


MEMORANDUM

Revised
Substitute
Agenda Item No. 7(A)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: May 3, 1994

FROM: 
Joaquin G. Avino, P.E., P.L.S.
County Manager

SUBJECT: Ordinance Creating
the Dade County
Homeless Trust

O#94-66

RECOMMENDATION

It is recommended that the Board approve the attached Ordinance creating the Dade County Homeless Trust.

BACKGROUND

On May 18, 1993 the Dade County Commission created a Task Force on Homelessness and charged it with developing a plan to comply with Section 212.0306 of the Florida Statutes (1993). The resulting Dade County Community Homeless Plan serves as the blueprint for implementing programs to be funded from the proceeds of the 1% (one percent) food and beverage tax and will also serve as the basis for other available dollars for homeless programs such as Federal, State and Municipal grants and other public and private "matching" funds that may be attracted with the tax serving as a base revenue source. The Plan also calls for the creation of a governing body, a "Trust," to oversee the use of the portion of the food and beverage tax dedicated to homeless programs and to ensure that the proceeds are used in a manner which will provide the greatest benefit to homeless persons and the community as a whole.

The Ordinance has also undergone a review process with considerable input from members of the public and the Trust and, where necessary, has been adapted so as to reflect their recommendations. The Ordinance calls for a membership that is representative of the county's ethnic, racial and gender mix; greater participation by certain sectors of the community; and changes that further compliment the legislation.

TO: Honorable Chairperson and Members DATE: May 3, 1994
 Board of County Commissioners

FROM: *Joaquin G. Avino*
 Joaquin G. Avino, P.E., P.L.S.
 County Manager

SUBJECT: Economic Analysis For
 Ordinance Creating The
 Dade County Homeless
 Trust

BACKGROUND:

On May 18, 1993 the Dade County Commission created a task Force on Homelessness and charged it with developing a plan to comply with Section 212.0306 of the Florida Statutes (1993). The resulting Dade County Community Homeless Plan serves as the blueprint for implementing programs to be funded from the proceeds of the 1% (one percent) food and beverage tax. It will also serve as the basis for other available dollars for homeless programs such as Federal, State and Municipal grants and other public and private "matching" funds that may be attracted with the tax serving as a base revenue source. The Plan also calls for the creation of a governing body, a "Trust" to oversee the use of the portion of the food and beverage tax dedicated to homeless programs and to ensure that the proceeds are used in a manner which will provide the greatest benefit to homeless persons and the community as a whole.

The Ordinance has also undergone a review process with considerable input from members of the public and the Trust and, where necessary, has been adapted so as to better serve the Trust's overall purpose.

The Ordinance calls for a more representative membership (ethnic, racial and gender balanced composition); greater participation of certain sectors and changes that compliment the legislation.

ECONOMIC ANALYSIS:

1. The economic impact on the County budget: **NONE**
2. The economic impact on the private sector: **NONE**
3. The effect on public/private employment: **NONE**
4. The costs and benefits of establishing and maintaining the program: (There will be no general fund costs associated with this ordinance).
5. Whether necessary to obtain State and Federal grants or financing: **NO**

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Creating The Dade County Homeless
Trust

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6. Whether any other ordinance should be repealed or amended: NO
7. Whether the creation of a new ordinance is the best method of achieving the benefit desired: (The adoption of this ordinance is required by the enacting state legislation).

ORDINANCE NO. 94-66

ORDINANCE CREATING THE DADE COUNTY HOMELESS TRUST, PROVIDING FOR A GOVERNING BODY, ORGANIZATION AND PROCEDURE, APPOINTMENT AND TENURE, POWERS, DUTIES AND FUNCTIONS OF THE TRUST, AND STAFF SUPPORT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Florida legislature has enacted the 1993 amendments to Section 212.0306, Florida Statutes, which authorize Dade and other counties to levy a homeless and spouse abuse tax;

WHEREAS, this Board finds that it is in the best interests of the community to create a Trust to oversee the use of that portion of the proceeds of the homeless and spouse abuse tax dedicated to the homeless and to ensure that the proceeds are used in a manner which will provide the greatest benefit to homeless persons and the community as a whole,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. **Creation of the Dade County Homeless Trust.** There is hereby created and established as an agency and instrumentality of Dade County a revocable trust which shall be named and known as the Dade County Homeless Trust (hereinafter referred to as "the Trust"). The Trust shall be a public body through which its governing body may exercise all those powers either specifically granted herein or necessary in the exercise of the powers herein enumerated.

Section 2 Governing body

A The governing body of the Trust shall be a Board of Trustees composed of twenty-seven (27) voting members. Trustees shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

B. **Composition.** The voting membership of the Board of Directors shall be ethnically, racially and gender balanced and shall be composed of the following members:

1. Seven (7) members representing the civic and business community which shall be selected by the Greater Miami Chamber of Commerce. After the initial terms of these seven members, the Trust may recommend that four (4) of the civic and business community positions include the following: one (1) representative of the downtown Miami business community, one (1) representative from the judicial sector; one (1) representative from the medical profession and one (1) representative of the neighborhood association in the area immediately impacted by the first homeless assistance center, or from the area most affected by homeless provider services.

2. A member of the Dade County Public School Board or the Superintendent of Dade County Public Schools as determined by the School Board;

3. The Chairperson of the Board of County Commissioners Committee on Housing and the Homeless or, in the absence of such a committee or in the absence of any other committee overseeing homeless issues, the Board of County Commissioners;

4. Three (3) members of the Dade League of Cities selected by the Dade League of Cities, taking into consideration the cities most impacted by the homeless issue;

5. The City Manager of the City of Miami;

6 Two (2) formerly homeless persons selected by the Homeless/Formerly Homeless Persons Coalition or in the absence of such an organization, by the Homeless Providers' Forum

7. Four (4) representatives of the Homeless Providers Forum selected by the Homeless Providers Forum;

8. One (1) representative of the academic or professional sector, selected by the Chair of the Housing and Homeless Committee of the Board of County Commissioners, or in the absence of such a committee or any other committee overseeing homeless issues, the Board of County Commissioners;

9. One (1) advocate, formerly homeless person, or provider, selected by the South Florida Interfaith Coalition for the Homeless;

10. Three (3) members of the Greater Miami Religious Leaders Coalition selected by the Greater Miami Religious Leaders Coalition;

11. One (1) advocate for the homeless or one (1) formerly homeless person selected by the Homeless Providers Forum;

12. The President of the Miami Coalition for the Homeless; and

13. The District Administrator of the State of Florida Department of Health and Rehabilitative Services for the District encompassing Dade County.

Vacancies on the Board of Trustees shall be filled in the same manner by which the original Trustees were appointed, with a special emphasis on choosing persons representative of the gender, racial and ethnic composition of the entire community.

C Tenure and removal of trustees All non-ex officio trustees shall serve staggered terms of three (3) years each, provided, however, of the original Board of Trustees, the Trust shall select one-third (1/3) for a term of one (1) year and one-third (1/3) for a term of two (2) years. No trustee, with the exception of ex-officio trustees, shall be permitted to serve more than two (2) consecutive and complete terms of three (3) years each unless so authorized by two-thirds (2/3) vote of the full membership of the Board of County Commissioners. Trustees may be removed in accordance with the provisions of Chapter 2-11.38 of the Code of Metropolitan Dade County.

D. Qualifications. Each member of the Board of Trustees must comply with the requirements of Chapter 2-11.38 of the Code of Metropolitan Dade County.

E. Organization and procedure.

1. Officers. The Board of Trustees shall organize after the members thereof have qualified to serve and shall elect one (1) of its members as chairperson and such other officers as the Board of Trustees may determine to be necessary. In addition, the Board of Trustees shall make, adopt and amend bylaws, rules and regulations for its own governance.

2. Meetings. The Board of Trustees shall hold regular meetings and such other meetings as it deems necessary. A majority of the members of the Trust shall constitute a quorum. Minutes shall be kept of all meetings of the Trust and all meetings shall be public.

3. Committees. The Trust shall appoint any committees it deems necessary.

F. Applicability of County rules and procedures. The Trust shall at all times operate under the Florida Open Government laws, including the "Sunshine Law", public meeting laws and public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Metropolitan Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1 of the Code of Metropolitan Dade County.

G. Voting Requirements. Trustees may designate alternates to serve and/or vote on their behalf.

Section 3. The Trust shall have the following powers, duties, functions and responsibilities:

A. To serve in an advisory capacity to the Board of County Commissioners with respect to all issues affecting or relating to persons who have become or are about to become homeless;

B. To recommend to the Board of County Commissioners, in accordance with the Dade County Community Homeless Plan, an annual budget and plan for use of the Homeless Tax;

C. To recommend to the Board of County Commissioners, in accordance with the Dade County Community Homeless Plan, the award of contracts and grants from funds generated by the Homeless Tax to organizations, entities, and agencies, including an independent 501(c)(3) corporation and relevant service providers. The Board of County Commissioners shall accept such recommendations unless rejected by an affirmative vote of a majority plus one additional vote of the Board of County Commissioners.

All requests for proposals for such contracts and grants shall be prepared at the direction of the Trust and issued by the County Manager. In addition the County Manager shall collect and open such proposals, evaluate each proposal for responsiveness, rank all responsive proposals and make recommendations to the Trust regarding the award of the contract or grant. In the event of a bid protest, the party protesting the bid award shall first appear before the Trust. The Trust shall consider the protest and make a recommendation to the Board of County Commissioners;

D. To review the Dade County Community Homeless Plan on a regular basis and at least annually to assure that the Plan continues to serve the needs of the total community and the homeless and to recommend any needed amendments, deletions or modifications to the Board of County Commissioners. The Board of County Commissioners shall only have the power to amend the Plan based upon changed circumstances;

E. To develop a community wide consolidated funding plan to implement the Dade County Community Homeless Plan including the use of the following potential funding sources:

1. The annual proceeds of the Homeless Tax;
2. Funding from municipalities interested in supporting implementation of the Dade County Community Homeless Plan;
3. Community Development Block Grant funds;
4. Other federal grants;
5. State grants;
6. Private contributions.

F To submit annually to the Board of County Commissioners a report summarizing and evaluating all programs and activities undertaken by the Trust during the previous fiscal year. The report shall include an audit and accounting, in accordance with generally accepted accounting principles, of all funds received and expended.

G To monitor, review and evaluate the homeless assistance services, activities and expenditures of Dade County and the municipalities within Dade County to determine compliance with state law.

H To recommend through an RFP process the award of a contract to an independent 501(c)(3) corporation which will raise private funds and carry out certain functions of the Dade County Community Homeless Plan including construction, operation, and siting of housing assistance centers and any other duties the Trust may so determine.

I To cooperate and work with service providers in carrying out the Dade County Community Homeless Plan.

Section 4. **Staff support.** The Board of Trustees shall select, with the approval of the County Manager, the Executive Director of the Trust. The Clerk of the Board shall record all meetings of the Trust and the County Manager shall provide to the Trust adequate staff and support services to enable the Trust to carry out its duties and responsibilities and shall continue to coordinate all homeless provider services and assist homeless providers in applying for grants and other available funds.

Section 5. Liberal construction to effectuate public purpose. This article, being for public purpose and for the welfare of the citizens of Dade County, Florida, shall be liberally construed to effect the purposes hereof

Section 6. 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 7. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Metropolitan 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 8. This ordinance shall become effective ten (10) days after the date of enactment.

PASSED AND ADOPTED: MAY 03 1994

Approved by County Attorney as
to form and legal sufficiency.

RAG

Prepared by:

VLR