

MEMORANDUM

Agenda Item No. 5(E)

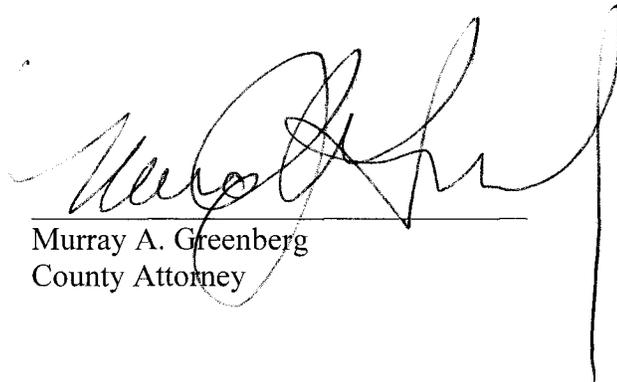
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: June 5, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution authorizing a
waiver of facility rental fees for
the use of Vizcaya Museum and
Gardens for the XIII Inter-
American Conference of
Mayors

The accompanying resolution was prepared and placed on the agenda at the request of Senator Javier D. Souto.



Murray A. Greenberg
County Attorney

MAG/jls



MEMORANDUM

(Revised)

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

DATE: June 5, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 5(E)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 5(E)

Veto _____

06-05-07

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING A WAIVER OF FACILITY RENTAL FEES FOR THE USE OF VIZCAYA MUSEUM AND GARDENS FOR THE JUNE 13, 2007 XIII INTER-AMERICAN CONFERENCE OF MAYORS AND LOCAL AUTHORITIES COCKTAIL RECEPTION SPONSORED BY FIU'S INSTITUTE OF PUBLIC MANAGEMENT AND COMMUNITY SERVICE, A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$15,625.00 TO BE FUNDED FROM THE COUNTYWIDE IN-KIND RESERVE FUND

WHEREAS, FIU's Institute of Public Management and Community Service has requested a fee waiver from Vizcaya Museum and Gardens for the June 13, 2007 XIII Inter-American Conference of Mayors and Local Authorities Cocktail Reception in an amount not to exceed \$15,625.00 (see attached Fee Waiver/In-kind Service Application); and

WHEREAS, the XIII Inter-American Conference of Mayors and Local Authorities will bring together mayors, council members, legislators, governors, public officials, political leaders, representatives of non-governmental organizations, as well as local, regional and national leaders of the Western Hemisphere to discuss issues pertaining to the strengthening of democracy and the role of local governments; and

WHEREAS, FIU's Institute of Public Management and Community Service is a not-for-profit organization; and

WHEREAS, the XIII Inter-American Conference of Mayors and Local Authorities Cocktail Reception is a special event, as that term is defined on the attached Fee Waiver/In-kind Service Application, and the fee waiver shall be funded from the Countywide In-kind Reserve Fund,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes a fee waiver from Vizcaya Museum and Gardens for the June 13, 2007 XIII Inter-American Conference of Mayors and Local Authorities Cocktail Reception in an amount not to exceed \$15,625.00 to be funded from the Countywide In-kind Reserve Fund.

The foregoing resolution was sponsored by Senator Javier D. Souto and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of June, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.
Monica Rizo

MR

**THIRTEEN INTER-AMERICAN CONFERENCE OF MAYOR
In-Kind Services Budget
Inter-American Conference of Mayors
June 11-14, 2007**

VARIOUS DEPARTMENTS

County Staff Support for Conference Administration \$10,048

1. Maria Batista – Transit (40 hrs)
2. Karen Naya – Communications (40 hrs)
3. Winston Parkinson – OCED (40 hrs)
4. Yemar Reus - Fire Dpt. (40 hrs)
5. Carlos Heredia - Fire Dpt. (40 hrs)
6. Manny Serrano – Transit (32 hours)

$\$44.00 \times 40 \text{ hrs} = \$1,760$
$\$1760 \times 4 = \$7,040 \text{ (4 Staff)}$
$\$40.00 \times 32 \text{ hrs} = \$1,400 \text{ (1 Staff)}$
$\$40.00 \times 80 \text{ hrs} = \$3,200 \text{ (2 Staff)}$

MIAMI-DADE POLICE DEPARTMENT

Security (two officers at hotel from 8am-10pm) \$ 7,000

2-4 Officers (supervision and traffic support at Vizcaya reception & other events)
 Monday 2:00 PM – 9:00 PM (2-Officers)
 Tuesday (2 Officers)
 Wednesday (4 Officers)
 Thursday (4 Officers)

MIAMI-DADE TRANSIT AGENCY

**Transportation* (includes four buses to the \$14,400
Wednesday, June 13, 2007**

6 buses 6:00 pm to 11:00 pm Radisson Hotel to Vizcaya
 $\$62.00 \text{ per hour } 5 \text{ hours times } 6 \text{ buses} = \$1,860.00$
 Travel time for 6 buses = 209.00
 4 staff persons for 5 hours @45.00 per = 900.00
\$2,969.00

ETSD

Equipment (copy machines, faxes, computers) \$ 4,000

Copy Machines: a large machine to handle a large volume of copies
 or at least 2 smaller machines; 1-Fax Machine
 Computers: 4 (or laptops); Color printers: 2 or 3

Vizcaya Museum and Gardens

Fee waiver for rental of the facilities \$15,625

GSA

Printing (tickets for meal events and Vizcaya Reception) \$ 500

Total In-Kind Budget	\$51,573
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**MIAMI-DADE COUNTY
FEE WAIVER/IN-KIND SERVICES APPLICATION**

COUNTY FEE WAIVERS OR IN-KIND SERVICES REQUESTED THROUGH THIS PROCESS ARE NOT EFFECTIVE UNTIL APPROVED BY ACTION OF THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO THE MIAMI-DADE COUNTY HOME RULE CHARTER

Please complete the following form and submit completed form along with requested materials, if applicable, to:

Delores Green
Office of Strategic Business Management
111 N.W. 1st Street, Suite 2200
Miami, FL 33128

Phone: (305) 375-5143
Fax: (305) 375-5168

Type of Event/Application (select one of the following):

- District Event - Event of minimal impact related to specific commission district (Complete questions 1-7, sign and date; copy will be submitted to the appropriate District Commissioner within two days of receipt of application.)
- Small Event - Event of minimal impact not necessarily related to a specific commission district. (Complete questions 1-7, sign and date.)
- Special Event - Event with expected attendance of less than 5,000 with localized impact limited to an individual community or municipality (Complete questions 1-12, sign, date and submit form no later than 60 days prior to event date.)
- Major Event - Large Event with expected attendance of over 5,000 or significant probability of protests, controversy, violence or vandalism (Complete questions 1-12, sign, date and submit form no later than 120 days prior to event date.)

1. Full legal name of the requesting organization: FIU's Institute for Public Management & Community Service

2. Applicant Status: (Select one of the choices below)

- Not-For-Profit or Tax Exempt Local Government or Public Entity
- For-Profit
- County Sponsored Event/Sponsoring Department _____
- Other (specify): _____

3. Name and contact information for single point of contact (address, phone, fax, e-mail address, etc.): Dr. Allan Rosenbaum and/or Ms. Cristina A. Rodriguez-Acosta. Tel (305) 348-1271, fax (305) 348-1273, email: lagierc@fiu.edu Address: 11200 SW 8th St. - PCA 350B, Miami, FL 33199

4. Specify fee waiver or in-kind service requested (quantify, if applicable): Staff support (10 County staff for on site conference administration); security (2 police officers at hotel from 8am to 8pm for 3 days, including supervision and traffic support at Vizcaya reception); Transportation (buses to Vizcaya reception, airport hotel transfers, supervisory assistance and Metrorail passes for conference participants); equipment (computers, copy machine, faxes, flags of the Americas for decoration, plants); printing (tickets for meal events and Vizcaya reception)

5. Name, date of event, description, and purpose of the event (if event is a fund-raiser, define the beneficiaries): The XIII Inter-American Conference of Mayors and Local Authorities, June 11-14, 2007 at the downtown Radisson Hotel. The Conference will bring together mayors, council members, legislators, governors, public officials, political leaders, representatives of non-governmental organizations, as well as local, regional and national leaders of the Western Hemisphere to discuss issues pertaining to the strengthening of democracy and the role of local governments. The Conference is sponsored by Miami-Dade County.

6. Please select ALL that apply to event:

- Economic Development: Event supports vitality or growth of the local economy
- Youth/Education: Event benefits youth of any age and/or offers educational benefits
- Health and Social Services: Event supports health-related causes and/or social programs or institutions that improve quality of life within the community
- Arts and Culture: Event supports music, theatre, literature, art or culture
- Environmental: Event benefits environmental concerns or promotes conservation
- Sports and Athletics: Event supports/promotes organized sports or recreational participation

6

7. Physical address of event venues (please specify Commission District(s)): Downtown Radisson Hotel, 1601 Biscayne Boulevard, Miami, FL

**MIAMI-DADE COUNTY
FEE WAIVER/IN-KIND SERVICES APPLICATION**

8. Description of regional or local impact: See attached Appendix 'A'

9. Daily/hourly event schedule, including set-up and breakdown schedule (attach event calendar, if applicable): See attached agenda

10. Detailed description of event venues (map or schematic of event venues, access points, surrounding roadways and traffic flow diagrams, if applicable): Downtown Radisson Hotel for all conference events. Wednesday, June 21 from 8pm to 10pm, reception at Viscaya Museum and Gardens.

11. Expected number of participants and estimated attendance (per day, if applicable): 400 to 500 participants are expected to attend the Conference each day.

Itemized budget, including total event budget, total budget of host organization, if applicable, and total commitment of resources (attach additional pages as needed): See attached Conference budget for host organization (Appendix 'B' and 'C')

I hereby certify that all the statements made in this application are true and correct.



Signature of Authorized Representative

4/25/07

Date

APPENDIX 'A'

The Inter-American Conference of Mayors and Local Authorities

A Brief Overview

For the last ten years, Miami-Dade County Government has sponsored (and Florida International University has organized for it) the Inter-American Conference of Mayors and Local Authorities. The idea of organizing such an annual conference in Miami-Dade County originated with County Commissioner, Sen. Javier D. Souto and this event rapidly emerged as the largest and most important annual gathering of people concerned with local democracy in the Hemisphere. Over the years the event has received extensive newspaper, television and radio coverage throughout the Hemisphere and has served to significantly demonstrate Miami-Dade County's leadership in the promotion of democracy and good governance in the Americas.

The Inter-American Conference of Mayors has played an important role in shaping the discussions regarding the strengthening of local governments in the Americas. This has been demonstrated by its contributions to the Organization of American State's Summit of the Americas Process and many other comparable events. Indeed, it was a result of efforts originating from the Conference that produced the first recognition by the Hemisphere's Presidents of the importance of local governance for democracy in the region as reflected in the Declaration of the Quebec Summit of 2001.

- Over the past ten years the Inter-American Conference of Mayors has brought to Miami-Dade County about 5,280 local leaders, senior government officials, legislators, governors and senior administrators of the Americas and about 10,560 accompanying visitors to the County. It should be noted that conference attendees cover all of their own participation costs.
- Among the participants from Latin America have been many of the leading figures in the Hemisphere including the chief executives of such cities as Bogota, Medellin and Cali, Colombia; Panama City, Panama; Guatemala City, Guatemala; San Salvador, El Salvador; Santiago, Chile; Cordoba, Argentina; Tegucigalpa, Honduras; Asuncion, Paraguay; Santa Cruz, Bolivia; Quito, Ecuador; Lima, Peru; Monterrey, Mexico; etc.
- Senior high ranking officials of the US Government routinely attend the Conference. In the past these have included the Secretary of US Department of Housing and Urban Development; various assistants to the President of the United States including the White House Representative for Local Governments; the Deputy Director of the US Agency for International Development; US Ambassador to the Organization of American States; and the President of the Inter-American Foundation among others.
- Key leaders of major international organizations have routinely participated. Among them have been the President of the Inter-American Development Bank; the Secretary General of the Organization of American States; senior officials of the World Bank and the United Nations; etc.
- The Inter-American Conference of Mayors has brought to the local hotel industry over \$660,000 just in room revenue. About \$85,800 in local taxes have been related to those rooms (@13%).

- If we assume that each attendee has spent at least \$500 in shopping, dining and entertainment, the Conference has brought about \$2,640,000 to the local economy in the past ten years. This number would be much more if we were to estimate what the accompanying persons have spent while in Miami-Dade County.

It's been said about the Conference:

"It's been a great pleasure attending the Inter-American Conference of Mayors. It's a very enriching and interesting experience, even more so because of the attendance by so many people from different countries. The experiences discussed were all relevant. We want to thank you also for the great experience we personally had in that beautiful County".

Hon. Armida Villela de Lopez Contreras, Vice President of Honduras

"...The important contribution and the efforts made by your organization...significantly enriched the Summit Process and increased hemispheric cooperation with regard to the goals of the Fourth Summit of the Americas including job creation, democratic governance, citizen participation, and the promotion of human rights."

Mr. Luis Alberto Rodriguez, Director, Summit of the Americas Secretariat, Organization of American States

"...this (The Inter-American Conference of Mayors) venue, is an open space of discussion and analytical reflection that benefits all the local governments of Latin America... and it has become a central point of reference for all of us..."

Hon. Enrique Riera Escudero, Mayor of Asuncion, Paraguay

"I consider forums like this one as an incredible opportunity to share with different people very diverse experiences...The possibility of discussing initiatives with representatives from other cities is an invaluable opportunity...I am convinced that the Conferences is the ideal scenario for the discussion of themes related to the strengthening of democracy, local development and decentralization".

Hon. Sergio Fajardo Valderrama, Mayor of Medellin, Colombia

"...the Mayors conference is a unique venue, in that it brings together local officials from throughout the region, permitting them to interact and exchange information with their colleagues, identify and work together on common challenges and improve their own knowledge and skills...the conference is a valuable tool for building and strengthening capacity in the Americas for more effective local governance."

Ms. Elizabeth Spehar, Former Director of the Unit for the Promotion of Democracy at the Organization of American States

BUDGET SHEET - 2007 - XIII Mayors Conference					
Principal Investigator/Project Director:		Dr. Allan Rosenbaum			
Agency: Miami-Dade County Seaport Department	Duration	From: 10/1/2006	To: 9/30/2007		
A. Senior Personnel: P/PI/D, Co-PI's, Faculty and other Senior Assoc. (List each separately with title; For A.6 show number in brackets)					
		12 month	9 month	Summer	Total
1. Conference Director - Allan Rosenbaum - 1 week		\$ 2,107.00	\$ -	\$ -	\$ 2,107.00
FRINGE BENEFITS FOR PERSONNEL ABOVE		\$ 579.43	\$ -	\$ -	\$ 579.43
2. Conference Coordinator - Cristina A. Rodriguez-Acosta		\$ 57,214.00	\$ -	\$ -	\$ 57,214.00
FRINGE BENEFITS FOR PERSONNEL ABOVE		\$ 15,733.85	\$ -	\$ -	\$ 15,733.85
3.		\$ -	\$ -	\$ -	\$ -
FRINGE BENEFITS FOR PERSONNEL ABOVE		\$ -	\$ -	\$ -	\$ -
4.		\$ -	\$ -	\$ -	\$ -
FRINGE BENEFITS FOR PERSONNEL ABOVE		\$ -	\$ -	\$ -	\$ -
5.		\$ -	\$ -	\$ -	\$ -
FRINGE BENEFITS FOR PERSONNEL ABOVE		\$ -	\$ -	\$ -	\$ -
6.		\$ -	\$ -	\$ -	\$ -
FRINGE BENEFITS FOR PERSONNEL ABOVE		\$ -	\$ -	\$ -	\$ -
TOTAL SENIOR PERSONNEL (1-6)					
FRINGE BENEFITS FOR SECTION A.					
A. 2. Overload					
1.					
FRINGE BENEFITS FOR PERSONNEL ABOVE					\$ -
2.					
FRINGE BENEFITS FOR PERSONNEL ABOVE					\$ -
TOTAL OVERLOAD					
TOTAL FRINGE BENEFITS FOR SECTION A.2.					
B. Other Personnel (Show Numbers in Brackets) (OPS)					
1. () Other Professionals					\$ -
2. () Graduate Students					
3. 2 Undergraduate Students					\$ 20,880.00
4. () Secretarial-Clerical (SECRETARIAL-CLERICAL WILL REQUIRE A DIRECT CHARGE EXEMPTION FORM AT PROPOSAL TIME)					\$ -
5. () Other					
TOTAL OTHER PERSONNEL (1-6)					
TOTAL FRINGE BENEFITS FOR SECTION B.					
TOTAL SALARIES & WAGES (A+B)					\$ 80,201.00
TOTAL FRINGE BENEFITS					\$ 17,410.60
TOTAL SALARIES, WAGES, AND FRINGE BENEFITS					\$ 97,611.60
C. Expenses (In alphabetical order by category)					
1. Communication & Freight					\$ -
2. Computer Services/Time					\$ -
3. Consultant Services (these do not have fringe benefits)					\$ -
4. Data Processing Supplies					\$ -
5. Educational Supplies					\$ -
6. Food					\$ -
7. Postage					\$ 8,600.00
Materials and Supplies (OFFICE SUPPLIES WILL REQUIRE A DIRECT CHARGE EXEMPTION FORM AT PROPOSAL TIME)					\$ 500.00
8. TIME					\$ 500.00
9. Publication Costs/Documentation/Dissemination/Printing/Reproduction					\$ 2,000.00
10. Rentals					\$ -
11. Stipends Nontaxable					\$ -
12. Subcontracts/Independent Contractors (list each subcontractor individually below)					\$ -
a.					\$ -
b.					\$ -
13. Telecommunications Charges					\$ 1,832.00
14. Travel					
1. In-state					\$ -
2. Domestic					\$ 900.00

Appendix "B"

3. Foreign		\$ 1,100.00
15. Tuition		
If not included above, specify other category (ANY ITEM LISTED BELOW THAT IS NORMALLY NOT CHARGED TO A 16. GRANT WILL REQUIRE A DIRECT CHARGE EXEMPTION FORM)		\$ -
TOTAL EXPENSES		
D. Permanent Equipment & Books or other library resources (list item and dollar amount for each item exceeding \$1,000)		
TOTAL PERMANENT EQUIPMENT		
E. Total Direct Costs (A through D)		
F. Indirect Costs		
		INDIRECT COST RATE
		INDIRECT COST BASE
		TOTAL INDIRECT COSTS
G. TOTAL DIRECT AND INDIRECT COSTS		

BUDGET SHEET - 2007 - XIII Mayors Conference - TDC					
Principal Investigator/Project Director:		Dr. Allan Rosenbaum			
Agency: Miami-Dade Tourist Development Council - TDC		Duration	From: 10/1/2006	To: 9/30/2007	
A. Senior Personnel: PI/PD, Co-PI's, Faculty and other Senior Assoc.					
(List each separately with title; For A.6 show number in brackets)					
		12 month	9 month	Summer	Total
1.			\$ -	\$ -	0.00
	FRINGE BENEFITS FOR PERSONNEL ABOVE	\$ -	\$ -	\$ -	0.00
2.			\$ -	\$ -	0.00
	FRINGE BENEFITS FOR PERSONNEL ABOVE	\$ -	\$ -	\$ -	0.00
3.		\$ -	\$ -	\$ -	0.00
	FRINGE BENEFITS FOR PERSONNEL ABOVE	\$ -	\$ -	\$ -	0.00
4.		\$ -	\$ -	\$ -	0.00
	FRINGE BENEFITS FOR PERSONNEL ABOVE	\$ -	\$ -	\$ -	0.00
5.		\$ -	\$ -	\$ -	0.00
	FRINGE BENEFITS FOR PERSONNEL ABOVE	\$ -	\$ -	\$ -	0.00
6.		\$ -	\$ -	\$ -	0.00
	FRINGE BENEFITS FOR PERSONNEL ABOVE	\$ -	\$ -	\$ -	0.00
TOTAL SENIOR PERSONNEL (1-6)					
FRINGE BENEFITS FOR SECTION A.					
A. 2. Overload					
1.					
	FRINGE BENEFITS FOR PERSONNEL ABOVE				0.00
2.					
	FRINGE BENEFITS FOR PERSONNEL ABOVE				0.00
TOTAL OVERLOAD					
TOTAL FRINGE BENEFITS FOR SECTION A.2.					
B. Other Personnel (Show Numbers in Brackets) (OPS)					
1.	() Other Professionals				0.00
2.	() Graduate Students				
3.	2 Undergraduate Students				
4.	() Secretarial-Clerical (SECRETARIAL-CLERICAL WILL REQUIRE A DIRECT CHARGE EXEMPTION FORM AT PROPOSAL TIME)				0.00
5.	() Other				
TOTAL OTHER PERSONNEL (1-6)					
TOTAL FRINGE BENEFITS FOR SECTION B.					
TOTAL SALARIES & WAGES (A+B)					
TOTAL FRINGE BENEFITS					
TOTAL SALARIES, WAGES, AND FRINGE BENEFITS					
C. Expenses (In alphabetical order by category)					
1.	Communication & Freight				0.00
2.	Computer Services/Time				0.00
3.	Consultant Services (these do not have fringe benefits)				0.00
4.	Data Processing Supplies				0.00
5.	Educational Supplies				0.00
6.	Food				0.00
7.	Postage				2,000.00
	Materials and Supplies (OFFICE SUPPLIES WILL REQUIRE A DIRECT CHARGE EXEMPTION FORM AT PROPOSAL TIME)				
8.	TIME				
9.	Publication Costs/Documentation/Dissemination/Printing/Reproduction				2,400.00
10.	Rentals				0.00
11.	Stipends Nontaxable				0.00
12.	Subcontracts/Independent Contractors (list each subcontractor individually below)				0.00
	a.				0.00
	b.				0.00
13.	Telecommunications Charges				
14.	Travel				
	1. In-state				0.00
	2. Domestic				

3. Foreign		
15. Tuition		
If not included above, specify other category (ANY ITEM LISTED BELOW THAT IS NORMALLY NOT CHARGED TO A 16. GRANT WILL REQUIRE A DIRECT CHARGE EXEMPTION FORM) - Translation Services		10,000.00
TOTAL EXPENSES		
D. Permanent Equipment & Books or other library resources (list item and dollar amount for each item exceeding \$1,000)		
TOTAL PERMANENT EQUIPMENT		
E. Total Direct Costs (A through D)		
F. Indirect Costs		
		INDIRECT COST RATE
		INDIRECT COST BASE
		TOTAL INDIRECT COSTS
G. TOTAL DIRECT AND INDIRECT COSTS		

**ELEVENTH INTER-AMERICAN CONFERENCE OF MAYOR
JUNE 19-22, 2005
IN-KIND BUDGET**

Staff Support (in-kind County Staff for Conference administration)	\$7,000
Security (two officers at hotel from 8am-10pm for three (2) days including supervision and traffic support at Vizcaya reception)	\$7,000
Transportation* (includes four buses to the Vizcaya reception, two buses and vans for airport hotel transfers, supervisory assistance, and Metrorail passes for conference participants)	\$7,000
Equipment (copy machines, faxes, computers)	\$4,000
Printing (tickets for meal events and Vizcaya Reception)	<u>\$ 500</u>
Total In-Kind Budget	\$25,500

*Based on last year's conference events. This year's events will be similar in scope

14



MEMORANDUM

TO: Officers of the Division of Sponsored Research

FROM: Vicente A. Tome ^{VAT}
Associate General Counsel

DATE: 6 May 2004

RE: Tax Exempt Status of Florida International University

This is in response to your request for a written legal opinion concerning the above-mentioned subject.

Florida International University is part of the State University System of Florida and one of the eleven public universities in Florida, as provided in Section 1000.21(6) of the Florida Statutes. The Florida International University Board of Trustees is a public body corporate primarily acting as an instrumentality or agency of the state for purposes of sovereign immunity. See Article IX (7) of the State of Florida Constitution and Section 1001.72(3) and (5), F.S.

Section 115(1) of the Internal Revenue Code [26 U.S.C. §115(1)] exempts from taxation income derived from "the exercise of any essential governmental function and accruing to a State." Education has been recognized by the courts as an "essential governmental function." See Section 1001.72(3), F.S. Therefore, Florida International University is exempt from taxation under §115(1).

Private universities apply for exemption from taxation as educational institutions under another provision of the Internal Revenue Code, §501(c)(3) [26 U.S.C. §501 (c)(3)]. Unlike private universities, Florida International University is exempt from taxation by operation of law as a public body corporate as stated above and does not need to become a §501 (c)(3) to enjoy tax-exempt status. Accordingly, gifts to Florida International University are tax deductible to the same extent as gifts to not-for-profit, 501(c) (3) organizations and there is no reason to treat a Section 115(1) organization differently than a Section 501(c)(3) organization for the purposes of gifts.

I trust this memorandum is responsive to your request.

Memorandum



Date: June 5, 2007

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

From: George M. Burgess
County Manager

Subject: Countywide In-Kind Request Recommendation

The Office of Strategic Business Management (OSBM) has reviewed the attached in-kind request and recommends for the item to move forward to the Board of County Commissioners for consideration. The countywide in-kind reserve balance allows for the funding of this request.

Background

A fee waiver has been requested by a not-for-profit organization Florida International University for their 13th Inter-American Conference of Mayors and Local Authorities event held on June 13, 2007.

The fee waiver amount requested is not to exceed \$15,625 is for the use of Vizcaya Museum and Gardens. This event will be funded by the countywide in-kind reserve.

In FY 2006-07, Florida International University has received a total of \$299,549 in county support (\$130,000 in General Fund, \$162,549 funded from the Department of Cultural Affairs, \$2,000 from District 1 and \$5,000 from District 4 discretionary reserves). In addition, on the May 15, 2007 Government Operations and Environment Committee, under the sponsorship of Commissioner Souto, for your consideration, is a request for in-kind services in the amount not to exceed \$35,948 from various county departments.

Inkind08407