MEMORANDUM

Agenda Item No. 11(A)(2)

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

DATE: November 4, 2010

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

SUBJECT: Resolution directing the County Mayor to initiate dialogue with Florida Marlins, L.P. and City of Miami to determine whether parties would mutually agree to amend Stadium Agreements to reduce public's contribution towards construction or operation of new Marlins' ballpark

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The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Sally A. Heyman and Senator Javier D. Souto.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

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. 11(A)(2)

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)(2)
11-4-10

RESOLUTION NO. _____

RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO INITIATE DIALOGUE WITH FLORIDA MARLINS, L.P. AND CITY OF MIAMI TO DETERMINE WHETHER PARTIES WOULD MUTUALLY AGREE TO AMEND STADIUM AGREEMENTS TO REDUCE PUBLIC'S CONTRIBUTION TOWARDS CONSTRUCTION OR OPERATION OF NEW MARLINS' BALLPARK

WHEREAS, the County, the City of Miami (the "City") and the Florida Marlins, L.P. (the "Marlins") and its affiliates have entered into a number of agreements related to the design, construction, operation and management of a new ballpark, including a Construction Administration Agreement (as amended), an Operating Agreement, a City Parking Agreement, a Non-Relocation Agreement and an Assurance Agreement by and among the County, the City and the Marlins (hereafter collectively referred to as the "Stadium Agreements"); and

WHEREAS, pursuant to the terms of the Stadium Agreements, the County and the City will contribute all funding for the public infrastructure for the ballpark, $361 million towards the ballpark's construction costs, and annual contributions towards a capital replacement account; and

WHEREAS, the County's $347,500,000 contribution towards the ballpark's construction costs is funded in part by $50,000,000 of Building Better Communities general obligation bond proceeds; and

WHEREAS, the Board wishes to direct the County Mayor or the County Mayor's designee to initiate dialogue with the Marlins and the City to determine whether the parties would mutually agree to amend the appropriate Stadium Agreements to reduce the public's contribution towards the construction and/or the operation of the ballpark,

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. The County Mayor or the County Mayor's designee is hereby directed to initiate dialogue with the Marlins and the City to determine whether the parties would mutually agree to amend the appropriate Stadium Agreements to reduce the public's contribution towards the construction and/or the operation of the ballpark. The County Mayor or the County Mayor's designee is directed to present the amended Stadium Agreements to this Board for its consideration within sixty (60) days from the effective date of this resolution; provided, however, if the parties are unable to mutually agree to the terms of such amendment(s) within the requisite time period, a report detailing the status of the negotiations shall be presented to this Board instead.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Sally A. Heyman and Senator Javier D. Souto. 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 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. GBK

Geri Bonzon-Keenan

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