

MEMORANDUM

Agenda Item No. 11(A)(4)


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

DATE: July 8, 2010

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

SUBJECT: Resolution directing Mayor or
Mayor's designee to study the
proposed development of the City
of North Miami-owned landfill site
formerly known as Munisport into a
sports and entertainment destination
resort

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/cp



MEMORANDUM

(Revised)

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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. 11 (A) (4)
7-8-10

RESOLUTION NO. _____

RESOLUTION DIRECTING MAYOR OR MAYOR'S DESIGNEE TO STUDY THE PROPOSED DEVELOPMENT OF THE CITY OF NORTH MIAMI-OWNED LANDFILL SITE FORMERLY KNOWN AS MUNISPORT INTO A SPORTS AND ENTERTAINMENT DESTINATION RESORT TO ENSURE THAT SUCH DEVELOPMENT IS CONSISTENT WITH THE TERMS OF (I) THE CONSENT AGREEMENT AND (II) THE SECOND AMENDED GRANT AGREEMENT, BOTH BETWEEN MIAMI-DADE COUNTY AND THE CITY OF NORTH MIAMI FOR, AMONG OTHER THINGS, ASSISTANCE IN COVERING THE COST OF CLOSURE AND REMEDIATION OF THE FORMER LANDFILL SITE

WHEREAS, on February 10, 1998, Miami-Dade County, through the Department of Environmental Resources Management (DERM), (the "County") and the City of North Miami (the "City") entered into a Consent Agreement, so as to provide a legal mechanism to address, among other things, the on-site treatment and closure of the former landfill site known as Munisport located within the City ("Consent Agreement"); and

WHEREAS, on April 2, 1996, this Board approved a Grant Agreement between the County and the City to provide a finite amount to be used toward funding for the closure and remediation of the landfill site (Resolution No. R-333-96) (the "Grant Agreement"); and

WHEREAS, on July 27, 1999, the Grant Agreement was amended to modify the term of the agreement from an initial five (5) year term with three (3) renewal terms of five (5) years each, to a single twenty (20) year term (Resolution No. R-910-99) ("First Amendment"); and

WHEREAS, the First Amendment also provided for a County grant of up to \$1 million per year to the City, for eligible costs, subject to availability and an annual budgetary authorization by the County; and

WHEREAS, on February 3, 2004, this Board approved a Second Amendment to the Grant Agreement to, among other things, increase the level of funding to be provided to the City to accomplish the landfill closure (“Second Amendment”); and

WHEREAS, pursuant to the Second Amendment, subject to certain conditions precedent, the County committed to funding, and did fund, a County and City administered escrow account in the amount of thirty-one million twenty seven thousand dollars (\$31,027,000.00), as the County’s limited contribution to the City toward the landfill closure; and

WHEREAS, all disbursements made from the escrow to the City pursuant to the Second Amendment are based on invoices or draw requests for eligible costs, which are reviewed by the County’s Department of Solid Waste Management’s Bond Engineer prior to payment; and

WHEREAS, it is reported that the City is considering the possibility of entering into an agreement with developer Solar Mountain Management Group in the near future to develop a sports and destination resort, powered by renewable solar, wind and thermal energy sources on the Munisport site (“New Development”); and

WHEREAS, the County should ensure that the proposed New Development is consistent with the appropriate closure of the landfill site pursuant to the Consent Agreement, the Second Amended Grant Agreement, and applicable County regulation,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the Mayor or Mayor’s designee to study the proposed New Development between the City and Solar Mountain Management Group for the Munisport site to ensure: (1) that such development is consistent with Chapter 24 of the County Code (regarding environmental protection), the Consent Agreement, and the Second Amended Grant Agreement, or other applicable

requirements, as it pertains to the clean-up and closure of the former landfill site known as Munisport, including, but not limited to determining whether the New Development would in any way (a) delay closure of the landfill, (b) increase landfill closure costs, or (c) violate any Florida Department of Environmental Protection requirements (DEP); and (2) does not otherwise violate the County's rights as an interested party. The Board further requests that the Mayor or Mayor's designee submit a written report to the Board within sixty (60) days, indicating the findings of the study.

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	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Barbara J. Jordan
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of July, 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.



Martin W. Sybblis