Memorandum

MIAMI-DADE COUNTY

(Second Reading 4-7-09)

Date: February 17, 2009

Agenda Item No. 7(E)

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance Relating to Park and Recreation Department Agreements with Programming Partners and Community Based Not-for-Profit Organizations

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Recommendation

It is recommended that the Board approve the attached ordinance relating to Park and Recreation Department (MDPR) agreements with Programming Partners and community-based not-for-profit organizations, amending Article II of Chapter 26 of the Code of Miami-Dade County allowing negotiation and renewal of Programming Partner Agreements and correcting scrivener errors.

Scope

This ordinance applies to all Programming Partner permit, license and lease agreements for program services at MDPR facilities.

Fiscal Impact/Funding Source

This proposed ordinance will have no fiscal impact to Miami-Dade County.

Track Record/Monitor

N/A

Background

On July 23, 2002, the Board adopted Ordinance No. 02-137 creating the Programming Partners Program. This Program fulfills the goals and objectives of the Recreation and Open Space Element of the Comprehensive Development Master Plan (CDMP) Objective 4C, Section ii, which provides for MDPR to work with community-based and non-profit youth service organizations, foundations, facility support societies and other special interest groups to expand opportunities for private, non-profit recreational programming and investment in park improvements.

The Programming Partners Program has provided for partnerships with over 26 community-based not-for-profit organizations from youth sports leagues, environmental organizations, adult recreational leagues and naturalists. Some of these organizations have had longstanding relationships with MDPR for over 30 years. They have strong ties to the neighborhoods in which they operate their programs and have played a pivotal role in providing wholesome, healthy and character building activities to the youth of Miami-Dade County. The current ordinance does not provide a renewal/negotiation option and limits partners grandfathered into the Programming Partners process to no more than two (2) years.

This amendment allows community-based not-for-profit organizations and Programming Partners providing services at County Park and Recreation facilities to be offered the opportunity to negotiate and/or renew a Programming Partnership Agreement based on the needs of MDPR. In the event that no agreement can be reached to the mutual satisfaction of the parties, an open competitive Request for

Proposal for Programming Partners process will be initiated. Other revisions to the ordinance correct scrivener errors.

Attachment

Alex Muñoz,
Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: April 7, 2009

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

SUBJECT: Agenda Item No. 7(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 Mayor'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(E)
4-7-09

ORDINANCE NO. _____

ORDINANCE RELATING TO THE PARK AND RECREATION DEPARTMENT AGREEMENTS WITH PROGRAMMING PARTNERS AND COMMUNITY BASED NOT-FOR-PROFIT ORGANIZATIONS; AMENDING ARTICLE II OF CHAPTER 26 OF THE CODE OF MIAMI-DADE COUNTY ALLOWING NEGOTIATION AND RENEWAL OF AGREEMENTS WITH COMMUNITY-BASED NOT-FOR-PROFIT ORGANIZATIONS AND PROGRAMMING PARTNERS; CORRECTING SCRIVENER ERRORS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Article II, Sections 26-21, 26-22, 26-23, 26-24, 26-27, 26-28, 26-31, 26-32 and 26-34 of the Code of Miami-Dade County, Florida (the "Code"), is hereby amended to read as follows:[1]

ARTICLE II

PROGRAMMING PARTNERS PROGRAM*

Sec. 26-21. Findings.

The Board finds that:

A. The purposes described in the Whereas clauses [of the ordinance from which this article derives] are incorporated into the body of this article by reference. This article shall hereafter be known as the "Programming Partners Ordinance" and referred to herein as this article.

[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.

B. To fulfill the goal of the Recreation and Open Space Element of the CDMP Objective 4C, Section ii, the Department stipulates that it shall work with community-based organizations, non-profit youth service organizations, foundations, facility support societies and other special interest groups to expand opportunities for private, non-profit investment in park improvements and recreational programming.

C. County procurement processes primarily govern the purchase of goods and services through specifications and competitive bidding, and are managed through the Department of Procurement >>Management<<. [[~~Criteria for bid award are based primarily upon price for the delivery of specified goods and services.~~]] As Programming Partners selection criteria are based on elements other than price, the standard procurement process should not apply, and Programming Partners shall become a distinct and unique process.

D. >>This Article<< [[~~Programming Partners~~]] creates a process to identify and select qualified >>Programming<< Partners to assist the Department in providing recreational and cultural programming services. Selection is based on an organization's ability to successfully fulfill specific, mutually agreed upon Recreational Outcomes that meet community needs.

E. Based upon these findings, the Board concurs that a fair and standard process for the recruitment, selection, agreement and evaluation of Not-For-Profit Program Service Providers be implemented.

Sec. 26-22. Scope.

This section shall apply to all permit agreements, license agreements and lease agreements for programming as defined herein, by not-for-profit organizations at Miami-Dade Park and Recreation Department Facilities with the park classification of Metropolitan Park, District Park, Community Park, Special Activity Areas, and Single-Purpose Park. This section shall supersede Section 2-8.1 and [[~~Administrative Order 3-2~~]] >>Administrative Order 3-38<< and 8-5 for the issuance of such permit agreements, license agreements and lease agreements with these entities.

Sec. 26-23. Definitions.

As used in this article, the following terms shall mean:

A. *Community-based Organization* (CBO) shall refer to any not-for-profit agency, group, organization, society, association, partnership or individual whose primary purpose is to provide a community service to improve or enhance the well-being of the community of Miami-Dade County at large or to improve or enhance the well-being of certain individuals within this community who have special needs.

B. *Community Park* shall refer to the park classification, as established in accordance with the guidelines of Miami-Dade County's adopted CDMP, for staffed County Park and Recreation Facilities, usually of 30-100 acres in size with mixed passive and active recreational facilities.

C. *Concession Rights* shall refer to a Programming Partner's privilege to engage in the trade of certain goods, such as food and drink, in compliance with their IRS status in order to raise funds for the operations of its programs.

D. *County Park and Recreation Facility* shall refer to any public park land and the recreational facilities, thereon, owned and/or operated by the Department. The following park classifications: Natural Area Preserves, Greenways, Neighborhood parks and mini-parks, by definition are considered passive use areas not usually suited for on-site program development and therefore they are exempt from this article.

E. *Department* shall refer to the Miami-Dade Park and Recreation Department.

F. *Development Rights* shall refer to a Programming Partner's privilege to raise funds or provide services to plan, design and construct capital improvements on County Park and Recreation Facilities so long as any improvements are in accordance with the host Facility's approved general plan, and all capital improvements are authorized through the appropriate Department procedures.

G. *District Park* shall refer to the park classification, as established in accordance with the guidelines of Miami-Dade County's adopted CDMP, for staffed County Park and Recreation Facilities, usually of 200 to 500 acres in size with intensive active, user-based recreational facilities.

H. *Exclusive Use* shall refer to a Programming Partners' serving as the sole provider of recreational programming services at a County Park and Recreation Facility.

I. *Metropolitan Park* shall refer to the park classification, as established in accordance with the guidelines of Miami-Dade County's adopted CDMP, for staffed County Park and Recreation Facilities, usually of 200-plus acres in size that incorporate activities based upon the natural and cultural resources of the park.

J. *Non-Exclusive Use* shall refer to a Programming Partners' sharing time and facility usage with other recreational programming service providers at a County Park and Recreation Facility.

K. *Not-For-Profit Program Service Provider(s)* shall refer to any legally incorporated not-for-profit organization created under the laws of the State of Florida (the State) and designated as a tax-exempt entity by the United States Internal Revenue Service, which has among its purposes the provision of youth, athletic, senior, adult, cultural, environmental, conservation and/or recreational services.

L. *Programming* shall refer to recreational or cultural activities or services provided to County Park and Recreation Facilities through either a Programming Partner or the Department.

M. *Programming Partners Agreement* or *Programming Partnership Agreement* shall refer to the executed contract for services between the Programming Partner and the Department approved and authorized as outlined in the Implementing Order.

N. *Programming Partner(s), Partner(s)* or *Partnering Organization(s)* shall refer to any Not-For-Profit Program Service Provider that is selected by the Department under this article and accompanying Implementing Order to

provide programs in County Park and Recreation Facilities.

O. *Public Park Purpose* shall refer to the use of County Park and Recreation Facilities for aesthetic, educational, recreational or cultural use, which promote personal, social, environmental and economic benefits to the [[~~Miami-Dade~~]] >>County<< community.

P. *Recreational Outcomes* shall refer to the measurable recreational or educational programming goals and objectives the Programming Partner seeks to achieve as a condition of its agreement with the Department.

Q. [[~~*Request For Proposal* and~~]]*Request For Programming Proposals* (RFPP) means a formal written solicitation prepared and issued for the purpose of seeking sealed responses from prospective proposers by a date and time certain as established by the County.

R. *Single Purpose Park* shall refer to the park classification, as established in accordance with the guidelines of Miami-Dade County's adopted CDMP, for staffed County Park and Recreation Facilities, usually between five and fifteen acres in size, that are devoted to a single recreational function.

S. *Special Activity Areas* shall refer to the park classification, as established in accordance with the guidelines of Miami-Dade County's adopted CDMP, for staffed County Park and Recreation Facilities of no set size, that incorporate activities based upon the natural or cultural resources of the park.

Sec. 26-24. Purpose.

>>The<< Programming Partners >>Program<< provides a vehicle for the Department to build collaborative relationships with Programming Partners through a fair and standard recruitment, selection, agreement and evaluation process that fosters quality, equity and diversity in recreational and cultural programming opportunities, while ensuring that both the County and its Partners are accountable for the stewardship of County Park and Recreation Facilities.

* * *

Sec. 26-26. Exemptions.

County Park and Recreation Facilities classified as Natural Area Preserve, Greenways, Neighborhood Parks and mini-parks are exempt from this article. Facilities with these designations are passive use in nature and are not generally suited for on-site development of any duration. Active, organized use of these facilities will continue to be addressed through existing procedures outlined in Administrative Orders for Special Events and Permits to Conduct Business on County Property.

Sec. 26-27. Administration.

By implementing order, [[~~subject to the approval of the Board of County Commissioners, the County Manager shall establish~~]] procedures for the advertisement, selection, and award of all agreements with Programming Partners >>shall be established<<. The implementing order shall be consistent with this article. The Department shall administer the Programming Partners process, which shall include at a minimum:

A. Recruitment Procedures for new Partners;

B. Measures [[~~to Grandfather~~]] >>for<< Existing Partner>>s<<;

C. Criteria for Selection;

D. Partnership Agreement Types and Authorizations;

E. Required Information and Reporting;

F. Criteria for Performance Monitoring;

G. Measures to Address non-Performing Partners;

H. Procedures for Partnership Renewal;

I. Requirements for Participation in Fee Reduction/ Scholarship Program;

J. Requirements for Background Checks of Volunteers;

K. Approval of Programming Partners Fees and Charges Schedules;

L. Mandatory Training Programs;

M. Opportunities for Recognition;

All Requests for Proposals for Programming Partners (RFPP) shall be prepared and issued by the Department. The Department shall receive and open such proposals, evaluate each proposal for responsiveness and qualifications, rank all proposals and shall make recommendations to the entity authorized by the Implementing Order to make the selection of award for a Programming Partner, as set forth herein. The type of agreement executed and level of authority for approval will be based upon the program purpose, use, term and amount of operating revenue and/or capital investment provided by the Programming Partner.

Sec. 26-28. Partnership Agreements.

The type of Partnership Agreement and the required delegated authority, (Department Director, County [[~~Manager~~]] >>Mayor or County Mayor's designee,<< or Board of County [[~~Commission~~]] >>Commissioners<<) to enter into such agreements shall be determined by the purpose, use, duration and level of capital investment incurred by the Programming Partner, and shall be detailed in the Implementing Order.

* * *

Sec. 26-31. Partner Revenues, Fees and Charges.

Revenues, fees and charges collected by Programming Partners shall be for fulfillment of the [[~~Partnering Organization's Programming Partner's~~]] >>Programming Partner's<< mission and in keeping with the [[~~Programming Partner's Organization's~~]]>>Programming Partner's<< not-for-profit status.

Sec. 26-32. Training.

All selected [[~~Program~~]] >>Programming<< Partners must participate in a mandatory training program, that will include, but not be limited to: department rules and regulations; ethics in the public sector; officials education and conduct; coaching certification; parental codes of conduct; inclusiveness and sensitivity for persons with disabilities; record keeping and reporting; and, facility stewardship.

* * *

Sec. 26-34. Existing Partners.

[[~~Existing~~]] >>Community–Based<< Not-For-Profit organizations >>and Programming Partners currently<< providing >>or desiring to provide<<[[~~recreational programs~~]] >>programming services<< at County Park[[s]] >>and Recreation Facilities<<[[~~shall be grand fathered into the Programming Partners process for no longer than one year beyond their current permit and shall be issued a new permit for no more than one year. During that period, the organization will be evaluated according to the criteria outlined in the administrative order and a formal Programming Partners Agreement shall be developed according to the requirement of this process. At the end of the contract time negotiated in the Agreement, including any approved options to renew, an open competitive RFPP will be initiated. If no agreement is reached based on the goals set forth herein, during the one-year period beyond the current permit, than an open RFPP process shall be initiated.~~]] >>may be offered the opportunity to negotiate and/or renew a Programming Partnership Agreement with the Department based on the needs of the Department provided that no such term, extension or renewal shall extend beyond ten (10) years following the effective date of this ordinance. In the event that no agreement can be reached to the mutual satisfaction of the parties, and in any event following the expiration of any agreed upon term, extension or renewal an open competitive RFPP process will be initiated. The Board, upon written recommendation of the County Mayor or the County Mayor's designee, may by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the County. Nothing in this section shall impair any validly existing contractual rights. <<

* * *

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: RAC

Prepared by: MUL

Martin Sybblis

MEMORANDUM

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

Agenda Item No. 4(M)
(Public Hearing 7-23-02)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: June 18, 2002

FROM: Steve Shiver
County Manager

SUBJECT: Ordinance Creating the Park and Recreation Department Programming Partners Program

02·137

RECOMMENDATION

It is recommended that the Board approve the attached Ordinance creating the Park and Recreation Department Programming Partners Program (Programming Partners).

BACKGROUND

Until 1993, the Park and Recreation Department (Department) was able to offer community-based organizations license and lease agreements for the provision of recreational programming at County Park and Recreation Facilities. The passage that same year of the "Save Our Parks" Article 6 Amendment to the Miami-Dade County Charter had the effect of seriously disrupting these alliances by prohibiting new agreements of any kind with any private organization, including Not-For-Profit Program Service Providers, without approval through a general election.

Since 1993, the Department has utilized Administrative Order 8-5, Permit to Conduct Business on County Property to obtain the services of programming providers. Because of its nature as a general process, Administrative Order 8-5 does not include selection and evaluation criteria sensitive to public park purposes, nor does it provide assurance to a partnering organization for long-term continuity of its program. This has resulted in loss of program stability and commitment of partnering organizations.

In the November 3, 1998 General Election, Miami-Dade County voters overwhelmingly supported (78%) amendments to Article 6 of the Miami-Dade Charter, restoring the Department's authority to enter into agreements with Not-For-Profit Program Service Providers. The Programming Partner's Ordinance is the culmination of the Department's effort to upgrade and standardize recreation and program needs compatible with park facilities; meet and work with existing program service providers to assure their continued participation and support; and, establish equitable criteria for the evaluation and selection of all program service providers that wish to use or operate from Miami-Dade County Park and Recreation facilities.

Programming Partnership Permit Agreements will be non-exclusive, single purpose, and for a five year period maximum with a single option to renew (OTR) up to two years. Permit agreements will require the Department Director's approval. Programming Partnership License Agreements will be for non-exclusive use of the park facility, and for up to ten years with a single OTR up to five years. Programming Partnership License Agreements will require the County Manager's approval. Lease agreements will be for the exclusive use of the park facility for a 20 year period maximum with a single OTR up to 10 years. The Programming Partner will provide operating and maintenance support of the facility. Lease agreements will require a public hearing and Board of County Commission approval, pursuant to Section 125.28 of the Florida Statutes.

Existing Community Based Organizations providing recreational programs at County Parks will be grandfathered into the Programming Partners process for a one-year transition period beyond their existing Permit to do Business on County Property. During this period, they will be evaluated and a formal Programming Partners Agreement developed according to the requirements of this process.

The Department will require when appropriate, that Programming Partners participate in its fee reduction/scholarship program. This is a sliding scale procedure based on the size of the family household and the annual family income, in order to accommodate families and participants unable to pay the full approved fee for departmental programs.

Adoption of this Ordinance will establish by County policy a fair and standard process to qualify and select youth service and other Programming Partners. The Ordinance and Administrative Order also establishes operating standards that will allow program participants and the community to evaluate the performance of program service providers.

Attachments

107.07-17A

MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 23, 2002

SUBJECT: Ordinance Creating the Park and Recreation Department Programming Partners Program

FROM: Steve Shiver
County Manager

02-137

There is no expected negative fiscal impact on the Park and Recreation Department's budget. The ordinance's intent is to develop a fair, and standard procedure for recruiting, selecting and contracting with community-based organizations to deliver recreational programming in County parks. This work will be done with existing staff.

Fiscal/07102-P&R Prog. Partners Prog.

MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 23, 2002

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 4(M)

02-137

Please note any items checked.

_____ **"4-Day Rule" (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**

_____ **Statement of private business sector impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **"Sunset" provision required**

_____ **Legislative findings necessary**

WHEREAS, the County has set as a goal of the Recreation and Open Space Element of its adopted Comprehensive Development Master Plan (CDMP) to develop, program and maintain a comprehensive system of parks and recreational open spaces; and

WHEREAS, Objective 4C of the Recreation and Open Space Element of the CDMP states that the County shall seek cooperative agreements with non-governmental organizations to provide additional resources for park acquisition, improvement and programming priorities; and

WHEREAS, it is the Department's policy to provide programs to the community regardless of socioeconomic status; and

WHEREAS, the Department enjoys a long history of partnering with private, not-for-profit community-based organizations to supplement recreational opportunities and experiences at County park and recreation facilities; and

WHEREAS, many of these private, not-for-profit community-based organizations have sought and obtained funding to make capital improvements and/or have made contributions of financial or professional assistance and equipment to County park and recreation facilities where County funding was unavailable; and

WHEREAS, Article 6 of the Miami-Dade County Home Rule Charter allows the County to contract with federally tax-exempt, not-for-profit, youth, adult and senior, cultural, conservation, and parks and recreation program providers; and

WHEREAS, it is necessary and desirable to establish a fair and standard procedure for recruiting, selecting, contracting and evaluating the performance of these programming partners to ensure the quality, equity, diversity, accountability and stewardship of programs offered at County Parks; and

WHEREAS, at the same time that this Board considered this Ordinance, the Board adopted a resolution establishing the administrative procedures to implement this program,

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

Section 1. Findings. The Board finds that:

A. The purposes described in the Whereas clauses are incorporated in the body of this Ordinance by reference. This Ordinance shall hereafter be known as the "Programming Partners Ordinance" and referred to herein as the "Ordinance."

B. To fulfill the goal of the Recreation and Open Space Element of the CDMP Objective 4C, Section ii, the Department stipulates that it shall work with community-based organizations, non-profit youth service organizations, foundations, facility support societies and other special interest groups to expand opportunities for private, non-profit investment in park improvements and recreational programming.

C. County procurement processes primarily govern the *purchase* of goods and services through specifications and competitive bidding, and are managed through the Department of Procurement. Criteria for bid award are based primarily upon price for the delivery of specified goods and services. As Programming Partners selection criteria are based on elements other than price, the standard procurement process should not apply, and Programming Partners shall become a distinct and unique process.

D. Programming Partners creates a process to identify and select qualified Partners to assist the Department in providing recreational and cultural programming services. Selection is based on an organization's ability to successfully fulfill specific, mutually agreed upon Recreational Outcomes, as defined herein, that meet community needs.

E. Based upon these findings, the Board concurs that a fair and standard process for the recruitment, selection, agreement and evaluation of Not-For-Profit Program Service Providers be implemented.

Section 2. Scope. This section shall apply to all permit agreements, license agreements and lease agreements for programming as defined herein, by not-for-profit organizations at Miami-Dade Park and Recreation Department Facilities with the park classification of Metropolitan Park, District Park, Community Park, Special Activity Areas, and Single-Purpose Park. This section shall supersede Section 2-8.1 and Administrative Order 3-2 and 8-5 for the issuance of such permit agreements, license agreements and lease agreements with these entities.

Section 3. Definitions. As used in this Ordinance, the following terms shall mean:

A. "Community-based Organization" (CBO) shall refer to any not-for-profit agency, group, organization, society, association, partnership or individual whose primary purpose is to provide a community service to improve or enhance the well-being of the community of Miami-Dade County at large or to improve or enhance the well-being of certain individuals within this community who have special needs.

B. "Community Park" shall refer to the park classification, as established in accordance with the guidelines of Miami-Dade County's adopted CDMP, for staffed County Park and Recreation Facilities, usually of 30-100 acres in size with mixed passive and active recreational facilities.

C. "Concession Rights" shall refer to a Programming Partner's privilege to engage in the trade of certain goods, such as food and drink, in compliance with their IRS status in order to raise funds for the operations of its programs.

D. "County Park and Recreation Facility" shall refer to any public park land and the recreational facilities, thereon, owned and/or operated by the Department. The following park classifications: Natural Area Preserves, Greenways, Neighborhood parks and mini-parks, by definition are considered passive use areas not usually suited for on-site program development and therefore they are exempt from this ordinance.

E. "Department" shall refer to the Miami-Dade Park and Recreation Department.

F. "Development Rights" shall refer to a Programming Partner's privilege to raise funds or provide services to plan, design and construct capital improvements on County Park and Recreation Facilities so long as any improvements are in accordance with the host Facility's approved general plan, and all capital improvements are authorized through the appropriate Department procedures.

G. "District Park" shall refer to the park classification, as established in accordance with the guidelines of Miami-Dade County's adopted CDMP, for staffed County Park and Recreation Facilities, usually of 200 to 500 acres in size with intensive active, user-based recreational facilities.

H. "Exclusive Use" shall refer to a Programming Partners' serving as the sole provider of recreational programming services at a County Park and Recreation Facility.

I. "Metropolitan Park" shall refer to the park classification, as established in accordance with the guidelines of Miami-Dade County's adopted CDMP, for staffed County Park and Recreation Facilities, usually of 200-plus acres in size that incorporate activities based upon the natural and cultural resources of the park.

J. "Non-Exclusive Use" shall refer to a Programming Partners' sharing time and facility usage with other recreational programming service providers at a County Park and Recreation Facility.

K. "Not-For-Profit Program Service Provider(s)" shall refer to any legally incorporated not-for-profit organization created under the laws of the State of Florida (the "State") and designated as a tax-exempt entity by the United States Internal Revenue Service, which has among its purposes the provision of youth, athletic, senior, adult, cultural, environmental, conservation and/or recreational services.

L. "Programming" shall refer to recreational or cultural activities or services provided to County Park and Recreation Facilities through either a Programming Partner or the Department.

M. "Programming Partners Agreement" or "Programming Partnership Agreement" shall refer to the executed contract for services between the Programming Partner and the Department approved and authorized as outlined in the Administrative Order.

N. "Programming Partner(s)," "Partner(s)" or "Partnering Organization(s)" shall refer to any Not-For-Profit Program Service Provider that is selected by the Department under this Ordinance and accompanying Administrative Order to provide programs in County Park and Recreation Facilities.

O. "Public Park Purpose" shall refer to the use of County Park and Recreation Facilities for aesthetic, educational, recreational or cultural use, which promote personal, social, environmental and economic benefits to the Miami-Dade community.

P. "Recreational Outcomes" shall refer to the measurable recreational or educational programming goals and objectives the Programming Partner seeks to achieve as a condition of its agreement with the Department.

Q. "Request For Proposal" and "Request For Programming Proposals" (RFPP) means a formal written solicitation prepared and issued for the purpose of seeking sealed responses from prospective proposers by a date and time certain as established by the County.

R. "Single Purpose Park" shall refer to the park classification, as established in accordance with the guidelines of Miami-Dade County's adopted CDMP, for staffed County Park and Recreation Facilities, usually between five and fifteen acres in size, that are devoted to a single recreational function.

S. "Special Activity Areas" shall refer to the park classification, as established in accordance with the guidelines of Miami-Dade County's adopted CDMP, for staffed County Park and Recreation Facilities of no set size, that incorporate activities based upon the natural or cultural resources of the park.

Section 4. Purpose. Programming Partners provides a vehicle for the Department to build collaborative relationships with Programming Partners through a fair and standard recruitment, selection, agreement and evaluation process that fosters quality, equity and diversity in recreational and cultural programming opportunities, while ensuring that both

the County and its Partners are accountable for the stewardship of County Park and Recreation Facilities

Section 5. Goals. To fulfill the purpose of Programming Partners, the Department seeks to:

A. Establish a fair and standard process to recruit, qualify and select Programming Partners.

B. Create a graduated system for agreement authorization.

C. Identify Recreational Outcomes required to fulfill community programming needs and deficiencies throughout all County Park and Recreation Facilities except as exempted by definition in Section 6 of this ordinance.

D. Develop performance measures that gauge Programming quality and effectiveness, and provide a process for corrective actions and a graduated system of penalties for non-compliance.

E. Provide financial oversight to ensure that Programming proceeds are reinvested directly into program operations and the upkeep and maintenance of the County Park and Recreation Facility hosting the Programming Partner.

F. Create mandatory training programs to empower Partners and improve overall professionalism, quality and diversity of Programming.

G. Ensure responsible stewardship of County Park and Recreation Facilities and recreational open space by scheduling programs to allow for general public access, and adequate and appropriate maintenance of lands and facilities.

H. Offer Development Rights to Programming Partners to empower them to obtain funding for capital improvements to County Park and Recreation

Facilities, and expedite construction projects in accordance with established department policies and procedures.

Section 6. Exemptions. County Park and Recreation Facilities classified as Natural Area Preserve, Greenways, Neighborhood Parks and mini-parks are exempt from this ordinance. Facilities with these designations are passive use in nature and are not generally suited for on-site development of any duration. Active, organized use of these facilities will continue to be addressed through existing procedures outlined in Administrative Orders for Special Events and Permits to Conduct Business on County Property.

Section 7. Administration. By administrative order, subject to the approval of the Board of County Commissioners, the County Manager shall establish procedures for the advertisement, selection, and award of all agreements with Programming Partners. The Administrative Order shall be consistent with this ordinance. The Department shall administer the Programming Partners process, which shall include at a minimum:

A. Recruitment Procedures for new Partners

B. Measures to Grandfather Existing Partners

C. Criteria for Selection

D. Partnership Agreement Types and Authorizations

E. Required Information and Reporting

F. Criteria for Performance Monitoring

G. Measures to Address non-Performing Partners

H. Procedures for Partnership Renewal

I. Requirements for Participation in Fee Reduction/Scholarship Program

J. Requirements for Background Checks of Volunteers

K. Approval of Programming Partners Fees and Charges Schedules

L. Mandatory Training Programs

M. Opportunities for Recognition

All Requests for Proposals for Programming Partners (RFPP) shall be prepared and issued by the Department. The Department shall receive and open such proposals, evaluate each proposal for responsiveness and qualifications, rank all proposals and shall make recommendations to the entity authorized by the Administrative Order to make the selection of award for a Programming Partner, as set forth herein. The type of agreement executed and level of authority for approval will be based upon the program purpose, use, term and amount of operating revenue and/or capital investment provided by the Programming Partner.

Section 8. Partnership Agreements. The type of Partnership Agreement and the required delegated authority, (Department Director, County Manager or Board of County Commission) to enter into such agreements shall be determined by the purpose, use, duration and level of capital investment incurred by the Programming Partner, and shall be detailed in the Administrative Order.

Section 9. Concession Rights. Concession Rights will be limited to Programming Partners operating in Community, District, Single-Purpose and Metropolitan Parks.

Section 10. Development Rights. Development Rights to construct recreational facilities on County-owned, -operated and -maintained parks will be granted at the

and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 19. Effectiveness. 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 20. Administration. This administration of the Programming Partnerships process shall be as stated in an Administrative Order approved by this Board.

Section 21. Sunset. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED: JUL 23 2002

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Angelique Ortega