

MEMORANDUM

Agenda Item No. 5 (C)

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

DATE: June 2, 2009

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

SUBJECT: Resolution approving deletion of Building Better Communities General Obligation Bond Program Project No. 249 – “Biscayne Park-Construct City Hall Building” from Appendix A to Resolution R-917-04 and from list of projects to be funded by series 2008B bond sale

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM

(Revised)

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

DATE: June 2, 2009

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

SUBJECT: Agenda Item No. 5(C)

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. 5(C)
6-2-09

RESOLUTION NO. _____

RESOLUTION APPROVING DELETION OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 234 – “BISCAYNE PARK – CONSTRUCT CITY HALL BUILDING” FROM APPENDIX A TO RESOLUTION NO. R-917-04 AND FROM LIST OF PROJECTS TO BE FUNDED BY SERIES 2008B BOND SALE, WAIVING REQUIREMENTS REGARDING ADDING NEW PROJECTS OF IMPLEMENTING ORDER 3-47 AND APPROVING ADDITION OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 234A – “BISCAYNE PARK – CONSTRUCT PUBLIC WORKS FACILITY” TO APPENDIX A TO RESOLUTION NO. R-917-04 AND TO LIST OF PROJECTS TO BE FUNDED BY SERIES 2008B BOND SALE AFTER A PUBLIC HEARING

WHEREAS, pursuant to Resolution No. 917-04 (the “Outreach Facilities Resolution”), the voters approved the issuance of general obligation bonds in a principal amount not to exceed \$255,070,000 to construct and improve public service outreach facilities to meet code and service requirements and to increase neighborhood and community access to services; and

WHEREAS, Appendix A to the Outreach Facilities Resolution lists projects eligible for funding from the Building Better Communities General Obligation Bond Program (the “BBC Program”) by project number, municipal project location, BCC district, project name, project description, street address, and project funding allocation; and

WHEREAS, in 2004, Miami-Dade County, in conjunction with the League of Cities, established a formula that equally distributed approximately ten percent (10%) of the bond proceeds to each municipality and the unincorporated area and, based on this formula, the

Village of Biscayne Park's ("Village") proportionate share of the bond proceeds was \$356,000; and

WHEREAS, one of the projects listed in Appendix A to the Outreach Facilities Resolution and approved by the voters for funding is Project No. 234 – "Biscayne Park – Construct City Hall Building" ("Project No. 234"), located in BCC District 4, with an original allocation equal to \$356,000 and a project description that states: "GOB funds will compliment other funding for the construction of Biscayne Park Village Hall building"; and

WHEREAS, on November 20, 2008, the Board adopted Resolution No. 1154-08 which itemized a list of projects to be funded from the bond series 2008B bond sale and Project No. 234 was included in that list; and

WHEREAS, the Village determined that these funds are insufficient to build a new Village Hall and instead desires to utilize these funds to construct a greatly needed Public Works facility for the Village (see attachment "A" for letter and resolution from the Village); and

WHEREAS, all additions, deletions and significant modifications to individual projects or to Appendix A to the Outreach Facilities Resolution require a majority vote of the Board after a public hearing; and

WHEREAS, the addition of all New Projects to the BBC Program and to the list of projects to be funded by the series 2008B bond sale are subject to the procedures of Implementing Order 3-47; and

WHEREAS, the construction of a Public Works facility for the Village is within the general scope of the voter-approved bond question relating to the Outreach Facilities Resolution; and

WHEREAS, the Village went out for bids and on February 3, 2009, the Village awarded a contract to the lowest bidder for the construction of the Public Works facility; and

WHEREAS, it is estimated that the construction on the new project will commence within the next 60 days and thus the Public Works facility is ready to proceed and, once built, the Village will provide operational funds to fully support the Public Works facility; and

WHEREAS, this Board wishes to delete Project No. 234 from Appendix A to the Outreach Facilities Resolution and from the list of projects to be funded by Series 2008B bond sale, waive the requirements regarding the addition of new projects funded from surplus funds of Implementing Order 3-47 and add a new project to Appendix A to the Outreach Facilities Resolution referenced as Project Number 234A – “Biscayne Park – Construct Public Works Facility” and to the list of projects to be funded by Series 2008B bond sale; and

WHEREAS, this Board wishes to allocate the \$356,000 from the project funding allocation approved for the construction of a Biscayne Park City Hall Building to the construction of a Biscayne Park Public Works facility; and

WHEREAS, the deletion of Project Number 234 and the addition of Project Number 234A preserves the Village’s proportionate share of bond proceeds while simply allocating it to another project within the same municipality; and

WHEREAS, this item was presented to the Building Better Communities Citizens’ Advisory Committee (the “CAC”) at its meeting held on April 27, 2009 and at such meeting the CAC favorably recommended this item for approval by the Board,

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

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board, after a public hearing:

- A.) Approves the deletion of BBC Program Project No. 234 identified in Appendix A to the Outreach Facilities Resolution and from the list of projects to be funded by Series 2008B bond sale;
- B.) For this Project, waives the requirements that surplus funds may fund new projects only after all Projects have been completed or necessary funding for completion of all Projects has been identified to the satisfaction of this Board and that a Mayor's recommendation be presented to the CAC of Implementing Order 3-47; and
- C.) Approves the addition of BBC Program Project Number 234A – "Biscayne Park – Construct Public Works Facility" to Appendix A to the Outreach Facilities Resolution and to the list of projects to be funded by Series 2008B bond sale.

Section 3. The "Project Description" for Project No. 234A shall read as follows: "Provide funding for the construction of a Public Works facility". The "Street Address" shall read 893 NE 109th Street, Biscayne Park, FL 33161. The "Allocation" shall read \$356,000.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was 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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro
Carlos A. Gimenez
Barbara J. Jordan
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto

Audrey M. Edmonson
Sally A. Heyman
Joe A. Martinez
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of June, 2009. 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.

MR

Monica Rizo

ATTACHMENT "A"



Village of Biscayne Park

640 Northeast 114th Street
Biscayne Park, Florida 33161

Phone: (305) 899-8000
Fax: (305) 891-7241

February 18, 2009

Mayor

John R. Hornbuckle

Commissioners

Bob Anderson

Steve Bernard

Kelly C. Mallette

Chester H. Morris, M.D.

Village Manager

Frank R. Spence

Village Clerk

Ann Harper

Village Attorney

John J. Hearn

Mr. Johnny Martinez, Director
Miami-Dade County
Office of Capital Improvements
GOB Division
111 NW 1st Street Suite 2130
Miami, Florida 33128-1026

RE: REQUEST TRANSFER OF GOB FUNDS AND
DESIGNATION OF BUILDING PROJECT

Dear Mr. Martinez:

Please find attached a Certified copy of a Village of Biscayne Park Resolution No. 2008-2, dated 3 March 2008, requesting the County to transfer \$356,000 in committed GOB funds from the original designation for a new Village Hall (Project #234) to a Public Works Facility. When it became obvious that these funds would be insufficient to build a new Village Hall, the priority changed to a greatly needed Public Works Facility. The Public Works Department is currently housed in an old dilapidated trailer with no locker rooms, showers or toilets.

The Village has since gone out for bids to construct a new Public Works Facility and on February 3, 2009, the Commission awarded a contract to the lowest bidder who came in under the \$356,000 budgeted. Construction can begin as soon as the contract is approved to be signed.

Mr. Johnny Martinez, Director, O/C/I Department,

February 18, 2009

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This Resolution was presumably sent to your office last year after its adoption, but, unfortunately, we cannot find any copies of any transmission cover letters.

Based on these facts, and the imminent ability to begin construction, and this Resolution, we respectfully ask for you expeditious approval.

Please let me know if you need anything more from me or if I have to do anything else.

Sincerely,



FRANK R. SPENCE

Village Manager

RESOLUTION NO. 2008-2

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, REQUESTING THAT MIAMI-DADE COUNTY TRANSFER \$356,000 OF COUNTY COMMITTED GENERAL OBLIGATION BOND MONEY FROM THE DESIGNATED NEW VILLAGE HALL TO BUILD A NEW PUBLIC WORKS FACILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Public Works Department is in need of a Public Works facility in order to provide the Village with necessary services; and

WHEREAS, funding for the construction of the new facility is available through monies currently designated by Miami-Dade County's General Obligation Bond Program for a new Village Hall; and

WHEREAS, the Village Commission believes it to be in the best interests of the Village to request that Miami-Dade County transfer the designated monies from the Village Hall to a new Public Works facility; now, therefore

BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Village Commission hereby requests that Miami-Dade County transfer \$356,000 of County committed General Obligation Bond money from the designated new Village Hall to build a new Public Works facility.

RESOLUTION NO. 2008-2

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, REQUESTING THAT MIAMI-DADE COUNTY TRANSFER \$356,000 OF COUNTY COMMITTED GENERAL OBLIGATION BOND MONEY FROM THE DESIGNATED NEW VILLAGE HALL TO BUILD A NEW PUBLIC WORKS FACILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Public Works Department is in need of a Public Works facility in order to provide the Village with necessary services; and

WHEREAS, funding for the construction of the new facility is available through monies currently designated by Miami-Dade County's General Obligation Bond Program for a new Village Hall; and

WHEREAS, the Village Commission believes it to be in the best interests of the Village to request that Miami-Dade County transfer the designated monies from the Village Hall to a new Public Works facility; now, therefore

BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Village Commission hereby requests that Miami-Dade County transfer \$356,000 of County committed General Obligation Bond money from the designated new Village Hall to build a new Public Works facility.

Section 3. This Resolution shall become effective upon adoption.

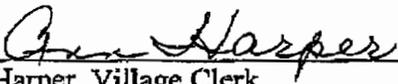
PASSED AND ADOPTED this 3rd day of March, 2008.

**The foregoing resolution upon being
Put to a vote, the vote was as follows:**

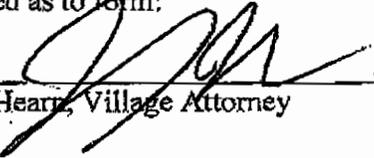


John Hornbuckle, Mayor

Mayor Hornbuckle: yes
Vice Mayor Morris: yes
Commissioner Anderson: yes
Commission Mallette: yes
Commissioner Bernard: yes

Attest:


Ann Harper, Village Clerk

Approved as to form:


John J. Hearns, Village Attorney

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 5(C)
File Number: 091371
**Committee(s)
of Reference:** Board of County Commissioners
Date of Analysis: May 18, 2009
Sponsor: Commissioner Sally A. Heyman
Commission District: 4
Type of Item: GOB-Biscayne Park

Summary

This resolution deletes Project No. 234 Biscayne Park – Construct City Hall Building from the Public Service Outreach Facilities Series 2008B and adds Project No. 234A Biscayne Park-Construct Public Works Facility located at 893 N.E. 109 Street. The resolution also waives procedures under Implementing Order 3-47(IO).

The original allocation of \$356,000 remains unchanged for Project No. 234A.

Background and Relevant Information

On January 10, 2008, through Resolution 67-08, the Board of County Commissioners (BCC) directed the Mayor or his designee to recommend a process to the BCC for the allocation of Building Better Communities Obligation Bond Program (BBC/GOB) proceeds. As a follow-up to the initial directive by the BCC, the Administration proposed a procedure for the allocation of BBC/GOB proceeds. On March 17, 2009, the BCC approved IO 3-47 to establish an administrative process for the use of BBC/GOB surplus funds, premium funds and unspent bond proceeds.

IO 3-47 provides the following procedure when adding new projects using surplus funds: (1) no new projects will be funded with surplus funds until all projects are completed or all necessary funding has been identified; (2) projects are within the general scope of one of the eight voter-approved questions; (3) projects are ready to proceed; (4) stakeholders demonstrate adequate operational funding; (5) Mayor or his designee recommend surplus funding for new projects; (6) and new projects will be reported to the BCC as part of each BBC/GOB Quarterly Report.

Prepared by: Michael Amador-Gil