



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Recreation, Culture & Tourism Committee**

November 8, 2010  
2:00 PM  
Commission Chamber

Charles Anderson, CPA  
Commission Auditor  
111 NW First Street, Suite 1030  
Miami, Florida 33128  
305-375-4354

**Miami-Dade County Board of County Commissioners  
Office of the Commission Auditor**

**Legislative Analysis  
Recreation, Culture and Tourism  
Meeting Agenda**

**November 8, 2010**

Written legislative analyses for the below listed items are attached for your consideration in this Legislative Analysis.

**Item Number(s)**

|      |
|------|
| 2(A) |
| 2(B) |
| 2(C) |
| 2(E) |

Written fiscal analyses for the below listed items are attached for your consideration in this Legislative Analysis.

**Item Number(s)**

|      |
|------|
| 4(B) |
| 4(F) |

If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:  
Mia B. Marin, Legislative Analyst  
Carolyn Martin, Budget Analyst

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda Item:** 2(A) , 2(C) and 2(E)

**File Number:** 102511, 102297 and 102584

**Committee(s)  
of Reference:** Board of County Commissioners

**Date of Analysis:** November 4, 2010

**Prime Sponsor:** Commissioner Barbara J. Jordan for item 2(A)  
Chairman Dennis C. Moss for item 2(C)  
Commissioner Rebeca Sosa for item 2(E)

**Type of Item:** Significant Modification to Building Better Communities General Obligation Bond Program

**Summary**

These items approve a significant modification to Building Better Communities General Obligation Bond Program (BBC-GOB) Project No. 293.

**Background and Relevant Legislation**

The Historic Preservation Fund (HPF) is a program funded under the BBC-GOB through project 293 with an original allocation of \$10 million (R-919-04). The HPF is intended to provide matching funds to private property owners, private non-profit organizations, and municipal government agencies for the acquisition, relocation and rehabilitation of designated historic properties, or properties eligible for designation as a historic property or as a contributing historic property within Miami-Dade County.

The BBC-GOB Program as created by Ordinance 05-47, is administratively governed by the Building Better Communities Administrative Rules (Page 2, Building Better Communities Administrative Rules Rev. 1/07). These administrative rules have been prepared to address the administration and allocation of funds for the projects and programs identified in the BBC-GOB Program. In addition to the funding of projects listed in the BBC-GOB program, eligible projects may be funded through the application process described in the administrative rules with monies from four (4) funds. The four (4) funds are as follows:

- Historical Preservation Fund (HPF);
- Economic Development Fund (EDF);
- Not-for-Profit Community Organization Capital Fund (NFPCF); and
- Primary Health Care Facilities Fund (PHCFF)

At the June 9, 2010, Transit, Infrastructure & Roads Committee, the Director of the Office of Capital Improvements responded to Committee member concerns about the lack of a competitive process as it related to the issuance of HPF. The Director of Capital Improvements (OCI) noted that an RFP competitive process was initiated and advertised to issue a portion of the \$10 million of HPF. However, the Director of OCI further noted that due to the difficulties encountered in the competitive process relating to private homeownership and the limited bonding capacity of the BBC-GOB. For these reasons, County Administration decided not to move forward with the RFP.

On June 15, 2010, the Board approved Resolution R-668-10, which included amendments to the Administrative Rules governing the BBC-GOB Program. According to the amended Administrative Rules, recipients of HPF must apply for funding during a funding submission period or a funding allocation may be awarded to a recipient by the Board on a case by case basis (page 6, Building Better Communities Administrative Rules, Rev. 04/10). Additionally, the amendments provide the funding allocation, administration and reimbursement policy to require title to land acquired with BBC-GOB Program funds or facilities constructed/developed with BBC-GOB funds will vest with a Public Agency, or legally incorporated 501(c)(3) not-for-profit Community Based Organization, or an active and duly registered Florida for-profit corporation or other recognized business entity (page 21, Building Better Communities Administrative Rules, Rev. 04/2010). On July 11, 2010, the County Manager issued a memo to include a list of projects considered for the upcoming BBC-GOB bond sale and it does not include funding for BBC-GOB Project 293.

The Board approved three significant modifications to Project 293 to include the following:

- Resolution R-328-10 approved \$3 million of HPF for the Miami Marine Stadium;
- Resolution R-707-10 approved \$1 million of HPF for the restoration of the Curtiss Mansion; and
- On November 4, 2010, the Board of County Commissioners approved \$1.8 million of HPF for the restoration of the Historic Hampton House.

**Currently, the following legislative items seek to approve allocations from the HPF:**

*(The following information was provided by the Office of Capital Improvements and additional information will be provided when this item is before the Board of County Commissioners)*

| Item | Title                                    | Allocation Amount | Project Status   |
|------|--|-------------------|--|
| 2A   | Historic Opa-Locka City Hall             | \$2.0 million     | n/a  |
| 2C   | Military Museum of South Florida         | \$1 million       | Military Museum GOB project #283 with an allocation of \$2M involved structural stabilization and repairs needed prior to relocating the entire structure to a site adjacent to the existing Gold Coast Railroad Museum. The project is complete and has spent all funds (minus \$40,000 of final project retainage). The allocation from the Historic Preservation Fund is needed to complete the construction and restoration of the facility. |
| 2E   | Historic Biltmore Hotel and Country Club | \$1.5 million     | n/a  |

On September 21, 2010, the Board approved resolution R-955-10 directing the County Mayor or Designee to prepare a Request for Proposals for Historic Properties that qualify for funding from the Historic Preservation Fund. Resolution R-955-10 provides a set \$250,000 limit for each grant application and requires the Selection Committee to comprise of representatives from the County's Historic Preservation Fund and the Dade Heritage Trust.

**Prepared by:** Mia B. Marin

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Legislative Notes

**Agenda Item:** 2(B)  
**File Number:** 102103  
**Committee(s)  
of Reference:** Recreation, Culture & Tourism Committee  
**Date of Analysis:** November 4, 2010  
**Type of Item:** Resolution Approving Amended and Restated Operating Agreement  
**Prime Sponsor:** Chairman Dennis C. Moss

**Summary**

This item approves the amended and restated operating agreement (OA) for Miami-Dade Zoological Park and Gardens between Miami-Dade County and Zoological Society of Florida (ZSF).

**Background and Relevant Legislation**

The last amendment to the OA was approved on May 9, 2000, through resolution R-444-00 which allowed the County to reimburse the Society for marketing and educational programming at Miami Metrozoo. In accordance to the OA, the ZSF receives an annual allotment from Miami-Dade County to create and execute a marketing plan for the zoo. The annual allotment is executed on a reimbursement basis.

ZSF's Financial Statements show that in addition to the Miami Metrozoo Marketing transactions, the Society receives grants through the Cultural Affairs Department, Safe Neighborhood Parks (SNP) Bond funds and General Obligation Bonds (GOB).

ZSF's Financial Statements for 2007 and 2008 lists Miami Metrozoo marketing allotment of \$1,005,000 for FY2007 and \$950,000 for FY2008. ZSF was awarded \$248,080 and \$308,412 in Cultural Affairs grants for years ending September 30, 2007 and 2008 respectively. Actual amounts for SNP funds are administered by the ZSF on a cost reimbursement basis and these activities have not been recorded in the accompanying statement of activities.

ZSF's Financial Statements for 2008 and 2009 lists Miami Metrozoo marketing allotment of \$950,000 for FY2008 and \$1,150,000 for FY2009. ZSF was awarded \$308,412 and \$325,524 in Cultural Affairs grants for years ending September 30, 2008 and 2009 respectively.

On February 6, 2007, the Board approved Resolution R-120-07, authorizing the County to enter into a grant agreement with the ZSF for the construction of GOB Project No. 46. Additionally, R-120-07 authorized a significant modification to GOB Project No. 46. This significant modification revised the project description to: "Construction of Amazon and Beyond Project and Phase IV Lakes and Australia Exhibit." This significant modification allowed the Amazon and Beyond Project to be funded by GOB funds. The amount of GOB funds transferred to the Amazon and Beyond Project from GOB Project No. 46 was \$18.7 million. The \$18.7 million was used to contribute to the total project cost for Amazon and Beyond which was estimated at \$50 million.

On September 21, 2006, ZSF's Board of Directors passed a resolution that commits the ZSF to raise \$18.7 million in private funds to repay the County in understanding of Miami-Dade County's intent to reassign GOB funds, estimated at \$18 million, to complete the Amazon and Beyond Project.

Resolution R-120-07 does not legally commit the ZSF to pay the County \$18.7 million, however, ZSF's financial statements reflect its intent on paying this balance by 2014.

**According to the Miami-Dade Parks and Recreation Department, Project No. 46 has a balance in the amount of \$12,281,130 for future use on the Amazon and Beyond/Lakes and Australia Exhibit. However, there is another legislative File No. 102455 on this same agenda (Item 2D Substitute) requesting a significant modification to Project No. 46 that will shift the \$12,281,130 funds to GOB Project No. 47 (Miami MetroZoo-Construction Phase V-Florida Exhibit).**

**How much of the \$18.7 million has been repaid by the ZSF to Miami-Dade County to date?**

**According to Miami-Dade Legislative File No. 102289 on this same agenda (Item 2D Supplement), ZSF has advised the County that the difficult economic situation over the last three years have made it extremely challenging to raise private dollars anticipated to restore the funding by 2014 (\$18.7 million) but the organization stands committed to raising \$3 million for the Florida Exhibit (GOB Project No.47) by the time it is ready to open.**

**Due to ZSF's inability to pay by 2014, how will that affect project no. 46, no. 47 and/or other GOB projects?**

## **Policy Change**

Changes in the OA include the following:

- Replaces reference of Miami MetroZoo to “Miami-Dade Zoological Park and Gardens” and recognizes that the name “Zoo Miami” will be used for marketing and recognition purposes;
- Updates Zoo Miami description in Section 1 (c) from “900 wild animals in its 295 developed acres, exhibiting mammals, birds and reptiles” to “Housing more than 2,000 exotic animals”;
- Removes the section of the agreement that references the Governing Board Membership since this is already included in Section 2-1151 of the Miami Dade County Code; and
- Removes ZSF responsibility of operating the Zoo Miami gift shop and will only operate the contact yard and ecology theatre areas of the Children’s Zoo.

## **Comments**

Legislative File No. 102100 on this same agenda (Item 3A), seeks to amend the Miami Dade Zoological Park and Gardens Oversight Board Ordinance as it relates to Board membership.

The General Fund subsidy for FY09-10 to the zoo was \$9.261 million.

Prepared by: Mia B. Marin.

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FISCAL IMPACT ANALYSIS (PAGE 1 OF 2)

**Agenda Item:** 4B – Park & Recreation Department

**File Number:** 102281

**Type of Item:** Resolution Authorizing Execution of Agreement No. 4600001923 with the South Florida Water Management District (SFWMD) for Trail Glades Range Culvert Crossing

**Committee(s)**

**of Reference:** Recreation, Culture & Tourism

**Date of Analysis:** 11/03/10

**Funding Request** \$0

**Operating**

**Capital**  **CIP page number** \_\_\_\_\_

**Operating Funding Source(s):**

**Recurring Estimated Operating Cost** \$ \_\_\_\_\_

**General Fund**

**Capital Funding Source(s):**

**Federal**

The Funding Source is Building Better Communities (BBC) General Obligation Bonds (GOB) allocated to BBC GOB Project No. 44, Trail Glades Range, Index Code CPD044PR1780; GOB Significant Modification reallocated interest proceeds from Project No. 322, "Northside Police Station to Project No. 44, "Trail Glades Range", approved under Resolution No. R-708-10.

**State**

**Proprietary**

**Other**  **Grants**

**Yes**  \$ \_\_\_\_\_ % \_\_\_\_\_

**County Match required:**

**No**

**ISSUES**

**None**

1. The agreement with SFWMD is for reimbursement of \$157,946.88 to the Miami-Dade Park and Recreation Department (MDPR) for the culvert crossing replacement project.

2. The estimated project cost:

- SFWMD reimbursement \$ 157,946.88
  - GOB funding (design, etc) 130,790.04
  - GOB funding (construction) 811,263.08
- \$1,100,000.00

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FISCAL IMPACT ANALYSIS (PAGE 2 OF 2)

3. SFWMD reimbursement breakdown is as follows:
- |  |                   |
|--|-------------------|
| • Task 1-Design and Permitting (Due Date: 09/30/2011)                | \$ 18,769.25      |
| • Task 2-Bid Solicitation/Contracts Documents (Due Date: 02/29/2012) | 937.50            |
| • Task 3-Construction and Oversight (Due Date: 10/31/2011)           | <u>138,240.13</u> |
|  | \$157,946.88      |
4. The District will only be obligated to pay for the documented actual expenditure within the not-to-exceed amounts specified. In the event actual expenditures by MDPH are less than the not-to-exceed for a particular task, MDPH shall have the right to apply the unexpended balance towards a subsequent task.

**Prepared by:** Carolyn Martin

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FISCAL IMPACT ANALYSIS (PAGE 1 OF 2)

**Agenda Item:** 4F – Park & Recreation Department

**File Number:** 102339

**Type of Item:** Paralympic Sport Club (PSC) Agreement with the United States Olympic Committee (USOC)

**Committee(s)**

**of Reference:** Recreation, Culture & Tourism

**Date of Analysis:** 11/04/10

**Funding Request:** \$0

Operating

Capital  CIP page number \_\_\_\_\_

**Operating Funding Source(s):**

**Recurring Estimated Operating Cost** \$ \_\_\_\_\_

General Fund

**Capital Funding Source(s):**

Federal

State

Proprietary

Other  Grants

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

**County Match required:**

No

**ISSUES**

None

1. The Agreement will be monitored and managed by the Miami-Dade Park and Recreation Department (MDPR), Leisure Access Services Division, Manager (Local Operator).
2. Per the Paralympic Sport Club Agreement:
  - The State Paralympic Experiences are one day, locally run events which take place in various locations across the country. In the event the parties decide to have a Local Operator run a State Paralympic Experience, the USOC will provide a grant of \$250 upon proper invoice from the Local Operator to assist in the event.

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FISCAL IMPACT ANALYSIS (PAGE 2 OF 2)

- The Local Operator does hereby agree to indemnify, defend and hold harmless the USOC to the extent and within the limitations of Section 768.28 Fla. Stat., subject to the provisions of that Statute whereby the Local Operator shall not be held liable to pay a personal injury or property damage claim or judgment by any one person which exceeds the sum of \$100,000, or any claim or judgment of portions thereof, which, when totaled with all other occurrences, exceeds the sum of \$200,000, from any and all personal injury or property damage claims, liabilities, losses and causes of action which may arise solely as a result of negligence of the Local Operator. The foregoing is not a cap on liability for grossly negligence or willful acts. However, nothing herein shall be deemed to indemnify the USOC from any liability or claim arising out of the negligent performance or failure of performance of the USOC or any unrelated third party.

**Prepared by: Carolyn Martin**