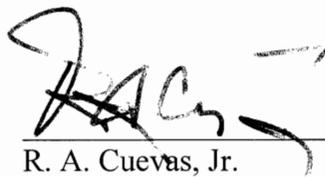


MEMORANDUM

Agenda Item No. 7(A)

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	DATE:	(Second Reading 03-04-08) January 22, 2008
FROM:	R. A. Cuevas, Jr. County Attorney	SUBJECT:	Ordinance amending Rule 9.03 of Section 2-1; relating to the Rules governing fee waivers for the use of Vizcaya Museum and Gardens

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz, Chairman Bruno A. Barreiro and Commissioner Carlos A. Gimenez.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date: March 4, 2008

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

From: George M. Burgess
County Manager

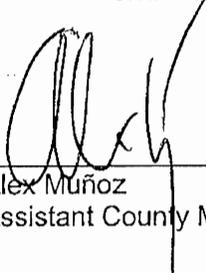
Subject: Ordinance amending Rule 9.03 of Section 2-1; relating to the Rules governing fee waivers for the use of Vizcaya Museum and Gardens

The fiscal impact of the ordinance governing fee waivers for the use of Vizcaya Museum and Gardens (Vizcaya) is difficult to determine at this time. The estimated fiscal impact would be a function of how many events are approved for fee reductions or waivers by two-thirds of the County Commission. While it is difficult to determine the prospective impact, the following were the fee waivers/reductions that were approved for Vizcaya in the years preceding the implementation of Ordinance 95-133:

Fiscal Year	Number of fee waivers/reductions	Value Absorbed by Vizcaya *
FY 1991-92	15	\$94,687
FY 1992-93	10	\$55,562
FY 1993-94	10	\$72,930
FY 1994-95 **	18	\$120,889

* Value based on fee schedule for the corresponding fiscal year

** Ordinance 95-133 was effective mid-year FY 1994-95



Alex Muñoz
Assistant County Manager

Fiscal02108



MEMORANDUM

(Revised)

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

DATE: March 4, 2008

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(A)

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
Veto _____
Override _____

Agenda Item No. 7 (A)
03-04-08

ORDINANCE NO. _____

ORDINANCE AMENDING RULE 9.03 OF SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, RELATING TO THE RULES GOVERNING FEE WAIVERS FOR USE OF VIZCAYA MUSEUM AND GARDENS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners has adopted Rule 9.03 to protect the budget of Vizcaya Museum and Gardens by requiring a public hearing and a unanimous vote in order to grant a fee waiver; and

WHEREAS, reducing the voting requirement from a unanimous to two-thirds (2/3) of the members present would continue to protect Vizcaya Museum and Gardens and make the granting of fee waivers for appropriate events less cumbersome; and

WHEREAS, this Board desires to clarify that this Rule only applies when any portion of the cost of the fee waiver will negatively impact Vizcaya Museum and Gardens' budget, and that the Rule does not apply when a private party is given a fee waiver and Vizcaya Museum and Gardens' budget is fully reimbursed from another appropriate County fund; and

WHEREAS, subsection (c) of the Rule is no longer necessary in light of the creation of the Vizcaya Museum and Gardens Trust in sections 2-1111 to 2-1122 of the Code of Miami-Dade County,

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

Section 1. Rule 9.03 of section 2-1 of the Code of Miami-Dade County, Florida, is

hereby amended to read as follows:¹

Sec. 2-1. Rules of procedure of County Commission.

* * *

Rule 9.03 Fee reduction and waiver requests for the use of Vizcaya Museum and Gardens.

(a) All requests for fee reductions and waivers for the use of Vizcaya Museum and Gardens must be submitted to the board for review at a public hearing ~~>>before the full Commission<<~~. Following the public hearing any such fee reductions and waivers will require a ~~[[unanimous]]~~ ~~>>two-thirds (2/3) majority<<~~ vote of the board members present. ~~>>This Rule does not apply when Vizcaya Museum and Gardens' budget is fully reimbursed from another County fund for such fee reduction or waiver.<<~~

(b) Notwithstanding the previous paragraph (a), the County Manager shall be permitted to:

(1) Administratively reduce fees four (4) times during any calendar year and waive fees two (2) times during any calendar year for the use of Vizcaya Museum and Gardens for any nonfundraising events provided that those events are either diplomatic activities or events that benefit the entire citizenry of Miami-Dade County, and annually report the reductions and waiver to the Commission; and

(2) Waive fees for events sponsored by organizations which provide volunteer services to Vizcaya Museum and Gardens or raise funds and provide support for the maintenance of, and improvements to, Vizcaya Museum and Gardens.

~~[[e) The Vizcayan Policy Committee shall submit an annual oral report to the Board of County~~

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or ~~>>double arrowed<<~~ constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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~~Commissioners setting forth a summary of the activities of their organization during the preceding year.]]~~

Section 2. 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. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-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. 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.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:





Prepared by:

Thomas W. Logue

Sponsored by Commissioner Jose "Pepe" Diaz,
Chairman Bruno A. Barreiro and
Commissioner Carlos A. Gimenez