

Memorandum



Date: June 15, 2005

To: Honorable Chairman Joe A. Martinez and Members
Board of County Commissioners

From: George M. Burges
County Manager

Subject: Sunset Review of County Boards for 2005 - Miami Metrozoo Oversight Board

IRCA
Agenda Item No. 5 (B)

RECOMMENDATION

It is recommended that the Board approve the continuation of the Miami Metrozoo Oversight Board.

BACKGROUND

The Chairperson and its members approved the Sunset Review of County Boards Report at its meeting of January 3, 2005 and staff concurs.

The Miami Metrozoo Oversight Board was created on November 28, 1998 by Ordinance Number 98-168. The Oversight Board is a governing advisory board to the Board County Commissioners. The Oversight Board's principal responsibilities include overseeing development of goals/objectives and the Zoo Master/Strategic Plan, overseeing preparation of the consolidated Zoological Society/County Zoo budget, and overseeing compliance of terms and conditions of the operating agreement between the County and the Zoological Society.

The Miami Metrozoo Oversight Board is a nine member entity with no terms of office. The members include the Mayor, County Manager, Park and Recreation Department Director, President and Immediate Past Presidents of the Zoological Society, Directors of the Zoological Society and Metrozoo, a member of the Executive Committee of the Zoological Society and a member of the Board of County Commissioners. There are currently no vacancies.

Major accomplishments of the Board are listed in the attached Sunset Review Report. The Board is serving the purpose for which it was created and should continue to function.

Alex Munoz
Assistant County Manager

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2005**

I. GENERAL INFORMATION

1. Name of Board reporting: MIAMI METROZOO OVERSIGHT BOARD

2. Indicate number of board members, terms of office, and number of vacancies:
The nine Board members are established by Ordinance with no terms of office. There are currently no vacancies.

3. Identify number of meetings and members' attendance (Attach records reflecting activity from **Jan. 1, 2003** through **December 31, 2004**):
There were eight (8) meetings during January 1, 2003 through December 31, 2004. Attached is a graph showing meeting attendance.

4. What is the source of your funding? NONE

5. Attach a copy of the ordinance creating the Board and its standard operating procedures, if any. ORDINANCE ATTACHED.

6. Attach a copy of the Board's by-laws (if any) and include the Board's Mission Statement:

7. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, including a vote of the membership.

8. Include a diskette, saved as ASCII or Rich Text Format (RTF), of the County Manager's memorandum to the Board of County Commissioners with his recommendation.

II. EVALUATION CRITERIA

1. Is the Board serving the purpose for which it was created? YES

2. Is the Board serving current community needs? YES

SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2005

3. What are the Board's major accomplishments?
- a. Last 24 months Approval Marketing Plan for Fiscal Year 2002 – 2003 and 2003 – 2004, and Joint Budget as well as an Education Programming Plan. Opening of the Aviary.
 - b. Since established approved new Master Plan and helped successful campaign for GOB bringing \$87 million to Zoo.
4. Is there any other board, either public or private, which would better serve the function of this board?
NO
5. Should the ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created? (Attach proposed changes, if answer is "Yes")
- _____
- _____
- _____
6. Should the Board's membership requirements be modified?
NO.
7. What is the operating cost of the Board, both direct and indirect (Report on FY 2004 and FY 2005)?
Staff support provided by Miami Dade County Park and Recreation Department and the Zoological Society of Florida.
8. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.
None have been developed formally, however the working relationship between the County and the Zoological Society, which was a main point in the established of the Zoo Oversight Board is enjoying a dramatic turn around and the parties, are performing well together.

**THE ZOO OVERSIGHT BOARD COMMITTEE
2004 – 2005 (9 MEMBERS)**

- Mr. Carlos Alvarez, Executive Mayor, Miami-Dade County
- Mr. Vincent L. Berkeley, Chair ZSF President Elect
- Mr. Glenn Ekey, CEO/ President of ZSF
- Ms. Jennifer Getz, Immediate Past President, ZSF
- Ms. Alina Tejada Hudak, Assistant County Manager
- Mr. Dan Licciardi, Zoological Society of Florida (ZSF) Executive Committee
- Commissioner Dennis Moss, District 9
- Ms. Vivian Donnell Rodriguez, Director, Park & Recreation Department
- Mr. Eric Stephens, Director, Miami Metrozoo

MIAMI METROZOO OVERSIGHT BOARD COMMITTEE ATTENDANCE

	2/25/03	3/31/03	5/13/03	12/2/03	3/22/04	5/6/04	7/14/04	12/18/04
Mayor Alex Penelas	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent
Dennis Moss Commissioner District #9	X	X	X	X	X	X	X	X
Alina Hudak Assistant County Manager	X	Absent	X	X	X	X	Absent	X
Vivian Donnell Rodriguez Director, Park & Recreation	X	X	X	X	X	X	X	X
Eric Stephens Director, Miami Metrozoo	X	X	X	X	X	X	X	X
Vincent Berkeley Chairman of the Board ZSF	X	X	X	X	X	X	Absent	X
Glenn Ekey, President & CEO ZSF	X	X	X	X	X	X	X	X
Daniel Licciardi ZSF Executive Com.	X	X	X	X	X	X	X	X
Jennifer Getz ZSF Executive Com	Absent	Absent	Absent	Absent	Absent	Absent	Absent	Absent

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 5 (A)
11-24-98

ORDINANCE NO. 98-168

ORDINANCE CREATING THE MIAMI METROZOO
OVERSIGHT BOARD; PROVIDING FOR MEMBERSHIP,
PURPOSE, ORGANIZATION AND PROCEDURE,
APPOINTMENT AND TENURE, POWERS, DUTIES AND
FUNCTIONS OF THE BOARD, AND STAFF SUPPORT;
PROVIDING FOR RELATED OPERATING AGREEMENT;
PROVIDING SEVERABILITY, INCLUSION IN THE CODE,
AND AN EFFECTIVE DATE

WHEREAS, it is in the public interest to ensure that Miami Metrozoo is operated, maintained, restored, preserved and accredited by the American Association of Zoos and Aquariums as a zoological park of national stature and recognition for the benefit of the residents of Miami-Dade County and visitors to South Florida; and

WHEREAS, essential conditions which must be met to maintain accreditation include establishing a clear mission for the institution and governance structure which will advocate and advance the mission, and

WHEREAS, it is the intention of this Board to clarify the responsibilities of the County Manager, Zoo Director, the Park and Recreation Department, and the Zoological Society of Florida whereby the governance and operating relationship between the County and Zoological Society shall be compliant with generally accepted standards.

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

Section 1. The Code of Miami-Dade County shall be amended by the addition of the following new section:

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1. **Creation of the Miami Metrozoo Oversight Board.** There is hereby created and established as an agency and instrumentality of Miami-Dade County a board which shall be named and known as the Miami Metrozoo Oversight Board (hereinafter referred to as "the Zoo Board").

2. **Purpose.** The Zoo Board shall be a governing advisory board to the Board of County Commissioners and have such rights and responsibilities as set forth in this ordinance and in the Miami Metrozoo Operating Agreement with the Zoological Society. In addition to overall policy and operational guidance, the Board shall be responsible for establishing long and short term strategic and program plans for Metrozoo, including the establishment of goals and objectives guiding all activities and for overseeing the preparation of a consolidated (Society and County) budget for Metrozoo for adoption by the Society and Board of County Commissioners.

3. **Designated Facilities.** Facilities designated as Miami Metrozoo. As used herein, the term "Miami Metrozoo" shall include certain real property owned Miami-Dade County at the zoological park located at 12400 SW 152 Street subject to certain restrictive covenants and its related personal property utilized to support the Miami Metrozoo.

4. **Board Membership**

A. **Members.** Oversight of the policy and operation of the Miami Metrozoo shall be performed by an Oversight Board composed of the following nine (9) members:

- (a) The Executive Mayor and in his absence, a designee who shall be a County Commissioner;
- (b) The Miami-Dade County Manager or designee;
- (c) The Sitting President of the Zoological Society;

- (d) The immediate past president of the Zoological Society;
- (e) The Executive Director of the Zoological Society;
- (f) The Executive Director of the Miami Metrozoo;
- (g) The Director of the Miami-Dade Park and Recreation Department.
- (h) A member of the Board of County Commissioners to be designated by the Executive Mayor; and
- (i) A member of the Executive Committee of the Zoological Society.

Members of the Zoo Board shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties. Each member must sign and abide by a code of ethics modeled after the most recent American Association of Zoos and Aquariums Code of Ethics.

5. Organization of the Oversight Board.

(a) **Officers.** The Zoo Board shall elect one of its voting members as chairperson and one of its voting members as vice-chairperson and shall designate a secretary who may or may not be a member of the Zoo Board, and such other officers as the Zoo Board may determine to be necessary. In addition, the Zoo Board shall make, adopt and amend by-laws, rules and regulations for its own governance and for the operation, governance, restoration, preservation and maintenance of designated facilities.

(b) **Meetings.** The Zoo Board shall hold regular meetings, no less than six times per year, and such other meetings, as it deems necessary. A majority of the duly appointed and sitting members of the Zoo Board shall constitute a quorum. Minutes shall be kept of all meetings of the Zoo Board and all meetings shall be duly noticed to the public.

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(c) **Committees.** The chairperson shall nominate and the Zoo Board shall appoint the chairperson and members of such committees as the Zoo Board shall find helpful to their mission, however, no authority to act or speak in the name of the Zoo Board shall be delegated to a committee. Each committee shall be chaired by a duly appointed member of the Zoo Board, however, committee membership may include persons who are not members of the Zoo Board. The Zoo Board may establish or eliminate committees at its discretion.

(d) **Applicability of County rules and procedures.** The Zoo Board 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 Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 2-11.1 of the Code of Miami-Dade County.

(e) **Restriction on the Zoo Board.** Neither the Zoo Board nor any of its members shall direct or request the appointment of any person to, or his removal from their position by the County Zoo Director or Zoological Society Executive Director or any of their subordinates, or take part in the appointment or removal of Miami-Dade or Society employees at Miami Metrozoo, provided, however, that the Zoo Board and its members may render advisory assistance regarding the removal and appointment of the Directors as provided in this ordinance. Except for the purpose of inquiry, the Zoo Board and its members shall deal with the employees at Miami Metrozoo solely through the Executive Directors of the Zoological Society and the County Zoo Director and neither the Zoo Board nor any members thereof shall give orders to any subordinates of the Executive Directors of the Zoological Society and the County Zoo Director, either publicly or privately. Any willful violation of the provisions of this section by a member

of the Zoo Board shall be grounds for his or her removal from the Zoo Board by an action brought in the Circuit Court by the State Attorney of this County.

(f) **Attendance requirement.** Notwithstanding any other provision of this Code, any board member shall be automatically removed if, in a given fiscal year: (i) he or she is absent from two consecutive meetings without an acceptable excuse; or, (ii) if he or she is absent from three of the Zoo Board's meetings without an acceptable excuse; or, (iii) whether excused or not, he or she misses 2/3rds of the Zoo Board's meetings in a given fiscal year. A member shall be deemed absent from a meeting when he or she is not present at the meeting at least seventy-five percent of the time. An "acceptable excuse" is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason which the Zoo Board, by a two-thirds vote of the membership, deems appropriate. By a two-thirds (2/3) vote of the members of the full Zoo Board, the provisions of this section may be waived.

(g) **Staff Support.** The County Manager and the County Attorney, in cooperation with the Zoological Society of Florida, shall provide such staff support to the Zoo Board as may be necessary to accomplish its purpose.

6. **Operating Agreement.** The relationship between the County and Zoological Society and the manner in which these parties work jointly under the oversight of the Zoo Board shall be set forth in an Operating Agreement. The Operating Agreement shall include but not be limited to the following terms and conditions: requirement for the development and approval of a master strategic plan and maintaining national accreditation, establishment of specific goals and objectives, development of a consolidated (Society and County) budget, stipulating the manner in which capital improvement, zoo operations, marketing, fundraising, education and other activities will be conducted jointly by the Society and the County. The Operating Agreement

shall be approved by the Board of County Commissioners and Zoological Society of Florida Board of Directors.

7. **Liberal construction to effectuate public purpose.** This ordinance, being for the public purpose and for the long-term welfare of the Miami Metrozoo facilities and the present and future citizens of Miami-Dade County, Florida, shall be liberally construed to effect the purposes hereof.

Section 2. **Severability.** 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 3. **Incorporation into Miami-Dade Code.** 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 4. **Effective Date.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. **Sunset Ordinance.** This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: NOV 24 1998

Approved by County Attorney as to form and legal sufficiency:

[Signature]

Prepared by:

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MEMORANDUM

Amended
Agenda Item No. 5(a)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: (Public Hearing 11-24-
October 6, 1998

SUBJECT: Miami Metrozoo
Oversight Board

FROM: 
M. R. Stierheim
County Manager

0#98-168

RECOMMENDATION

It is recommended that the Board approve the attached ordinance which establishes an Oversight Board to guide the operations, development and policy of Miami Metrozoo. The Oversight Board formalizes a collaborative effort between the Zoological Society of Florida and Miami-Dade County to join resources to ensure the continued viability and improvement of the zoo.

BACKGROUND

As with many county operated programs, the Miami Metrozoo has been experiencing increasing challenges to provide quality service in the face of limited funding. The zoo has an additional difficulty in that it relies heavily on paid patronage and philanthropic support to sustain its facilities and programs. Fortunately, our zoo enjoys the assistance of a broad support group in the form of the Zoological Society of Florida. In addition to maintaining the membership base, the Society manages the zoo store, a complement of volunteers, an education program, including the hands-on children's zoo, PAWS and a significant fundraising effort. The Society has raised approximately \$30 million in external funding in the last 15 years to support the zoo.

You may be surprised to know that while we have maintained a 42-year relationship with the Zoological Society, we do not have a written agreement with the organization to clearly establish the terms and conditions of the relationship. In response to concerns of the Society, Mayor Penelas convened a series of meetings last fall to begin to organize an operating agreement to clarify and formalize the relationship. One of the aspects of a zoo operation which is considered in maintaining accreditation by the American Zoo and Aquarium Association (AZA) is the clarity of the facility's governance structure and the ability of its supporting organizations to advance the mission of the institution. The negotiations with the Society were suspended while the AZA conducted a pre-accreditation review of the Miami Metrozoo during the early part of this year. Upon submission of its report in April, the AZA cited concerns about the status of our relationship with the Zoological Society. Negotiations with the Society resumed this summer and the result is the recommendation of the Oversight Board which is established by this proposed ordinance as well as a companion operating agreement. The companion operating agreement is scheduled to be

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submitted for your approval with the second reading of this ordinance. We felt the Board would benefit from an early review of the proposed operating agreement while considering this ordinance between first and second reading, therefore, attached is the latest working version to this ordinance. This agreement has the approval of both the county staff and the Executive Board of the Zoological Society.

The Oversight Board is essentially a policy and operational governing entity carrying out related responsibilities for the County Commission. There is no conveyance of county property to the Board. The day-to-day zoo operations continue as presently performed by the Park and Recreation Department. The recommended ordinance creates a seven-member governing entity comprised of the Mayor, County Manager, Park and Recreation Director, President and Immediate Past President of the Zoological Society and Directors of the Zoological Society and Metrozoo. The Oversight Board's principal responsibilities are:

- oversee development of goals/objectives and the Zoo Master/Strategic Plan,
- oversee preparation of the consolidated Society/county zoo budget,
- oversee compliance of terms and conditions of the operating agreement between the county and Zoological Society, and
- serve as governing advisory board to the County Commission.

The establishment of the Oversight Board together with approval of an operating agreement with the Zoological Society will represent a significant step in strengthening our partnership with this fine support organization. We have discussed this proposal with the AZA accreditation Task Force Chair and this approach is regarded as a good model toward an improved working relationship. In the interest of ensuring the ongoing improvement of one of our most unique public assets and visitor attractions, your approval is respectfully recommended.

Attachment

MRS13598

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MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: November 24, 1998

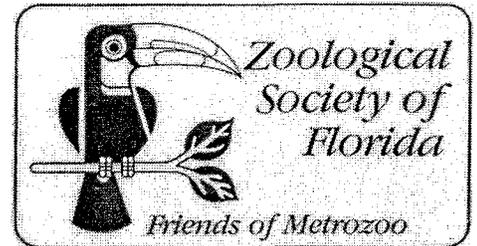
FROM: Merrett R. Stierheim
County Manager

SUBJECT: Fiscal Impact of Proposed
Ordinance Creating the
Miami Metrozoo
Oversight Board

The proposed ordinance establishes an Oversight Board to guide the operations, development and policy of Miami Metrozoo, as outlined in my memorandum of October 6, 1998. The ordinance results in no fiscal impact to the County.



**ZOO OVERSIGHT BOARD
COMMITTEE
February 23, 2005 @ 10:00 A.M
ZOOLOGICAL SOCIETY OF
FLORIDA BOARD ROOM**



MEMBERS PRESENT: Vince Berkeley, Alina Tejeda Hudak, Glenn Ekey,
Commissioner Dennis Moss, Dan Licciardi,
Vivian Donnell Rodriguez, Eric Stephens

Mr. Stephens presented the *2005 Sunset Review of County Board*. It is recommended that the Board approve the continuation of the Miami Metrozoo Oversight Board.

MOTION: Mr. Stephens moved that we approve the 2005 Annual Sunset Review Report, seconded by the chair. Motion unanimously approved.