MEMORANDUM

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Agenda Item No.
2(C)

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

DATE: March 10, 2010

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

SUBJECT: Resolution approving significant modification to BBC GOB Program Project No. 293 to allocate $3,000,000 to Miami Marine Stadium

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

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM
(Revised)

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

DATE: April 6, 2010

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

SUBJECT: Agenda Item No.

Please note any items checked.

_____ **"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**

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

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
4-6-10

RESOLUTION NO. _____

RESOLUTION APPROVING SIGNIFICANT MODIFICATION TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 293 - "HISTORIC PRESERVATION FUND", AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-919-04 TO ALLOCATE $3,000,000 TO MIAMI MARINE STADIUM AFTER PUBLIC HEARING; WAIVING ADMINISTRATIVE RULES CONTEMPLATING COMPETITIVE PROCESS; AND AUTHORIZING COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE INTERLOCAL COOPERATION AGREEMENT AND TO DISBURSE FUNDS AFTER SATISFACTION OF CONDITIONS PRECEDENT

WHEREAS, pursuant to Resolution No. 919-04 (the "Cultural Facility Resolution"), the voters approved the issuance of general obligation bonds in a principal amount not to exceed $552,692,000 to construct and improve libraries, cultural facilities, and Head Start learning centers for pre-school children to offer multi-cultural educational opportunities and activities; and

WHEREAS, Appendix A to the Cultural Facility 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, one of the projects listed in Appendix A to the Cultural Facility Resolution and approved by the voters for funding is Project No. 293 – "Historic Preservation Fund" ("Project No. 293"), a Countywide fund with an original allocation equal to $10,000,000 and a project description that states: "[e]stablish a facilities preservation fund through the Office of

Historic Preservation. This program will provide emergency funding to property owners for the rehabilitation of residential and commercial historic sites. The program is geared to make an impact in the revitalization of historic buildings at the neighborhood level, particularly designated historic districts and other areas having a high concentration of older buildings. The Preservation Fund intends to make available up to $1 million annually in grants and loans between $25,000 and $250,000"; and

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

WHEREAS, this Board wishes to approve a significant modification to Project No. 123 to change the Project Description to delete the reference to the Office of Historic Preservation and to add a $3 million allocation to the Miami Marine Stadium such that the new Project Description would read as follows: "[e]stablish a facilities preservation fund to provide emergency funding to property owners for the rehabilitation of residential and commercial historic sites. The program is geared to make an impact in the revitalization of historic buildings at the neighborhood level, particularly designated historic districts and other areas having a high concentration of older buildings. The Preservation Fund intends to make available up to $1 million annually in grants and loans between $25,000 and $250,000 and $3 million to fund the Miami Marine Stadium"; and

WHEREAS, this significant modification to Project No. 293 would add the Miami Marine Stadium, a facility owned by the City of Miami (the "City") and listed in the City's Register of historic property as an eligible historical site and would allocate $3 million of Project No. 293 BBC Program funds to its historical preservation; and

WHEREAS, the Administrative Rules governing the BBC GOB Program contemplate that the award of Project No. 293 funds to an eligible project be made pursuant to a competitive process even though such a process is not legally required; and

WHEREAS, this Board wishes to award $3 million from Project No. 293 BBC Program funds to the Miami Marine Stadium without a competitive process; and

WHEREAS, this Board wishes to authorize the execution of an Interlocal Cooperation Agreement with the City and the disbursement of BBC GOB Program funds for this purpose only after the satisfaction of certain conditions precedent,

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 hereby approves the significant modification to Project No. 293, identified in Appendix A to Resolution No. R-919-04, after a public hearing to change the Project Description to read as follows: "Establish a facilities preservation fund to provide emergency funding to property owners for the rehabilitation of residential and commercial historic sites. The program is geared to make an impact in the revitalization of historic buildings at the neighborhood level, particularly designated historic districts and other areas having a high concentration of older buildings. The Preservation Fund intends to make available up to $1 million annually in grants and loans between $25,000 and $250,000 and $3 million to fund the Miami Marine Stadium."

Section 3. This Board waives the Administrative Rules governing the BBC GOB Program that contemplate the award of Project No. 293 funds to an eligible project pursuant to a

competitive process and awards $3 million from Project No. 293 BBC Program funds to the Miami Marine Stadium without a competitive process.

Section 4. Notwithstanding the authority delegated to the County Manager pursuant to Resolution No. R-595-05, this Board hereby authorizes the County Mayor or the Mayor's designee to execute an Interlocal Cooperation Agreement(s) and to disburse BBC GOB Program funds to fund the Miami Marine Stadium only after the satisfaction of all of the following conditions precedent: (a) the City shall submit a plan for the funding of all design and construction costs associated with the complete renovation of the Miami Marine Stadium (the "Project"), including identification of all funding sources and written commitments from third parties, if any, and the City covenants and warrants that it has, in combination with the $3 million allocation, the amount of funding necessary to complete the Project; (b) the City shall submit a plan for the funding of future operating costs of the Project; and (c) Project No. 293 must be listed as a project eligible for funding in one or more BBC GOB Program bond series resolutions. If an Interlocal Cooperation Agreement(s) authorizing the reimbursement of $3 million for the Project is not executed within five years from the effective date of this resolution, the County Mayor or the Mayor's designee shall present to this Board a report detailing the status of the Project.

The Prime Sponsor of the foregoing resolution is Commissioner Carlos A. Gimenez. 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 6th day of April, 2010. 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. GBK

Geri Bonzon-Keenan