

MEMORANDUM

RCT

Agenda Item No. 2(D)

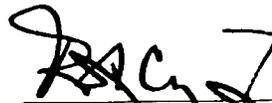
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: **November 8, 2010**

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

SUBJECT: Resolution approving significant
modifications to Building Better
Communities General Obligation
Bond Program Project Nos. 47 –
“Miami Metrozoo” and 46 – “Miami
Metrozoo”

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Dennis C. Moss.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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

DATE: November 4, 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.
11-5-10

RESOLUTION NO. _____

RESOLUTION APPROVING SIGNIFICANT MODIFICATIONS TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NOS. 47 – “MIAMI METROZOO” AND 46 – “MIAMI METROZOO”, BOTH AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-913-04 AND AS MODIFIED IN RESOLUTION NO. R-120-07; AND DIRECTING COUNTY MAYOR OR MAYOR’S DESIGNEE TO LIST PROJECT NO. 47 IN SERIES RESOLUTION AS ELIGIBLE FOR FUNDING IN NEXT SERIES OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BONDS AND TO FUND \$3,409,298 FROM SUCH BOND PROCEEDS IN ORDER TO COMPLETE THE DESIGN PHASE; REQUIRING BOARD APPROVAL FOR ANY ADJUSTMENTS TO SUCH FUNDING, INCLUDING CASH FLOW REVISIONS

WHEREAS, pursuant to Resolution No. R-913-04 (the “Parks Facilities Resolution”), the voters approved the issuance of general obligation bonds in a principal amount not to exceed \$680,258,000 to construct and improve neighborhood and regional parks and other recreational areas; and

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

WHEREAS, one of the projects listed in Appendix A to the Parks Facilities Resolution and approved by the voters for funding is BBC GOB Program Project No. 46 – “Miami MetroZoo” (“Project No. 46”) and, after a significant modification approved pursuant to Resolution No. R-120-07 (attached hereto as Exhibit “A”) to include the Amazon and Beyond project, has a modified project description of “Construction of Amazon and Beyond and Phase IV – Lakes and Australia Exhibit” and an allocation of \$31 million; and

WHEREAS, \$18,718,870 of Project No. 46 funds were spent to complete the Amazon and Beyond project and therefore \$12,281,130 of Project No. 46 funds remain allocated to, and unused in, Project No. 46; and

WHEREAS, another one of the projects listed in Appendix A to the Parks Facilities Resolution and approved by the voters for funding is BBC GOB Program Project No. 47 – “Miami MetroZoo”, (“Project No. 47”) with a project description of “Construction of Phase V – Florida Exhibit” and with an original allocation of \$31 million; and

WHEREAS, Project No. 47 provides for a major new exhibit that will enhance the Zoo’s storefront appeal, will abut the designated Zoo Miami Entertainment District, will improve visitors’ enjoyment of Zoo Miami’s entry exhibit as a result of the additional components, and therefore have a positive impact on Zoo Miami revenue; and

WHEREAS, currently Project No. 47 has a budget shortfall and is a project that, once completed, will spur economic development in the project area due to the concurrent development of the Water Park at the Zoo Miami Entertainment District by a development partner; and

WHEREAS, because this Board finds that Project No. 47 (the Florida Exhibit project) is a higher priority project for Zoo Miami than the Lakes and Australia Exhibit, this Board desires to approve another significant modification to Project No. 46 in order to modify the project description to delete the Lakes and Australia Exhibit from Project No. 46 and to read as follows: “Construction of Amazon and Beyond”; and

WHEREAS, the \$12,281,130 in funds remaining in Project No. 46 are therefore surplus funds that may be allocated to fund a budget shortfall in another BBC GOB Program project(s), pursuant to Implementing Order 3-47; and

WHEREAS, this Board desires to allocate these surplus funds to Project No. 47 and to approve a significant modification to Project No. 47 to change its allocation from \$31,000,000 to \$43,281,130; and

WHEREAS, while these surplus funds are being allocated from Project No. 46 to Project No. 47, both of these projects are for improvements within Zoo Miami and thus all of the funds are to remain for improvements within Zoo Miami; and

WHEREAS, on September 7, 2010, the GOB Citizens' Advisory Committee considered this item and the use of surplus funds for Project No. 47 and voted to favorably recommend this item to the Board of County Commissioners; and

WHEREAS, this Board wishes to direct the County Mayor or Mayor's designee to list Project No. 47 in the next series resolution as a project eligible for funding in the amount of \$3,409,298 from bond proceeds generated from the next BBC GOB Program bonds (scheduled to be issued in the Fall of 2010), which represents the amount needed to complete the design phase of the Florida Exhibit by the end of 2011, and not to make any adjustments to said funding for any reason, including cash flow revisions by the County Mayor or Mayor's designee authorized by Implementing Order No. 3-47, without this Board's prior approval,

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 modifications to (i) Project No. 46, as identified in Appendix A to Resolution No. R-913-04 and modified by Resolution No. R-120-07, to change its project description to "Construction of Amazon and Beyond" and to reduce its allocation from \$31 million to \$18,718,870, and (ii) Project No. 47, as identified in

Appendix A to Resolution No. R-913-04, to increase its allocation from \$31 million to \$43,281,130 through the allocation of \$12,281,130 of surplus funds.

Section 3. This Board hereby directs the County Mayor or the County Mayor's designee (i) to list Project No. 47 in the next series resolution as a project eligible for funding, (ii) to fund Project No. 47 from bond proceeds generated from the next BBC GOB Program bonds (scheduled to be issued in the Fall of 2010) in the amount of \$3,409,298, representing the amount needed to complete the design phase of Project No. 47 by the end of 2011, and (iii) not to make any adjustments to said funding for any reason, including cash flow revisions authorizing by Implementing Order 3-47, without this Board's prior approval.

The Prime Sponsor of the foregoing resolution is Chairman Dennis C. Moss. 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
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of November, 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.

MR

Monica Rizo