

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

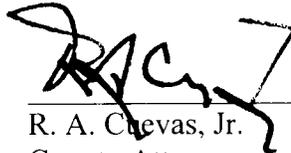
DATE: December 7, 2010

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

SUBJECT: Resolution approving significant
modification to Building Better
Communities General Obligation
Bond Program Project No. 293 –
to allocate \$1,000,000 to friends of
the Military Museum of South Florida
at NAS Richmond, Inc.

The substitute corrects a scrivener's error. The substitute differs from the original in that all references to "Interlocal Cooperation Agreement" have been replaced with "Grant Agreement."

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Dennis C. Moss and Co-Sponsors Vice-Chairman Jose "Pepe" Diaz, Commissioner Joe A. Martinez and Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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

DATE: December 7, 2010

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

SUBJECT: Agenda Item No. 5(E)

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

2

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(E)

12-7-10

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 \$1,000,000 TO FRIENDS OF THE MILITARY
MUSEUM OF SOUTH FLORIDA AT NAS RICHMOND, INC.
TO FUND WORK TO RICHMOND NAVAL AIR STATION
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, Appendix A to Resolution No. 919-04 (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 Facilities Resolution and approved by the voters for funding is Project No. 283 - "Richmond Naval Air Station -- Building 25" with an allocation of \$2 million and a project description that states: "Relocate this historic structure to a location near Miami MetroZoo and complete its rehabilitation as a military museum and memorial. Building 25 is the last remaining wood frame building of the Richmond Naval Air Station, which served as control base for blimps that protected the South Florida coastline during World War II and as a CIA base during the Cuban Missile Crisis. Through the Office of Historic Preservation" (the "Military Museum"); and

WHEREAS, also 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 allocation equal to \$10,000,000 and a project description that states: “[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, \$3 million to fund the Miami Marine Stadium and \$1 million to fund the restoration of Curtiss Mansion”; 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. 293 to change the Project Description to add a \$1 million allocation to complete the restoration of the Military Museum 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, \$3 million to fund the Miami Marine Stadium, \$1 million to

fund the restoration of Curtiss Mansion and \$1 million to fund the restoration of the Military Museum”; and

WHEREAS, this significant modification to Project No. 293 would add the Military Museum, a facility designated by the Miami-Dade County Board of Historic Preservation as a historic site, as eligible for funding and would allocate \$1 million of Project No. 293 BBC Program funds to its historical preservation; and

WHEREAS, these funds would complement additional funding for the restoration of Military Museum provided by BBC GOB Project No. 283- “Richmond Naval Air Station – Building 25”; 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, because a competitive process is not currently contemplated, this Board wishes to award \$1 million from Project No. 293 BBC GOB Program funds to the Military Museum without a competitive process; and

WHEREAS, this Board wishes to authorize the execution of an ~~[[Interlocal Cooperation Agreement]]~~¹ >>Grant Agreement<< with the Friends of the Military Museum of South Florida at NAS Richmond, Inc. (the “Grantee”) 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:

¹ The differences between the substitute and the original are indicated as follows: words stricken through and/or ~~[[double bracketed]]~~ shall be deleted; words underscored and/or >>double-arrowed<< constitute the amendment proposed.

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, \$3 million to fund the Miami Marine Stadium, \$1 million to fund the restoration of Curtiss Mansion, and \$1 million to fund the restoration of the Military Museum.”

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 \$1 million from Project No. 293 BBC GOB Program funds to the restoration of the Military Museum 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)]]~~ >>Grant Agreement(s)<< and to disburse BBC GOB Program funds to fund the restoration of the Military Museum only after the satisfaction of all of the following conditions precedent: (a) the Grantee shall submit a plan for the funding of all design and construction costs associated with the complete restoration of the Military Museum (the “Project”), including identification of all funding sources and written commitments from third parties, if any, and the Grantee covenants and warrants that it has, in

combination with the Project No. 293 \$1 million allocation, the amount of funding necessary to complete the Project; (b) the Grantee 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. The ~~[[Interlocal Cooperation Agreement]]~~ >>Grant Agreement(s)<< shall provide that the Project No. 293 \$1 million allocation shall be used to fund the last \$1 million of construction costs necessary to complete the Project.

The Prime Sponsor of the foregoing resolution is Chairman Dennis C. Moss, and the Co-Sponsors are Vice-Chairman Jose "Pepe" Diaz, Commissioner Joe A. Martinez and Commissioner Rebeca Sosa. 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 | Lynda Bell |
| Audrey M. Edmonson | Carlos A. Gimenez |
| Sally A. Heyman | Barbara J. Jordan |
| Joe A. Martinez | Jean Monestime |
| Natacha Seijas | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of December, 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

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 5(C), 5(D), 5(E)

File Number: 102511, 102447 and 102717

**Committee(s)
of Reference:** Board of County Commissioners

Date of Analysis: November 11, 2010

Prime Sponsor: Commissioner Barbara J. Jordan for item 5(C)
Chairman Dennis C. Moss for item 5(E)
Commissioner Rebeca Sosa for item 5(D)

Type of Item: Significant Modification to Building Better Communities General Obligation Bond Program

Summary

These items approve a significant modification to Building Better Communities General Obligation Bond Program (BBC-GOB) Project No. 293.

Background and Relevant Legislation

The Historic Preservation Fund (HPF) is a program funded under the BBC-GOB through project 293 with an original allocation of \$10 million (R-919-04). The HPF is intended to provide matching funds to private property owners, private non-profit organizations, and municipal government agencies for the acquisition, relocation and rehabilitation of designated historic properties, or properties eligible for designation as a historic property or as a contributing historic property within Miami-Dade County.

The BBC-GOB Program as created by Ordinance 05-47, is administratively governed by the Building Better Communities Administrative Rules (Page 2, Building Better Communities Administrative Rules Rev. 1/07). These administrative rules have been prepared to address the administration and allocation of funds for the projects and programs identified in the BBC-GOB Program. In addition to the funding of projects listed in the BBC-GOB program, eligible projects may be funded through the application process described in the administrative rules with monies from four (4) funds. The four (4) funds are as follows:

- Historical Preservation Fund (HPF);
- Economic Development Fund (EDF);
- Not-for-Profit Community Organization Capital Fund (NFPCF); and
- Primary Health Care Facilities Fund (PHCFF)

At the June 9, 2010, Transit, Infrastructure & Roads Committee, the Director of the Office of Capital Improvements responded to Committee member concerns about the lack of a competitive process as it related to the issuance of HPF. The Director of Capital Improvements (OCI) noted that an RFP competitive process was initiated and advertised to issue a portion of the \$10 million of HPF. However, the Director of OCI further noted that due to the difficulties encountered in the competitive process relating to private homeownership and the limited bonding capacity of the BBC-GOB. For these reasons, County Administration decided not to move forward with the RFP.

On June 15, 2010, the Board approved Resolution R-668-10, which included amendments to the Administrative Rules governing the BBC-GOB Program. According to the amended Administrative Rules, recipients of HPF must apply for funding during a funding submission period or a funding allocation may be awarded to a recipient by the Board on a case by case basis (page 6, Building Better Communities Administrative Rules, Rev. 04/10). Additionally, the amendments provide the funding allocation, administration and reimbursement policy to require title to land acquired with BBC-GOB Program funds or facilities constructed/developed with BBC-GOB funds will vest with a Public Agency, or legally incorporated 501(c)(3) not-for-profit Community Based Organization, or an active and duly registered Florida for-profit corporation or other recognized business entity (page 21, Building Better Communities Administrative Rules, Rev. 04/2010). On July 11, 2010, the County Manager issued a memo to include a list of projects considered for the upcoming BBC-GOB bond sale and it does not include funding for BBC-GOB Project 293.

The Board approved three significant modifications to Project 293 to include the following:

- Resolution R-328-10 approved \$3 million of HPF for the Miami Marine Stadium;
- Resolution R-707-10 approved \$1 million of HPF for the restoration of the Curtiss Mansion; and
- On November 4, 2010, the Board of County Commissioners approved \$1.8 million of HPF for the restoration of the Historic Hampton House.

Currently, the following legislative items seek to approve allocations from the HPF:

| Item | Title | Allocation Amount | Project Status |
|------|--|-------------------|--|
| 5C | Historic Opa-Locka City Hall | \$2.0 million | n/a |
| 5E | Military Museum of South Florida | \$1.0 million | Military Museum GOB project #283 with an allocation of \$2M involved structural stabilization and repairs needed prior to relocating the entire structure to a site adjacent to the existing Gold Coast Railroad Museum. The project is complete and has spent all funds (minus \$40,000 of final project retainage). The allocation from the Historic Preservation Fund is needed to complete the construction and restoration of the facility. |
| 5D | Historic Biltmore Hotel and Country Club | \$1.2 million | n/a |

On September 21, 2010, the Board approved resolution R-955-10 directing the County Mayor or Designee to prepare a Request for Proposals for Historic Properties that qualify for funding from the Historic Preservation Fund. Resolution R-955-10 provides a set \$250,000 limit for each grant application and requires the Selection Committee to comprise of representatives from the County's Historic Preservation Fund and the Dade Heritage Trust.

Prepared by: Mia B. Marin