



MEMORANDUM

Agenda Item 15(C)2

To: Honorable Chairman Bruno A. Barreiro, and
Members, Board of County Commissioners

Date: April 24, 2007

From: Honorable Harvey Ruvin, Clerk
Circuit and County Courts

Subject: Re-appointment of Cathy Jones
to the Vizcaya Museum and Trust
and Waiver of Term Limitation

Kay Sullivan, Director
Clerk of the Board Division

It is recommended that the Board authorize the re-appointment of Ms. Cathy Jones to the Vizcaya Museum and Gardens Trust, which was made by Commissioner Dorrin D. Rolle on March 6, 2007. Authorization by the Board is needed in order for Ms. Jones to serve a third consecutive term on the Trust.

Section 2-1113 (D) of the Code of Miami-Dade County provides that no trustee shall be permitted to serve on the Trust for 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. Ms. Jones has served as a Trust member since April 1999.

Attached for your review and information, are copies of Commissioner Rolle's memorandum of appointment, a letter from Joel M. Hoffman, Executive Director of Vizcaya Museum and Gardens dated January 19, 2006, and Ms. Jones' resume.

KS:sm
Attachments



Board of County Commissioners
MIAMI-DADE COUNTY - FLORIDA

DISTRICT 2

111 N. W. FIRST STREET, SUITE 220

MIAMI, FLORIDA 33128-1963

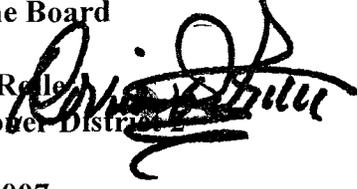
(305) 375-4833

FAX (305) 375-4843

DORRIN D. ROLLE
COMMISSIONER

MEMORANDUM

TO: Kay Sullivan
Clerk of the Board

FROM: 
Dorrin D. Rolle
Commissioner, District 2

DATE: March 6, 2007

SUBJECT: Advisory Board Re-appointment

CLERK OF THE BOARD
2007 MAR - 8 PM 4: 35
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
#1

Vizcaya Museum and Gardens

Please be advised that I have made the following re-appointment:

Cathy Jones
Three Grove isle Drive, Apartment #502
Coconut Grove, Florida 33133
(305) 856-6364

DISTRICT OFFICE

900 N.E. 125TH STREET, SUITE 200

MIAMI, FLORIDA 33161

PHONE (305) 694-2779

FAX (305) 694-2781

SATELLITE OFFICE

2340 N.W. 27TH AVENUE

MIAMI, FLORIDA 33142

PHONE (305) 638-6800

FAX (305) 638-6660

January 19, 2006

Honorable Dorrin D. Rolle
Commissioner
Miami-Dade County
111 NW 1st Street, Suite 220
Miami, FL 33128

Dear Commissioner Rolle,

The Vizcaya Museum and Gardens Trust deeply appreciates your appointment of Cathy Jones as District 2 representative on the Trust.

Ms. Jones has been an exceptionally active member of the Trust, advocating consistently for making Vizcaya as accessible to the public as possible and serving on several committees, among them the Executive Committee, the Nominating Committee, and the Café and Shop Committee. She was recently elected Vice Chair of the Trust based on her invaluable knowledge of the museum, its mission, and its key stakeholders.

Ms. Jones has already completed two consecutive three-year terms on the Trust. According to the Ordinance that created the Trust, Ms. Jones would require an affirmative vote from at least nine Board of County Commissioners if she is to serve a third consecutive three-year term. In recognition of Ms. Jones's outstanding service and commitment, the Vizcaya Museum and Gardens Trust voted unanimously to recommend to you and the Commission that she be considered for a third term. The Trust recognizes that this appointment is completely within your discretion and that you may wish to appoint someone in her stead.

If you would like to reappoint Ms. Jones, we will work with your office to facilitate the process, which was conducted smoothly on behalf of several other Trust members last year. We greatly appreciate your consideration of this request and would be grateful for a reply at your earliest convenience. Please do not hesitate to contact me at 305.860.8422 if you have any questions.

Sincerely,

Joel M. Hoffman
Executive Director

CATHY JONES

THREE GROVE ISLE DRIVE, APARTMENT 502
COCONUT GROVE, FLORIDA 33133
(305) 856-6364 / FAX (305) 285-4710

CLERK OF THE BOARD
2007 MAR -8 PM 4:35
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
#1

COMMUNITY ORGANIZATION MEMBERSHIP/CHAIRMANSHIPS/HONORS

- 1976 Sunrise School for Retarded Children Annual Christmas Party, Chairman
- 1976 Eastern Airlines In-Flight Division United Way Drive, Chairman/
Recipient of "Standard of Excellence" award
- 1979 Devonwood Homeowner's Association, President
- 1979 – 1981 American Heart Association "Yacht Rendezvous" ,
Chairman/Coordinator of fundraising events
Cancer Society Luncheon Committee, Member
- 1980 – 1985, American Heart Association – "Women With Heart" Luncheon,
Chairman/
1991 developed & implemented inaugural function
- 1980 – 1986 American Heart Association, Member, Board of Directors
- 1981 American Heart Association, Recipient of the William's Island "No Man
Is An
Island" award
- 1983 Theatre Arts League, Vice President
- 1983 – 1985 Big Brothers Big Sisters, Member, Board of Directors
Women's Committee
- 1984 Big Brothers Big Sisters Women's Committee, Vice President
- 1984 Bascom Palmer Eye Institute, First Fundraiser Ball, Co-Chairman
- 1984 American Heart Association, "Heart Ball", Co-Chairman
- 1984 Big Brothers Big Sisters, Annual Ball, Chairman
- 1984 – 1989 Big Brothers Big Sisters, Annual Children's Christmas Party, Chairman,
Co-Chairman and Committee Member
- 1985 Big Brothers Big Sisters, "Night of Stars Toast and Roast" Committee, Co-
Chairman

1986	American Heart Association, Recipient, "Woman of the Year" award
1986 – 1989	Big Brothers Big Sisters Advisory Board, Member
1986	March of Dimes Gala, Community Celebrity Cooks, Chairman
1986	Young Patronesses of the Opera, Annual Ball, Chairman
1988 – 1989	Big Brothers Big Sisters Directory Dedication, Women's Committee, Honoree
1992 – 1993	The Vizcayans, Board of Directors, Member
1993 – 1995	The Vizcayans, First Vice President; Vizcayans Ball, Chairman
1996	American Cancer Society, "Ten Best Dressed"
1996 – 1999	The Vizcayans, President
1997 – 1998	Vizcaya Museum and Gardens Trust, Task Force, Member
1998	Big Brothers Big Sisters, Mentors Making Miracles, Community Award Recipient
1998 – 2000	Vizcaya Museum and Gardens Trust, Member
2000	The Vizcayans, Annual Ball, Co-Chairman
2001 – 2005	The Vizcayans, Annual Ball, Committee Member
2002 – 2004	Vizcaya Museum and Gardens Trust, Nominating Committee, Chairman
2004 – 2005	Task Force to Advance Relationship between Vizcaya Museum and Gardens and The Vizcayans
2005	The Vizcayans, Treasurer
2005	The Vizcayans, Executive Board, Member
2005	Vizcaya Museum and Gardens Trust, Café & Shop Committee, Chairman

2005 Vizcaya Museum and Gardens Trust, Finance Committee, Member
2006 The Vizcayans, Finance Committee, Member
2006 Vizcaya Museum and Gardens Trust, Vice Chairman

ARTICLE LXXXI. VIZCAYA GARDENS AND MUSEUM TRUST

Sec. 2-1111. Creation of the Vizcaya Museum and Gardens Trust.

There is hereby created and established as an agency and instrumentality of Miami-Dade County a revocable trust which shall be named and known as the Vizcaya Museum and Gardens Trust (hereinafter referred to as "the Trust").

(Ord. No. 98-112, § 1, 7-21-98)

Sec. 2-1112. Designated facilities.

A. *Facilities designated as Vizcaya Museum and Gardens.* As used herein, the term "Vizcaya Museum and Gardens" shall include:

(1) That certain real property acquired by the County on November 1, 1952 by Warranty Deed, recorded in the public records of Miami-Dade County at Book 3673, Pages 64-69 (main house and surrounding gardens), subject to certain restrictive covenants;

(2) That certain real property acquired by the County on November 9, 1955 by Warranty Deed, recorded in the public records of Miami-Dade County at Book 4193, Pages 345-351 (Vizcaya Farm Village and surrounding property), subject to certain restrictive covenants; and

(3) That certain personal property and art objects located in 1952 in the main residential building of Vizcaya, James Deering Estate and subsequently acquired by Miami-Dade County.

(Ord. No. 98-112, § 2, 7-21-98)

Sec. 2-1113. Governing body.

A. *Members.* The governing body of the Trust shall be a Board of Trustees composed of twenty-four (24) members, none of whom shall be employees of the Trust. The members shall be the following:

(a) One (1) appointment from each member of the Board of County Commissioners;

(b) One (1) appointment by the Executive Mayor;

(c) The Miami-Dade County Manager or his designee;

(d) The President of the Vizcayans;

(e) The Chairperson of the Foundation of Villa Vizcaya;

(f) The President of the Guides;

(g) The Chairperson of the Black Archives, History and Research Foundation of South Florida, Inc. or designee;

(h) A Representative of the Deering/Danielson Family chosen by the Trust;

(i) The President or Chairperson of the Cultural Affairs Council.

(j) The Director of the Miami-Dade Park and Recreation Department.

(k) The Chairperson of the Miami-Dade Hispanic Advisory Board.

(l) The Chairperson of the Miami-Dade Asian American Advisory Board.

Individuals shall be appointed based on the following criteria:

(a) Knowledge of and demonstrable service to Vizcaya Museum and Gardens;

(b) Knowledge of and service to museums;

(c) Representation of the diverse populations of the Miami-Dade County community;

(d) Ability to expand involvement in Vizcaya to communities that have historically not utilized and supported Vizcaya; and

(e) Special expertise in areas of museum collections, architectural preservation, environmental science, history, museum interpretation, landscaping, or historic preservation.

Members of the Trust 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 Museum's Code of Ethics.

B. *Vacancies on Board of Trustees.* 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 who represent the demographic composition of the entire community. When an initial or subsequent vacancy exists, the Executive Director of Vizcaya Museum and Gardens shall notify the appointing entity by registered mail, return receipt requested. Such notice shall inform the appointing entity of the vacancy and the fact that the Board of Trustees shall appoint an individual to serve if the vacancy is not filled within ninety (90) days of receipt of the notice. Upon expiration of ninety (90) days from the date of the delivery of such notice, the Board of Trustees may appoint an individual to serve that position until expiration of the existing term.

C. *Qualifications of Members.* Each member of the Board of Trustees shall be a United States citizen and a permanent resident and duly qualified elector of Miami-Dade County, unless the Board of County Commissioners waives the residency requirement by a two-thirds (2/3) vote of its membership, and shall be of an outstanding reputation of integrity, responsibility, and commitment to serving the community.

D. *Tenure and Removal of Members.* All members shall serve staggered terms of three (3) years each, provided, however, of the original Board of Trustees, the Trust shall select seven (7) members for a term of one (1) year and seven (7) members for a term of two (2) years and nine (9) members for a term of three (3) years.

No trustee 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 Miami-Dade County.

E. *Organization of the Board of Trustees.*

1. *Officers.* The Trust shall organize after the members thereof have qualified to serve and shall, each fiscal year, elect one (1) of its voting members as chairperson and one (1) of its voting members as vice-chairperson and shall designate a secretary who may or may not be a member of the Board, and such other officers as the Trust may determine to be necessary. In addition, the Trust 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.

2. *Meetings.* The Trust shall hold regular meetings, no less than six (6) times per year, and such other meetings, as it deems necessary. Nine members shall constitute a quorum. Minutes shall be kept of all meetings of the Trust and all meetings shall be duly noticed to the public.

3. *Committees.* The chairperson shall nominate and the Trust shall appoint the chairperson and members of such committees as the Trust shall find helpful to their mission, however, no authority to act or speak in the name of the Trust shall be delegated to a committee. Each committee shall be chaired by a duly appointed member of the

Trust, however, committee membership may include persons who are not members of the Trust. The Trust may establish or eliminate committees at its discretion.

4. *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 Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 1112-11.1 of the Code of Miami-Dade County.

5. *Voting Requirements.* Trustees may not designate alternates to vote on their behalf or vote by proxy.

6. *Protection from personal liability.* The members of the Trust may be included as insureds within the terms of any comprehensive general and professional liability insurance policies adopted by Miami-Dade County for the benefit of the Trust. Members shall, while acting within the scope of their duties, also be entitled to personal liability protection by Miami-Dade County, to the same extent that Miami-Dade employees and agents have such protection. Through the County Budgetary process, the Trust is empowered to obtain such additional Trust member's liability insurance as the Trust shall determine to be necessary, and the expense of such insurance shall be an expense of the Trust.

7. *Restriction on the Board.* Neither the Trust nor any of its members shall direct or request the appointment of any person to, or his removal from their position by the Executive Director or any of his subordinates, or take part in the appointment or removal of Miami-Dade employees at Vizcaya, provided, however, that the Trust and its members may take such actions regarding the removal and appointment of the Vizcaya Director as provided in this article. Except for the purpose of inquiry, the Trust and its members shall deal with the employees at Vizcaya solely through the Executive Director and neither the Trust nor any members thereof shall give orders to any subordinates of the Executive Director, either publicly or privately. Any willful violation of the provisions of this section by a member of the Trust shall be grounds for his or her removal from office by an action brought in the Circuit Court by the State Attorney of this County. No Board member shall be eligible for the position of Director during or within two (2) years after the expiration of his or her latest term as a Board member.

8. *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 (2) consecutive meetings without an acceptable excuse;

(ii) He or she is absent from three (3) of the Board's meetings without an acceptable excuse; or

(iii) Whether excused or not, he or she misses two-thirds (2/3) of the 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 (75) 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 Trust, by a two-thirds (2/3) vote of the membership, deems appropriate. By a two-thirds (2/3) vote of the members of the full Board of Trustees, the provisions of this section may be waived.

(Ord. No. 98-112, § 3, 7-21-98; Ord. No. 00-126, § 1, 10-3-00)

Sec. 2-1114. Initial transitional scope of Trust authority.

For the transition period commencing from the effective date of the ordinance from which this article derives to October 1, 2000, the powers of the Trust include the following:

1. Prepare the Mission Statement for the Vizcaya Museum and Gardens. This Mission Statement shall meet AAM requirements and must address the purpose, function, membership, outreach, and aspirations of Vizcaya Museum and Gardens. It shall include short and long-term strategic plans for the operation, maintenance, interpretation, preservation and restoration in perpetuity of the Vizcaya Museum and Gardens, including the Farm Village, as a self-sustaining, AAM accredited museum of fine arts of national stature. Once approved by the Board of County Commissioners, the Mission statement will govern all actions by Miami-Dade County and its agents and employees concerning Vizcaya Museum and Gardens. The Trust may amend the Mission Statement from time to time, which shall be effective upon approval of the Board of County Commissioners.
2. Establish written schedules of rates, charges, and fees relating to Vizcaya, which shall be effective upon approval by the Board of County Commissioners.
3. Develop policies regarding Vizcaya Museum and Gardens which shall be binding on all Miami-Dade County departments, agents, users, and employees once approved by the Board of County Commissioners. The Trust shall develop policies governing and overseeing the management of:
 - (a) The role of support groups, including recognition, affiliation with the Museum and Gardens, creation, dissolution, oversight, audit, reporting requirements, use of the Vizcaya Museum and Gardens name, use of facilities, and community outreach by support groups;
 - (b) Membership programs;
 - (c) Education programs;
 - (d) Fee waivers and reductions;
 - (e) Acceptance of gifts and grants;
 - (f) Outreach programs for Miami-Dade County communities that have historically underutilized the Museum and Gardens;
 - (g) Preparation for any accreditation and re-accreditation processes;
 - (h) Exhibition policies;
 - (i) Appropriate stewardship of the collection and their management.
4. Negotiate and recommend contracts and agreements with support groups, which, upon approval by the Board of County Commissioners, shall govern the support groups. Such contracts shall include: the mission statement of the support group; standards to measure the accomplishments of the support group; terms and conditions for use and access to the Museum and Gardens; Miami-Dade County's and the Trust's authority to inspect and audit books and records of support groups; accounting and disposition of fund raising proceeds; reporting requirements; coordination of support group activities; and other related matters. The agreement with the support groups will address fund raising targets which will be based on the aggregate gross revenues of the support groups and contributions in kind by the Vizcaya Volunteer Guides. It is intended that the aggregate of such support group revenues and contributions in kind by the Volunteer Guides will be not less than five hundred fifty thousand dollars (\$550,000) per year, including amounts in excess of five hundred fifty thousand dollars (\$550,000) carried forward from year to year.

5. Develop such additional appropriate plans and ordinance amendments for the transition of the operation of the Museum and Gardens to a public/private operating partnership similar to the structure of other successful cultural institutions owned by Miami-Dade County.
6. Exercise its powers regarding the budget of the Museum and Gardens as outlined in this article.
7. Advise the County Manager, Mayor, Board of County Commissioners, the Director of the Park and Recreation Department, and the Executive Director of Vizcaya on matters relating to the operation and management of the Museum and Gardens.
(Ord. No. 98-112, § 4, 7-21-98)

Sec. 2-1115. Scheduled expanded scope of Trust authority.

Subject to meeting the requirements set forth in Section 6, after October 1, 2000, the Trust shall have the following additional powers:

1. *Power to act.* The Trust shall be empowered to sue and be sued, to plead and be impleaded, to contract and be contracted with, and to have an official seal and alter the same. This provision shall not be construed to in any way affect the laws relating to governmental immunity.
2. *Contracts.* Except as otherwise provided by this chapter, the Trust as agent and instrumentality of Miami-Dade County, shall be authorized to act for Miami-Dade County in the performance and enforcement of all contracts pertaining to the Trust and designated facilities and existing on the effective date of this chapter, and shall additionally be empowered to negotiate and execute, subsequent to the effective date of this chapter, such contracts as are properly within the powers and duties of the Trust subject to the following limitations:
 - a. The Trust shall not, without prior approval of the Board of County Commissioners, enter into or amend any contract which shall require the expenditure of funds in excess of the amounts appropriated in the contractual services category of the section of the County budget pertaining to the operation of the Trust.
 - b. The Trust shall not, without prior approval of the County Commission, enter into or alter any contract the effect of which is to change substantially policies established by the Board of County Commissioners.
 - c. The Trust shall not be authorized to enter into a contract with any labor union or other organization representing employees without first having obtained the approval of the Board of County Commissioners. The County Manager through the County labor relations officer and the County personnel department shall be responsible for the negotiation of labor agreements with organizations representing Trust employees; however, the Trust and the Director shall be authorized to participate in such negotiations.
 - d. The Trust shall comply with the formal bid requirements of Section 4.03(D) of the Charter of Metropolitan Miami-Dade County, Florida, and for such purpose the term "Board" as used in Section 4.03(D) shall be construed to be the "Trust" and the term "Manager" shall be construed to be "the Director."
 - e. For all construction contracts, the Trust shall comply with the provisions of Article 11 of Chapter 10 of the County Code and the administrative procedures adopted pursuant to said section.

f. For all purchases of commodities and services, the Trust shall comply with the provisions of Section 2-8.2 of the County code and the administrative procedures adopted pursuant to said section.

g. It is specifically provided that contracts and amendments thereto executed by the Trust or other obligations incurred by the Trust, shall not be binding upon Miami-Dade County. In the event that the Trust is abolished, obligations of the Trust shall only be enforceable against Miami-Dade County to the extent that such obligations would have been enforceable with regard to business income which would have come into the possession of the Trust had the Trust not been abolished.

h. If the Trust intends to procure goods or services from an entity other than Miami-Dade County, the Trust must also solicit offers from Miami-Dade County. The Trust shall annually present a written report to the Board of County Commissioners that details the date, amounts, and circumstances of each such contract and explains why the offer from Miami-Dade County was not accepted.

3. *Property.* The Trust shall, subject to prior approval of the County Commission be authorized to purchase or otherwise obtain real property, the title to which shall be vested in Miami-Dade County and the possession and operating control of which shall be held in trust for Miami-Dade County under the provisions of this chapter.

The Trust shall not be authorized to sell, convey, mortgage, or otherwise impair or encumber the title to real property.

The Trust shall not, without having previously obtained the approval of the Commission, destroy, replace, or abandon real property. The Trust shall be authorized to maintain and repair designated facilities and may alter, modify, or make additions to such facilities whenever such changes are necessary for the proper operation and maintenance of such facilities. The Trust may buy and sell personal property provided, however, such personal property that constitutes part of the museum collection of the Trust may be sold only with the concurrence of the Board of County Commissioners.

(Ord. No. 98-112, § 5, 7-21-98)

Sec. 2-1116. Requirements for complete transition.

The additional powers and responsibilities shall be exercised by the Trust beyond those described for the initial transition period upon the following being produced and approved by the Board of the County commissioners:

1. A Transitional Plan setting forth the manner in which management of personnel, property and other resources are to be assumed by the Trust from the Park and Recreation Department.

2. Negotiated agreements with all support groups clearly reflecting roles and responsibilities of each in relation to the Trust, including how private fund raising is to be optimized and coordinated with other funding for the benefit of the facilities. Such private fund raising shall conform with the national Standards of Philanthropy established by the National Charities Information Bureau, including the requirement that no less than sixty (60) percent of annual expenses from privately generated funds be dedicated to program activities. The fund raising shall also follow Standards for Charitable Solicitations established by the Council for Better Business Bureaus.

3. By-laws, rules, regulations governing all of the Trust's contemplated activity.

4. Updated mission statement as required by Section 4, Paragraph I of this agreement.

5. Recommended standards of operations, including restoration, preservation and maintenance of the facilities.
6. Audited financial statements for all finances relating to activities supporting the facilities and which are not reflected in the County financial statements.
7. A report of decision-making and business activity indicating the Trusts' demonstrated ability to assume management responsibility of the facilities.
8. A report from the County Manager attesting to compliance with this article and recommendation to proceed with the October 1, 2000 transition.

The above requirements shall be met no later than March 30, 2000. It shall be at the sole discretion of the Board of County Commissioners to determine, at any time, whether to proceed with the complete transition.

(Ord. No. 98-112, § 6, 7-21-98)

Sec. 2-1117. Budget and finances.

1. The Vizcaya Museum and Gardens shall be operated as a proprietary fund. Separate accounts shall be established by the County that will allow for the segregated collection, deposit, maintenance and disbursement of funds derived from the operation of Vizcaya Museum and Gardens. It is intended that funds in such established accounts shall be used for the purpose of supporting the designated facilities, however, nothing shall prevent the use of funds for reimbursement of departmental and county indirect costs in support of the facilities consistent with generally accepted accounting principles as validated by the County's independent external auditor and for Vizcaya Museum and Gardens related activities.

2. The budget for Vizcaya Museum and Gardens shall be prepared by the Director of Vizcaya with the advice and recommendation of the Trust on official county budget forms in a format prescribed by the County Manager, and, for the transition period, shall be incorporated into the proposed budget of the Park and Recreation Department submitted to the County Manager. In the event any changes to the budget recommended by the Trust are made by any department or the County Manager, the County Manager, with the advice and recommendation of the Trust, shall ensure that the recommendations of the Trust are reported to the County Commission. Effective October 1, 2000, upon meeting the transition requirements of Section 6, the Trust shall prepare the budget for Vizcaya in accordance with this paragraph, but it shall be submitted directly to the County Manager. Nothing contained herein shall be construed to prohibit the Trust from submitting to the County Commission supplemental budget requests which, if approved by the Commission, shall constitute amendments to the official county budget.

(Ord. No. 98-112, § 1, 7-21-98)

Sec. 2-1118. Executive Director.

(a) *Autonomy Within Park and Recreation Department.* The Director of Vizcaya Museum and Gardens shall, for the transition period, report directly to the Director of the Park and Recreation Department. In recognition of the unique status and special needs of Vizcaya, the Vizcaya Director shall be afforded the maximum degree of management autonomy within the departmental structure without compromising necessary command and control requirements. Among other matters, the Executive Director shall have the authority and responsibility to alert the County Manager to any matter necessary and

essential to protect the accreditation of the Vizcaya Museum and Gardens or to comply with this article. After October 1, 2000, upon meeting the transition requirements of Section 6, the Director of Vizcaya shall report directly to the Trust.

(b) *Authority and Responsibilities.* Within the confines of reasonable departmental command and control requirements, the Executive Director is authorized to conduct and manage the day-to-day operations of Vizcaya Museum and Gardens, including but not limited to:

1. Maintain the property, collections, and exhibits;
2. Manage all publications and educational programs;
3. Administer all sales programs;
4. Coordinate all membership, volunteer and support groups and programs;
5. Counsel, hire, terminate, and supervise all staff and employees pursuant to Miami-Dade County personnel rules;
6. Serve as Executive Director of the Trust;
7. Prepare and present the annual budget for the Vizcaya Museum and Gardens to the Park and Recreation Department, the County Manager and the Board of County Commissioners, subject to the advice and recommendation of the Trust;
8. File on behalf of Miami-Dade County all reports, applications, and documentation necessary to secure and maintain the accreditation of Vizcaya Museum and Gardens in accordance with County procedures;
9. Apply for and in conjunction with departmental management, serve as fiscal manager of gifts and grants for Vizcaya, in accordance with County procedures;
10. Ensure appropriate publicity and marketing;
11. Implement policy as established by the Board of County Commissioners and the Trust; and undertake such other activities which will further the mission of the Vizcaya Museum and Gardens within the confines of adopted budgets and operating rules and regulations and through appropriate chains of command.

(c) *Removal and Appointment.* The Director of the Park and Recreation Department, with the approval of the County Manager, shall have the authority to remove the Executive Director. After October 1, 1999, the Director of the Park and Recreation Department, with the approval of the County Manager and the Trust, shall have the authority to remove the Director. After October 1, 2000, upon meeting the transition requirements of Section 1116, the Trust shall have the authority to remove the Director with the concurrence of the County Manager. When a vacancy occurs, the vacancy shall be filled using the following process. No earlier than twenty (20) days and not later than forty-five (45) days from the occurrence of a vacancy, the Trust and the Director of the Park and Recreation Department shall submit the name or names of suitable candidates either jointly or individually to the County Manager, who may appoint from the list, or reject the list and request names of additional candidates. It is the intent that candidates shall be offered by the Trust and department on the basis of a competitive recruitment relying on the requisite level of appropriate experience and training. After October 1, 2000, upon meeting the transition requirements of Section 6, the Trust shall have the power to hire the Executive Director with the concurrence of the County Manager. Prior to October 1, 1999, any interim vacancy shall be filled by the Director of Park and Recreation. After October 1, 1999, any interim vacancy shall be filled by the Director of

Park and Recreation, with the approval of the Trust. After October 1, 2000, any interim vacancy shall be filled by the Trust with the concurrence of the County Manager.
(Ord. No. 98-112, § 8, 7-21-98)

Sec. 2-1119. Continuing role of the Park and Recreation Department.

It is intended that the Park and Recreation Department will continue its contribution to the success of the Vizcaya Museum and Gardens. To this end, the Director of the Park and Recreation Department shall have the following responsibilities regarding Vizcaya:

- (a) To exercise the powers regarding the removal and appointment of the Director of Vizcaya as described in this ordinance.
- (b) In the event of a vacancy, to exercise the powers regarding appointment of an interim Director of Vizcaya as described in this ordinance.
- (c) To exercise the powers regarding the budget of Vizcaya described in this ordinance.
- (d) To provide management oversight and to provide recommendations to the County Manager and Trust. In recognition of these responsibilities, the Trust and Director of Vizcaya shall ensure that the Director of the Park and Recreation Department is advised of all reports, recommendations, and other actions affecting the management of the facilities in a timely manner. The Park and Recreation Department shall make its expertise and advice available to the Trust and the Director of Vizcaya at the appropriate times.

(Ord. No. 98-112, § 1, 7-21-98)

Sec. 2-1120. Relationship with Miami-Dade County.

As an agency and instrumentality of Miami-Dade County, the Trust shall be accountable directly to Miami-Dade County and subject to its Legislative and Executive powers. The Executive Director, on behalf of the Trust, shall serve as liaison to the County through the Park and Recreation Director and County Manager or his designee. This will remain as the official and primary means of communication between the respective parties; notwithstanding, as to day-to-day matters, there will be communication between County personnel, Vizcaya Museum and Gardens Trustees, committee members, personnel, and the County Commission, in compliance with the Sunshine Laws. The Trust described herein shall continue to be subject to modification or abolishment in whole or in part by duly enacted ordinance of the Commission. County Manager shall at all times be empowered to conduct audits of the Trust, its activities and that of the support groups. Legal opinions by the County Attorney's Office shall be binding upon the Trust.

(Ord. No. 98-112, § 10, 7-21-98)

Sec. 2-1121. Liberal construction to effectuate public purpose.

This article, being for the public purpose and for the long-term welfare of the Vizcaya Museum and Gardens facilities and the present and future citizens of Miami-Dade County, Florida, shall be liberally construed to effect the purposes hereof.

(Ord. No. 98-112, § 11, 7-21-98)

Sec. 2-1122. Replacement of policy committee by the Trust.

For the purposes of complying with the deed restrictions, and related agreements governing Vizcaya, the Vizcaya Museum and Gardens Trust shall replace and serve as the Policy Committee.

(Ord. No. 98-112, § 12, 7-21-98)

Secs. 2-1123--2-1130. Reserved.