

**MEMORANDUM**

Agenda Item No. 11(A)(1)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** October 4, 2011

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

**SUBJECT:** Resolution rescinding grant award  
in amount of \$2,438,000 from the  
Building Better Communities General  
Obligation Bond Program Project  
No. 223 – “Not-for-Profit Community  
Organization Capital Fund” to Miami  
Children’s Museum, Inc.

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.



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R. A. Cuevas, Jr.  
County Attorney

RAC/cp



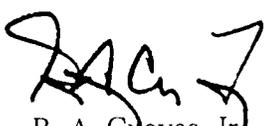
# MEMORANDUM

(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)(1)  
10-4-11

RESOLUTION NO. \_\_\_\_\_

RESOLUTION RESCINDING GRANT AWARD IN AMOUNT OF \$2,438,000 FROM THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 223 – “NOT-FOR-PROFIT COMMUNITY ORGANIZATION CAPITAL FUND” TO MIAMI CHILDREN’S MUSEUM, INC. (“MUSEUM”), AWARDED SAME TO THE MUSEUM, AND AUTHORIZING DISBURSEMENT OF FUNDS TO THE MUSEUM AFTER EXECUTION OF GRANT AGREEMENT AND RECORDATION OF DECLARATION OF RESTRICTIVE COVENANTS

**WHEREAS**, in 2001, this Board awarded a \$5 million grant from Convention Development Tax funds for the construction of the new Miami Children’s Museum (“Museum”) facility (Resolution No. R-793-01); and

**WHEREAS**, this \$5 million allocation, along with \$14.8 million of private and State funds, an additional \$5 million construction loan secured by a mortgage on the Museum provided the necessary funding for the Miami Children’s Museum, Inc. (“Children’s Museum”) to complete the construction of the facility; and

**WHEREAS**, in 2003, the Museum opened in a new state-of-the-art, 60,000 square foot facility close to downtown Miami and now stands as one of the 10 largest children’s museums in the United States and the only one in Miami-Dade County; and

**WHEREAS**, the Museum targets services to children ages 3 months to 12 years old, their families, caregivers, and educators; and

**WHEREAS**, the Museum’s facility encompasses 14 galleries of interactive exhibits with learning activities focused on the themes of arts, culture, community, and communication and all

exhibits and programs are guided by research-based models that promote child development through fun, interactive, and authentic learning experiences; and

**WHEREAS**, to date, the Museum has paid \$4.1 million in principal and interest payments on the construction loan it obtained, but the burden of this continuing obligation has had a direct effect on the Museum's financial stability and its ability to offer programs and services to the public; and

**WHEREAS**, given the recent economic climate, it has become increasingly difficult for the Museum to raise sufficient funds both to sustain its operations and to continue to repay this loan in a timely manner; and

**WHEREAS**, on November 2, 2004, voters overwhelmingly approved eight referendum questions to fund more than 300 capital improvement projects throughout Miami-Dade County over an approximately 18 to 20 year period, comprising the Building Better Communities General Obligation Bond ("BBC GOB") Program; and

**WHEREAS**, BBC GOB Project No. 223 - "Not-for-Profit Community Organization Capital Fund", with a total allocation of \$30 million, was approved as a part of the BBC GOB Program; and

**WHEREAS**, on July 24, 2007, by Resolution No. R-884-07, the Board approved allocations to 37 not-for-profit entities totaling the full \$30 million from the BBC GOB Project No. 223, after a competitive request for proposals process, and the Children's Museum was awarded \$2,438,000 to implement a series of capital improvements to their existing facility including renovation, upgrading and construction of new features to enhance the visitor experience, accessibility and safety/security, and to complete interior and exterior construction; and

**WHEREAS**, in order to strengthen the Children's Museum's operational stability prior to undertaking additional capital projects, it is in the best interest of the County to rescind the

original \$2,438,000 grant of BBC GOB Project No. 223 funds to the Children's Museum and approve a grant award in the same amount to the Museum to be used to pay the balance of the construction loan, secured by a mortgage on the museum facility, the proceeds of which were used for capital expenses related to the museum facility; and

**WHEREAS**, the Children's Museum will therefore be able to pay off its capital debt, thus enabling the organization to focus more of its resources on its core mission to enrich the lives of children by fostering a love of learning and enabling children to realize their highest potential; and

**WHEREAS**, as a condition of the grant award, the Children's Museum will be required to record a Restrictive Covenant ensuring the use of the property for public museum purposes and restricting the Museum's ability to further encumber the property without the expressed written consent of Miami-Dade County; and

**WHEREAS**, this item was presented to the BBC-GOB Citizens' Advisory Committee ("CAC") on August 18, 2011 and was forwarded to the Board with a favorable recommendation,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that:

Section 1. All of the foregoing recital clauses are incorporated herein by referenced and adopted by this Board.

Section 2. This Board hereby rescinds a grant award in the amount of \$2,438,000 from the BBC GOB Program Project No. 223 – "Not-for-Profit Community Organization Capital Fund" and awards \$2,438,000 from Project No. 223 to the Children's Museum in order to pay the balance of a construction loan, the proceeds of which were used for capital expenses on the Museum facility.

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Section 3. This Board hereby approves the disbursement of BBC GOB funds to the Children's Museum after the execution of the BBC GOB Grant Agreement and the recordation of a declaration of restrictive covenants, after approval of the form by the County Attorney's Office, by the Children's Museum.

The Prime Sponsor of the foregoing resolution is Commissioner Bruno A. Barreiro. 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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of October, 2011. 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.  
Monica Rizo

MR

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