



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Recreation, Culture & Tourism Committee

September 13, 2010
2:00 PM
Commission Chamber

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

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

September 13, 2010

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

Item Number(s)

2(B)
4(D)

Fiscal impact analyses for the below listed items are attached for your consideration in this Legislative Analysis.

4(D)

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(B)
File Number: 102103
**Committee(s)
of Reference:** Recreation, Culture & Tourism Committee
Date of Analysis: September 10, 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 (Society).

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 Society receives an annual allotment from Miami-Dade County to create and execute a marketing plan for Miami Metrozoo. The annual allotment is executed on a reimbursement basis.

A review of the Society's financial Statements reveals 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).

The Society's Financial Statements for 2007 and 2008 lists Miami Metrozoo marketing allotment of \$1,005,000 for FY2007 and \$950,000 for FY2008. The Society 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 Society on a cost reimbursement basis and these activities have not been recorded in the accompanying statement of activities.

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

Pursuant to Resolution R-120-07, the County authorized a significant modification to 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 the GOB. The amount of GOB funds used to fund 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, the Society's Board of Directors passed a resolution that commits the Society to raise \$18.7 million in private funds to repay the County in understanding that Miami-Dade County reassigned GOB funds, estimated at \$18 million, to complete the Amazon and Beyond Project.

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

According to the Office of Capital Improvements Information System, Project No. 46 shows as being completed and the GOB funds expended from GOB Series A and C proceeds.

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

If the Society is unable to repay by 2014, how will that affect project no. 46 and/or other GOB projects?

Prepared by: Mia B. Marin.

**MIAMI-DADE COUNTY
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Legislative Notes

Agenda Item: 4(D)
File Number: 102121
Committee(s) of Reference: Recreation, Culture & Tourism
Date of Analysis: September 13, 2010
Type of Item: Resolution Authorizing Ratification of a Memorandum of Agreement

Summary

This resolution ratifies a Memorandum of Agreement (MOA) between Miami-Dade County and the Florida Department of Transportation for the integration of a public art work at the Miami Intermodal Center/Central Station-Vestibule.

Background and Relevant Legislation

The Miami Intermodal Center-Earlington Heights (MIC-EH) Connector Project is included among the Rapid Transit Improvements listed in Exhibit 1 of the People’s Transportation Plan (PTP). The MIC-EH is funded through a combination of funding from the Florida Department of Transportation (FDOT) and proceeds from the PTP Surtax. According to the FY2009-10 Miami-Dade County Resource Allocation and multi-Year Plan, the MIC-EH project is budgeted at \$526 million; funded by FDOT for \$100 million and PTP Bond Proceeds at \$426 million.

Article 1, Section 2-11.15 of the Miami-Dade County Code, requires the allocation of not less than one and one half percent (1 ½ %) of the construction cost of new government buildings for works of art. Miami-Dade Transit has contributed \$1,203,406 for the commissioning of a work of art that is generated from the MIC-EH project.

According to the Cultural Affairs Department, the art work is expected to be finished in January 2011.

Fiscal Impact

According to the Department of Cultural Affairs (Administering Department for the Miami-Dade Art in Public Places Program), the total project allocation from the MIC-EH Station is \$1,203,406. Miami-Dade Transit (MDT) will cover the cost of the project which will include the design, fabrication and installation of the artwork. FDOT will agree (through the MOA) for the County-owned artwork to be located in the state-owned area.

The overall and artwork budget breakdown is as follows:

Overall APP budget Breakdown:

Maintenance	15%	\$180,511
Administration	20%	\$240,681
APP Contingency	5%	\$60,170
Artwork	60%	\$722,000
Total		\$1,203,362

Artwork Budget Breakdown:

Artist's Fee (Design, Consulting Fees, Travel)	\$216,600
Specialty Glass Fabrication & Installation	\$228,800
Artwork application	\$216,600
Total	\$722,000

According to the Cultural Affairs Department, this project will be funded from MDT budget in FY2009-10 and FY2010-11.

Comments

On June 2, 2009, the Board of County Commissioners approved resolution R-726-09 which authorized a retroactive waiver of the art in public places requirement for the Overtown Transit Village Buildings I and II for approximately \$1,353,000. This waiver allowed \$1,353,000 to be available for use by MDT for other costs.

Prepared by: Mia B. Marin

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
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FISCAL IMPACT ANALYSIS

Agenda Item: 4D – Cultural Affairs Department

File Number: 102121

Type of Item: Ratification of the Memorandum of Agreement between Miami-Dade County and the Florida Department of Transportation for the integration of a public art work at the Miami Intermodal Center/Central Station-Vestibule.

Committee(s)

Of Reference: Recreation, Culture & Tourism

Date of Analysis: 09/08/10

Funding Request: N/A

Operating

Capital **CIP page number** _____

Operating Funding Source(s):

Recurring Estimated Operating Cost: Undetermined

General Fund

Capital Funding Source(s):

Federal

The funding sources: Section 2-11.15 of the Miami-Dade County Code requires the allocation of not less than one and one-half percent of the construction cost of new government buildings for works of art. Miami-Dade Transit has contributed \$1,203,406 for the commissioning of a work of art.

State

Proprietary

Other

County Match required:

Yes \$ _____ % _____

No

ISSUES/COMMENTS **None**

In the Memorandum of Agreement between the County and Florida Department of Transportation:

-The County will own the artwork. If FDOT justifies removal, the costs of uninstalling the artwork and restoring the MIC Central Station Vestibule are undetermined; however, the County agrees that it will be responsible for such costs, if reasonable (page 9).

Note: Cultural Affairs has indicated that the artwork is integrated into the ceiling and therefore cannot be removed.

The County's repair obligation is subject to appropriation of funds. In the event that the County should fail to repair or restore the artwork as needed, FDOT reserves the right to require removal (page 10).

Note: Cultural Affairs has indicated the dedicated percentage of county funding and appropriation for repairs and restoration of the artwork is 15% of the commissioned artwork (\$180,000).

Prepared by: Carolyn Martin