approached the County with an interest to develop the property currently occupied by Medvin Apartments.

The item appears on the agenda for the February 6, 2018 meeting of the Board of County Commissioners. Please accept for apologies for the submitting this request with such short notice. I thank you in advance for your assistance and guidance on this matter.

Sincerely,
Alex J. Fernandez

ALEX J. FERNÁNDEZ

Senior Communications Aide & Legislative Assistant

Commissioner Rebeca Sosa, District 6

Miami-Dade County

111 NW 1st Street, Suite 220

Miami, Florida 33128

305.375.5696

alejandro@miamidade.gov

MEMORANDUM

Agenda Item No. 8(K)(1)

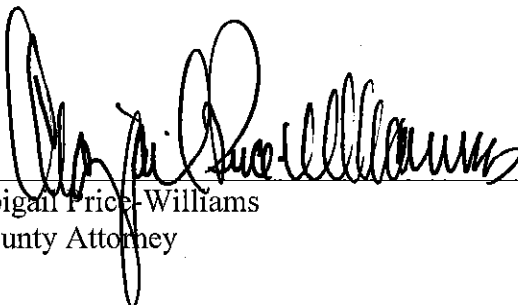
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: February 6, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution authorizing the County Mayor to submit a demolition application to the United States Department of Housing and Urban Development for the Medvin Apartments public housing site located at 945 SW 3rd Avenue, Miami, Florida for the purpose of demolishing one building, and authorizing the County Mayor, subject to the United States Department of Housing and Urban Development's approval, to execute amendments to the annual contribution contract agreements, releases of the Declaration of Trust, and other related-documents, and to exercise amendments, modifications, cancellation, and termination clauses contained in such contract

The accompanying resolution was prepared by the Public Housing and Community Development Department and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

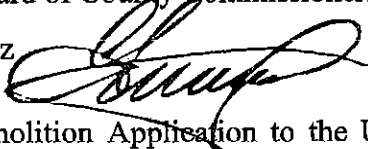


Abigail Price-Williams
County Attorney

APW/smm

Date: February 6, 2018

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Submittal of Demolition Application to the U.S. Department of Housing and Urban Development for the Medvin Apartments Public Housing Site

Recommendation

It is recommended that the Board of County Commissioners (Board):

1. Authorize County Mayor or the County Mayor's designee to submit a demolition application to the U.S. Department of Housing and Urban Development (HUD) for the Medvin Apartments public housing site located at 945 SW 3 Avenue, Miami, Florida (Property), for the purpose of demolishing a two-story, vacant and dilapidated 18 unit building (Property); and
2. Authorize the County Mayor or the County Mayor's designee to execute amendments to annual contribution contracts, agreements, releases of the declaration of trust, and other related documents on behalf of Miami-Dade County (County), subject to HUD's approval, and to exercise amendments, modifications, cancellation and termination clauses contained therein.

Scope

The Property is located within Commission District 5, which is represented by Commissioner Bruno A. Barreiro.

Fiscal Impact/Funding Source

The proposed demolition action is anticipated to have a fiscal impact of approximately \$50,000 from Capital Fund Program for demolition of existing structures on the Property.

Track Record/Monitor

This project will be monitored by Jorge R. Cibran, AIA, Director of the Development Division for Public Housing and Community Development (Department).

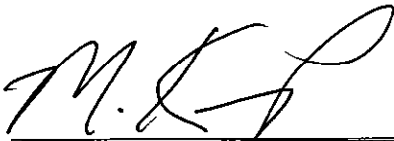
Background

The Medvin Apartments were built in 1965. The development contains 18 units in a two-story, walk-up building on a 0.344-acre site. Over time, the development became substantially dilapidated and structurally unsafe. Due to life and safety concerns and deteriorated condition of the building and units, the Medvin Apartments were vacated in early 2014 and all residents voluntarily moved to the new Joe Moretti development located adjacent to the Medvin Apartments. Since that time, the units have undergone further deterioration resulting in a Repair or Demolish Final Notice/Unsafe Structures Notice dated August 28, 2017, being issued to the County from the City of Miami (Attachment A).

There have been problems at the site with people breaking into the unoccupied building on the Property to illegally occupy vacated units. Clearing of the units by the police and securing the site has been done

several times, however, the problem persists. This situation poses life safety concerns for those breaking into the Property and the surrounding neighborhood. Accordingly, it would be beneficial for the County and the surrounding community to demolish the existing structures at the site. In order to proceed with the demolition of existing dilapidated units, the County, as a public housing agency, must seek prior approval from HUD. This requires the County to submit a demolition application to HUD. To commence this process, HUD requires the Board to adopt a resolution authorizing the submission of the demolition application.

The School Board has approached the Department with interest to develop the Property with a new school to serve the Brickell area, generally south of the Miami River. The Department has had preliminary discussions with the School Board to explore potential development opportunities related to an educational facility at the Property, which would include affordable and/or workforce housing units to provide housing opportunities for School District employees. Potential development of any kind for the Medvin site will be brought back to the Board as a separate item following HUD's approval of the County's demolition application.



Maurice L. Kemp, Deputy Mayor

City of Miami



August 28, 2017

CR: BB2015006188

MIAMI-DADE COUNTY
701 NW 1 CT
16TH FLOOR
MIAMI, FL 33136

MIAMI-DADE COUNTY
701 NW 1 CT
16TH FLOOR
MIAMI, FL 33136

REPAIR OR DEMOLISH - FINAL NOTICE

CERTIFIED MAIL RETURN RECEIPT REQUESTED

RE: 945 SW 3 AV

Folio: 0102060901090

CITY OF MIAMI SOUTH PB B-41 S100FT OF LOTS 11 & 12 BLK 69 LOT SIZE 100.000 X 100

Dear Owner(s):

A recent re-inspection shows that the above-described property has not been repaired or demolished as directed. According to criteria established by Section 8-5 of the code of Miami-Dade County, the structure is defined as unsafe and the following defects have been found to exist: VIOL REF# 7604-Buildings or Structures that are Unsafe, Unsanitary, or Deficient, Constitute a Fire or Windstorm Hazard or are Otherwise Chapter 8-5 of the Code of Miami-Dade

Correction: BUILDING IS VACANT, ABANDONED AND IN UNSAFE CONDITION. NO ACCESS TO BUILDING OR PROPERTY.

PLEASE PULL ALL REQUIRED PERMITS AS PER F.B.C. TO COMPLY WITH VIOLATION A.S.A.P. CONTACT THE OFFICE OF UNSAFE STRUCTURES AT 444.SW.2ND AVE. 4TH FLOOR INSPECTOR ANDRE PEREZ AT APPEREZ@MIAMIGOV.COM. 786-512-4210.

You are, therefore, requested to repair or demolish by September 08, 2017. If I don't hear from you in this date, it will be necessary for the demolition section to take action in accordance with the procedure in the Florida Building Code and as established by Section 8-5 of the Code of Miami-Dade County. A Notice of Violation is being recorded with the Clerk's office for future enforcement costs. If you have any questions, please call (305) 416-1177.

Very truly yours,

Osmany Alcalde
City of Miami Unsafe Structures Inspector

Ph: (786) 251-7177
Email: OAlcalde@miamigov.com

cc: Community Development
Foreclosure Specialist, as H.U.D. Representative
Unsafe Structures Section (2)



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: February 6, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(K)(1)

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 _____, 3/5's _____, unanimous _____) 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. 8(K)(1)
2-6-18

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO SUBMIT A DEMOLITION APPLICATION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE MEDVIN APARTMENTS PUBLIC HOUSING SITE LOCATED AT 945 SW 3RD AVENUE, MIAMI, FLORIDA FOR THE PURPOSE OF DEMOLISHING ONE BUILDING, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, SUBJECT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S APPROVAL, TO EXECUTE AMENDMENTS TO THE ANNUAL CONTRIBUTION CONTRACT AGREEMENTS, RELEASES OF THE DECLARATION OF TRUST, AND OTHER RELATED-DOCUMENTS, AND TO EXERCISE AMENDMENTS, MODIFICATIONS, CANCELLATION, AND TERMINATION CLAUSES CONTAINED IN SUCH CONTRACT

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. This Board approves of and authorizes the County Mayor or the County Mayor's designee to submit a demolition application to the United States Department of Housing and Urban Development ("HUD") for the Medvin Apartments, a public housing site located at 945 SW 3rd Avenue, Miami, Florida, for the purpose of demolishing a two-story, vacant and dilapidated 18 unit building.

Section 2. This Board authorizes the County Mayor or the County Mayor's designee to execute amendments to annual contributions contracts, if required; to execute any agreements, releases from declarations of trust, and any other documents on behalf of the County, subject HUD's approval; and to exercise amendments, modifications, cancellation, and termination clauses, contained therein.

The foregoing resolution 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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of February, 2018. 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.



Terrence A. Smith