MEMORANDUM

Agenda Item No. 14(A)(25)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	July 21, 2009
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution directing MMAP to conduct a feasibility study relating to the establishment of a foundation to secure funding for the Trust and directing MMAP to provide a recommendation of entities to which to transfer the Teen Court Program

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/up

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MEMORANDUM

(Revised)

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

DATE: July 21, 2009

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

SUBJECT: Agenda Item No. 14(A)(25)

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. 14(A)(25)
7-21-09

RESOLUTION NO. _____

RESOLUTION DIRECTING THE METRO MIAMI ACTION PLAN TRUST ("MMAP") OR ITS SUCCESSOR ENTITY TO CONDUCT A FEASIBILITY STUDY RELATING TO THE ESTABLISHMENT OF A FOUNDATION TO SECURE FUNDING FOR THE TRUST; AND DIRECTING MMAP TO PROVIDE A RECOMMENDATION OF ENTITIES OR ORGANIZATION TO WHICH TO TRANSFER THE TEEN COURT PROGRAM

WHEREAS, this Board adopted Resolution No. R-1271-08, which created the Metro Miami Action Plan Trust Oversight Review Board ("Oversight Board"); and

WHEREAS, the Oversight Board was created to perform those certain duties and functions specified in Section 6 of said resolution, including but not limited to making final findings and recommendations regarding the oversight and management of Metro Miami Action Plan Trust ("MMAP"); and

WHEREAS, on June 30, 2009, the Oversight Board submitted to this Board their final findings and recommendations; and

WHEREAS, the Oversight Board recommends that MMAP or its successor entity should be directed by this Board "to chart a course of action that will lessen its dependency on County General Funds"; and

WHEREAS, the Oversight Board further recommends that this Board consider the establishment of a foundation to enhance MMAP or its successor entity's ability to secure funds from philanthropic and other non-tax based sources; and

WHEREAS, the Oversight Board also made recommendations related to MMAP's Teen Court Program; and

WHEREAS, on December 15, 1998, this Board adopted Ordinance No. 98-185 pursuant to 938.19 of the Florida Statutes; and

WHEREAS, said ordinance imposes a three dollar ($3.00) court cost upon every person who pleads guilty or nolo contender to, or is convicted of, regardless of adjudication, a violation of a state criminal statute or county or municipal ordinance or who pays a civil penalty; and

WHEREAS, said ordinance also requires the Clerk of the Circuit Court to remit the three dollar ($3.00) assessment to the County's Teen Court Program; and

WHEREAS, on December 15, 1998, the Board adopted a policy whereby it designated MMAP to be the entity to administer and operate the Teen Court Program in Miami-Dade County; and

WHEREAS, the Oversight Board recommends that the Teen Court Program remain under the jurisdiction of MMAP or its successor entity for no more than three (3) years; and

WHEREAS, the Oversight Board recommends that at the end of the three-year period and pursuant to Florida Statute 938.19(6), the Board should authorize the transference of the administration of the Teen Court Program from MMAP or its successor entity to any of the following entities: a non-profit organization, a law enforcement agency, a court administrator, the Clerk of the Court, or any other similar agency; and

WHEREAS, the Oversight Board further recommends that MMAP or its successor entity's Board of Trustees should provide recommendations relating to the successor entity that should be responsible for the Teen Court Program to the Board; and

WHEREAS, the Oversight Board concludes that by transferring the Teen Court Program from MMAP or its successor entity it would allow MMAP or its successor entity to focus on the

implementation of a structure that supports the organization's proposed new focus on economic development; and

WHEREAS, this Board supports the recommendations of the Oversight Board as described herein,

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

Section 1. Directs MMAP or its successor entity to conduct a feasibility study relating to the establishment of a foundation by this Board that will focus on enhancing MMAP or its successor entity's ability to secure funds from philanthropic and other non-tax based sources.

Section 2. Directs MMAP or its successor entity's Board of Trustees within three (3) years from the date of this resolution to provide this Board with their recommendation of a non-profit organization, a law enforcement agency, a court administrator, the Clerk of the Court, or any other similar agency to which to transfer the Teen Court Program.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. 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	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of July, 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.

Terrence A. Smith