

ORDINANCE No. 2008-30-166

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AMENDING SECTION 3 OF ORDINANCE NO.2007-08-114 WHICH CREATED AN AFFORDABLE HOUSING ADVISORY COMMITTEE TO PROVIDE FOR THE ADDITION OF TWO MEMBERS; AMENDING SECTION 5 TO AMEND THE TERM OF THE COMMITTEE MEMBERS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 11, 2007, the City Council adopted Ordinance No.2007-08-114 to establish the City's Affordable Housing Advisory Committee ("Committee"), and

WHEREAS, Ordinance No. 2007-08-114 was adopted in accordance with then existing Section 420.9076, Florida Statutes, the City Council, and

WHEREAS, in 2007, the state legislature approved HB 1375 which amended Florida Statute 420.9076 to require that the Committee be increased by two (2) members, with the additional members to be 1) a citizen who represents employers, and 2) a citizen who represents essential service personnel, and

WHEREAS, Section 420.9076, Florida Statutes, as amended also requires that the Committee submit a report every three (3) years that includes recommendations on and evaluates the implementation of existing affordable housing incentives, as opposed to one year, and

WHEREAS, it is being recommended that the City Council adopt this ordinance

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to amend Ordinance No. 2007-08-114,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 1. AMENDMENT: Section 3 of Ordinance No. 2007-08-114 is hereby amended as follows:

Section 3. MEMBERSHIP/APPOINTMENT: The Committee shall be comprised of ~~nine (9)~~ eleven (11) members, appointed by the Mayor and City Council. All Committee members shall be appointed by separate resolution. The Committee must include:

- (a) One citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- (b) One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- (c) One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- (d) One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- (e) One citizen who is actively engaged as a for-profit provider of affordable housing.

- (f) One citizen who is actively engaged as a not-for-profit provider of affordable housing.
- (g) One citizen who is actively engaged as a real estate professional in connection with affordable housing.
- (h) Two residents of the City who have an interest in affordable housing.
- (i) One citizen who represents employers.
- (i) One citizen who represents essential service personnel as defined in the local housing assistance plan.

If the City due to the presence of a conflict of interest by prospective appointees, or other reasonable factor, is unable to appoint a citizen actively engaged in these industries in connection with affordable housing, a citizen engaged in these industries without regard to affordable housing may be appointed.

SECTION 3. AMENDMENT: Section 5 of Ordinance No. 2007-08-114 is hereby amended as follows:

Section 5. Term: The terms of office for all Committee members shall commence upon appointment. All members shall serve for a period of ~~one~~ three years or until approval of the Affordable Housing Incentive Plan by the City, whichever is shorter.

SECTION 4. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the

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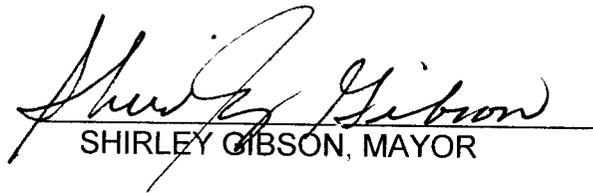
remaining portions of this Ordinance.

SECTION 6. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 7. EFFECTIVE DATE: This Ordinance shall become effective immediately after its passage.

PASSED ON FIRST READING IN FULL ON THE 23rd DAY OF JULY, 2008.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 10TH DAY OF, SEPTEMBER, 2008


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

Prepared by SONJA K. DICKENS, ESQ.
City Attorney

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SPONSORED BY: Danny Crew, City Manager

MOVED BY: Councilman Bratton

SECONDED BY: Councilman Gilbert

VOTE: 7-0

Mayor Shirley Gibson	<u>X</u> (Yes)	___ (No)
Vice Mayor Barbara Watson	<u>X</u> (Yes)	___ (No)
Councilman Melvin L. Bratton	<u>X</u> (Yes)	___ (No)
Councilman Aaron Campbell	<u>X</u> (Yes)	___ (No)
Councilman Andre' Williams	<u>X</u> (Yes)	___ (No)
Councilwoman Sharon Pritchett	<u>X</u> (Yes)	___ (No)
Councilman Oliver Gilbert III	<u>X</u> (Yes)	___ (No)

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City of Miami Gardens

1515 NW 167th Street
Miami Gardens, Florida 33169



Mayor Shirley Gibson
Vice Mayor Barbara Watson
Councilman Melvin L. Bratton
Councilman Aaron Campbell Jr.
Councilwoman Sharon Pritchett
Councilman Oliver Gilbert III
Councilman André Williams

Agenda Cover Page

Meeting Date: September 10, 2008,

Fiscal Impact: No X Yes

(If yes, explain in Staff Summary)

Funding Source: N/A

Contract/P.O. Requirement: Yes No

Sponsor Name/Department: **Danny Crew, City Manager**

Public hearing x

Ordinance

1st Reading

Advertising requirement:

Quasi-Judicial

Resolution

2nd Reading x

Yes X No

RFP/RFQ/Bid # N/A

Title

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Staff Summary

Background

Early in 2007, the City of Miami Gardens was awarded State Housing Initiative Partnership Funds (SHIP) from the Florida Housing Finance Corporation. On April 11, 2007, City Council adopted the ordinance (on 2nd reading) establishing the Local Housing Assistance trust fund, and adopted the ordinance establishing the Affordable Housing Advisory Committee.

As required by SHIP Statute 420.9076 (2) the City of Miami Gardens Council is required to appoint members of the Affordable Housing Advisory Committee (AHOC) by resolution. The original AHOC composition was as follows:

- (a) One citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- (b) One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- (c) One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- (d) One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- (e) One citizen who is actively engaged as a for-profit provider of affordable housing.
- (f) One citizen who is actively engaged as a not-for-profit provider of affordable housing.
- (g) One citizen who is actively engaged as a real estate professional in connection with affordable housing.
- (h) One citizen who actively serves on the local planning agency pursuant to s. 163.3174.
- (i) One citizen who resides within the jurisdiction of the local governing body making the appointments.

In 2007 however, the state legislature approved HB 1375 which amended Florida Statute 420.9076 to require that the AHOC be increased by two (2) members, with the additional members to comprise the following categories:

- One citizen who represents employers
- One citizen who represents essential service personnel (police, fire-rescue, or teacher)

The AHOC's role will continue to be to review established policies and procedures, ordinances, land development regulations and the adopted comprehensive development master plan and shall *recommend* specific initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The amendment of F.S. 420.9076 also requires that the AHOC submit a report every three (3) years that includes recommendations on and evaluates the implementation of existing affordable housing incentives. The previously approved ordinance provided language that this Committee would sunset after one (1) year.

It should be noted that the actual appointments of the two additional committee members is to be done by Resolution subsequent to the approval of this proposed ordinance amendment on second reading. The second reading of this ordinance would be scheduled for the September 10, 2008 Council Meeting. City staff looks to have on that September Council Agenda, a Resolution with recommended appointments to fill the two additional committee slots.

Recommendation

City staff recommends the approval of the amendment of the proposed ordinance (Ordinance No. 2007-08-114), which amends the AHOC composition, increasing it by the two additional members, and amending the terms of the committee appointments, requiring them to be re-appointed every three (3) years.