**MEMORANDUM** Agenda Item No. 5(B)

**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 of BBC GOB Program Project No. 18 to reduce its allocation and addition of Project No. 123.1 "Florida Memorial University Multi-Purpose Arena"

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/up

# 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. 5(B)
12-7-10

RESOLUTION NO. _____

RESOLUTION APPROVING SIGNIFICANT MODIFICATION OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 18 - "IVES ESTATE DISTRICT PARK" IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-913-04 TO REDUCE ITS ALLOCATION AND ADDITION OF PROJECT NO. 123.1 – "FLORIDA MEMORIAL UNIVERSITY MULTI-PURPOSE ARENA" TO APPENDIX A TO RESOLUTION NO. R-913-04 TO BE FUNDED FROM PORTION OF PROJECT NO. 18 ALLOCATION AFTER PUBLIC HEARING; WAIVING REQUIREMENTS OF IMPLEMENTING ORDER 3-47 REGARDING ADDING NEW PROJECTS TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM USING SURPLUS FUNDS; AND DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO LIST SUCH PROJECT IN SERIES RESOLUTION AS ELIGIBLE FOR FUNDING IN NEXT SERIES OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BONDS AND TO FUND FROM SUCH BOND PROCEEDS FULL AMOUNT NECESSARY TO TIMELY COMPLETE SUCH PROJECT AND REQUIRING BOARD APPROVAL FOR ANY ADJUSTMENTS TO SUCH FUNDING, INCLUDING CASH FLOW REVISIONS

**WHEREAS**, pursuant to Resolution No. R-913-04 (the "Parks and Recreational 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, including gymnasiums; and

**WHEREAS**, Appendix A to the Parks and Recreational Facilities 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 allocation; and

**WHEREAS,** one of the projects listed in Appendix A to the Parks and Recreational Facilities Resolution and approved by the voters for funding is Project No. 18 – "Ives Estate District Park" with an original allocation of $20,000,000 ("Project No. 18") and located in District 1; and

**WHEREAS**, as one of Florida's oldest academic institutions, Florida Memorial University (the "University") located in District 1 has a long history and commitment to the free exchange of ideas, the pursuit of knowledge, and the ongoing transmission of African-American history and culture; and

**WHEREAS**, the University plans to construct a multi-purpose event arena at a cost of $10,000,000 (the "Arena") on its campus through a collaborative effort involving the University, Miami-Dade County (the "County") and private sources; and

**WHEREAS**, the Arena would provide significant benefits to the citizens of the County by providing a place for recreational, cultural, and educational activities, as well as serve as a venue for community high school and intercollegiate sports competition and other uses by the public; and

**WHEREAS**, given that there is no such facility available to citizens living in the Northwest area of the County and the cities of Miami Gardens, Opa-Locka, and Miami Lakes, the areas which would receive the most direct benefit from the construction of the Arena, it would be a public purpose and in the best interest of the County to financially contribute towards the construction of the Arena; and

**WHEREAS,** the Arena qualifies as a gymnasium open to public use and therefore, is eligible for funding pursuant to the Parks and Recreational Facilities Resolution; and

**WHEREAS**, this Board wishes to approve a significant modification to Project 18 to reduce its allocation from $20,000,000 to $15,000,000 and to allocate the $5,000,000 difference

to a new project to be added to Appendix A to the Parks and Recreational Facilities Resolution as Project No. 123.1 and entitled "Florida Memorial University Multi-Purpose Arena" ("Project No. 123.1"); and

**WHEREAS,** in accordance with Implementing Order 3-47 ("IO 3-47"), the $5,000,000 no longer allocated to Project No. 18 are deemed "Surplus Funds"; and

**WHEREAS**, IO 3-47 sets forth a process for the allocation of Surplus Funds (as such term is defined in IO 3-47) to existing and new BBC Program projects; and

**WHEREAS**, in order to add the Arena as a new project to Appendix A to the Parks and Recreational Facilities Resolution, this Board wishes to waive the requirements of IO 3-47 regarding the addition of new projects to the BBC Program using surplus funds; and

**WHEREAS,** the Board wishes to direct the County Mayor or the County Mayor's designee to list Project No. 123.1 (Florida Memorial University Multi-Purpose Arena) in the next series resolution as eligible for funding from bond proceeds generated from the next BBC GOB Program bonds (scheduled to be issued in the first quarter of 2011) and shall not make any adjustments to said funding for any reason, including cash flow revisions by the County Mayor or the County 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 by reference.

Section 2. The significant modification of Project No. 18 to reduce its allocation from $20,000,000 to $15,000,000 after a public hearing is approved. Appendix A to the Parks and Recreational Facilities Resolution shall be amended accordingly.

Section 3. The addition of Project No. 123.1 - "Florida Memorial University Multi-Purpose Arena" with an allocation of $5,000,000 after a public hearing is approved. Appendix A to the Parks and Recreational Facilities Resolution shall be amended to add the following information at the end of Appendix A: (a) under the column titled "Project Number" add "123.1"; (b) under the column titled "Municipal Project Location" add the word(s) "City of Miami Gardens"; (c) under the column titled "BCC District" add the number "1"; (d) under the column titled "Project Name" add the words "Florida Memorial University Multi-Purpose Arena"; (e) under the column titled "Project Description" add the words "construct a state of the art athletic and recreational gymnasium including basketball courts and related seating, track, weight and training rooms, locker rooms, dance/exercise room, meeting and lecture rooms and related offices to be open to the public"; (f) under the column titled "Street Address" add the following: "15800 NW 42nd Street, Miami Gardens"; and, (g) under the column titled "Allocation (000s)" add "5,000".

Section 4. This Board hereby waives the requirements of IO 3-47 regarding the addition of new projects to the BBC Program using surplus funds, including the requirement that surplus funds may fund new projects only after all projects have been completed or necessary funding for completion of all projects has been identified to the satisfaction of the Board.

Section 5. The County Mayor or the County Mayor's designee shall list Project No. 123.1 (Florida Memorial University Multi-Purpose Arena) in the next series resolution as eligible for funding from bond proceeds generated from the next BBC GOB Program bonds (scheduled to be issued in the first quarter of 2011) and not to make any adjustments to said funding for any reason, including cash flow revisions by the County Mayor or the County Mayor's designee authorized by Implementing Order No. 3-47, without this Board's prior approval.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. 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

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|---|---|
| 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.

Gerald T. Heffernan