



**MEMORANDUM**

Agenda Item No. 11(A) (5)

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

**DATE:** January 24, 2012

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

**SUBJECT:** Resolution authorizing the County Mayor to execute a Second Amendment to the Interlocal Library Lease Agreement with the City of Sunny Isles Beach to increase the operating hours at the Sunny Isles Beach Branch Library with the costs of such increase to be paid by the City to the County; authorizing the County Mayor to exercise any renewal and cancellation provisions contained therein

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

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

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

**DATE:** January 24, 2012

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

**SUBJECT:** Agenda Item No. 11(A)(5)

**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)(5)  
1-24-12

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

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE A SECOND AMENDMENT TO THE INTERLOCAL LIBRARY LEASE AGREEMENT WITH THE CITY OF SUNNY ISLES BEACH TO INCREASE THE OPERATING HOURS AT THE SUNNY ISLES BEACH BRANCH LIBRARY WITH THE COSTS OF SUCH INCREASE TO BE PAID BY THE CITY TO THE COUNTY; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN

**WHEREAS**, Miami-Dade County ("County") and the City of Sunny Isles Beach ("City") entered into an Amended Library Interlocal Lease Agreement on or about November 1, 2002, for the operation of a Library by the County in Sunny Isles (the "Sunny Isles Beach branch library"); and

**WHEREAS**, the County and the City desire to increase the operating hours of the Sunny Isles Beach Branch Library; and

**WHEREAS**, the City has offered to provide funding to the County for the increased hours of operation of the Sunny Isles Beach Branch Library; and

**WHEREAS**, by Resolution effective November 17, 2011, the City Commission of the City of Sunny Isles adopted Resolution No. 1806, attached hereto, approving the Second Amendment to Interlocal Library Lease Agreement in the form attached hereto.

**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. Approves and authorizes the County Mayor or the County Mayor's designee to execute the Second Amendment To Interlocal Library Lease Agreement substantially in the form attached hereto and made part hereof, and to exercise any cancellation and renewal provisions therein.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. 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 24<sup>th</sup> day of January, 2012. 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.



Richard Seavey

RESOLUTION NO. 2011- 1806

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, APPROVING THE SECOND AMENDMENT TO LIBRARY INTERLOCAL LEASE AGREEMENT WITH MIAMI-DADE COUNTY, IN SUBSTANTIALLY THE SAME FORM AS ATTACHED EXHIBIT "A", SUPERCEDING ALL PRIOR LIBRARY INTERLOCAL LEASE AGREEMENTS; AUTHORIZING THE MAYOR AND/OR THE CITY MANAGER TO EXECUTE SAID AGREEMENT; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; DIRECTING THE CITY CLERK TO FORWARD SAME TO THE COUNTY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Sunny Isles Beach and Miami-Dade County entered into an Amended Library Interlocal Lease Agreement on or about November 1, 2002 for the operation of a Library by the County in Sunny Isles Beach; and

**WHEREAS**, the City of Sunny Isles Beach and Miami-Dade County desires to increase the operating hours of the Sunny Isles Beach branch library to be opened on Fridays from 2:00 p.m. to 6:00 p.m. in order to accommodate its residents; and

**WHEREAS**, the City of Sunny Isles Beach shall pay all costs associated with the increase in operating hours of the Library including additional salary costs, and any and all COLA and merit salary increases totaling approximately Thirteen Thousand Three Hundred Thirty Dollars and Twenty-Four Cents (\$13,330.24) as described in the attached Amendment, attached as Exhibit "A"; and

**WHEREAS**, the County is willing to make the proposed changes included in the Second Amended Library Interlocal Lease Agreement;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SUNNY ISLES BEACH, FLORIDA, AS FOLLOWS:**

Section 1. Approval of Second Amendment to Agreement. The Second Amendment to Library Interlocal Lease Agreement with Miami-Dade County, in substantially the same form as attached hereto as Exhibit "A" be, and the same, is hereby approved. The Second Amendment to Library Interlocal Lease Agreement hereby supercedes all prior Library Interlocal Lease Agreements adopted by the City Commission of the City of Sunny Isles Beach and/or the Commission of Miami-Dade County.


Section 2. Authorization of Mayor and/or City Manager. The Mayor and/or the City Manager is hereby authorized to execute said Agreement.

Section 3. Authorization of City Manager and City Attorney. The City Manager and the City Attorney are hereby authorized to do all things necessary to effectuate this Resolution.

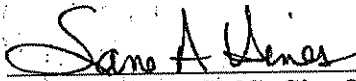
Section 4. Direction to the City Clerk. The City Clerk is directed to forward a certified copy of this resolution together with executed copies of the Lease Agreement to the County to be placed on the County Commission agenda for County approval and execution.

Section 5. Effective Date. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 17<sup>th</sup> day of November 2011.

  
Norman S. Edelcup, Mayor

ATTEST:

  
Jane A. Hines, CMC, City Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

  
Hans Oltmaat, City Attorney

Moved by:

Commissioner SCHOLL

Seconded by:

Commissioner GATTO

Vote: 4-0-1

Mayor Edelcup

(Yes)

(No)

Vice Mayor Thaler — Absent

(Yes)

(No)

Commissioner Aelion

(Yes)

(No)

Commissioner Gatto

(Yes)

(No)

Commissioner Scholl

(Yes)

(No)

**SECOND AMENDMENT TO INTERLOCAL LIBRARY LEASE AGREEMENT**

THIS SECOND AMENDMENT TO INTERLOCAL LEASE AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2011 by and between MIAMI-DADE COUNTY, A POLITICAL SUBDIVISION OF THE State of Florida, hereinafter "THE COUNTY" and the CITY OF SUNNY ISLES BEACH, a municipal corporation, hereinafter called "THE CITY."

**WITNESSETH:**

WHEREAS, THE COUNTY and THE CITY entered into an Amended Library Interlocal Lease Agreement on or about November 1, 2002, ("Amended Interlocal Agreement") a copy of which is attached hereto as Exhibit 1 for the operation of a Library by the County in Sunny Isles (the "Sunny Isles Beach branch library"); and

WHEREAS, THE COUNTY and THE CITY desire to increase the operating hours of the Sunny Isles Beach branch library.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and other good and valuable considerations, it is expressly understood and agreed:

**ARTICLE I**

**CONSTRUCTION OF SECOND AMENDMENT**

The word "shall" as used in this Second Amendment shall in all cases be construed to be mandatory and to require the action so modified by the word "shall" to be taken without regard to the exercise of discretion.

Exhibit "A"

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**ARTICLE II**

**SCOPE AND PURPOSE OF SECOND AMENDMENT**

This Second Amendment is entered into in order to increase the Sunny Isles Beach branch library's hours of operation and set forth the terms upon which the resulting increased costs will be paid.

**ARTICLE III**

**RESPONSIBILITIES OF THE PARTIES**

A) THE CITY shall pay all costs associated with the increase in operating hours of the Sunny Isles Beach branch library. Specifically, THE CITY shall pay the additional salary costs, including any and all COLA and merit salary increases. The estimated additional annual salary and support costs for the increased library hours of operation for the current fiscal year (October 1, 2011 to September 30, 2012) would be \$13,330.24, broken down as follows:

POSITIONS	HOURLY RATE	TOTAL SALARY ONE DAY PER WEEK 4 HOURS	FRINGES	TOTAL SALARY & FRINGES
1-Library Assistant 3	18.54	74.16	14.09	88.25
2-Library Assistant 2	13.55	108.40	20.60	129.00

**Total Weekly Cost:** 182.56 34.69 217.25

**Yearly Support Cost:** 2,033.43

**Total Salaries Yearly Cost** 11,296.81

**Total Yearly Cost Including Salaries and Support Cost** 13,330.24

The total yearly cost of \$13,330.24 (including salaries and support costs) shall be prorated from the effective date of this agreement and shall be invoiced by the County and paid by the City at a per monthly cost of \$1,110.85. The City shall remit payment to the County within thirty (30) days of the invoice date.

During the increased library hours of operation, THE COUNTY will provide limited information retrieval service as well as access to public service computers and the ability for patrons to borrow and return library materials.

- B) In the event THE COUNTY either increases or decreases the number of hours of operation for all of the other branches within the County's Library System, THE COUNTY shall similarly increase or decrease the number of hours of operation at the Sunny Isles Beach branch library. Such a change in the system-wide operating hours will not impact the additional, paid-for hours at the Sunny Isles Beach branch library.
- C) All monies paid by THE CITY for the increase of branch library hours at the Sunny Isles Beach branch library will solely be used by THE COUNTY to cover the costs of the increase in operating hours at the Sunny Isles Beach branch library.

#### ARTICLE IV

##### **EXPANDED HOURS OF OPERATION**

The current hours of operation of the Sunny Isles Beach branch library are as follows:

Monday, Tuesday & Saturday 10:00 a.m. - 6:00 p.m.; Wednesday 12:00 p.m. - 8:00 p.m. and Thursday 12:00 p.m. - 8:00 p.m.; Friday and Sunday Closed.

Subject to Article III (B) above, upon the effective date of the Resolution of the Miami-Dade Board of County Commissioners approving this Second Amendment, the operating hours at the Sunny Isles Beach branch library shall be as follows:

Monday, Tuesday & Saturday 10:00 a.m. - 6:00 p.m.; Wednesday 12:00 p.m. - 8:00 p.m. and Thursday 12:00 p.m. - 8:00 p.m.; Friday 2:00 p.m. - 6:00 p.m.; and Sunday Closed.

#### ARTICLE V

#### **TERM OF THE AGREEMENT**

This Second Amendment shall be effective upon the effective date of the Resolution of the Miami-Dade Board of County Commissioners approving this Second Amendment, or upon the effective date of the Resolution of the City of Sunny Isles Beach Board of City Commissioners approving this Second Amendment, whichever is later.

The term of this Second Amendment shall be from the Effective date until September 30, 2012. THE CITY may request annual renewals of this Second Amendment for a term of one fiscal year each by written notice delivered to THE COUNTY, at least ninety (90) days prior to the start of a new fiscal year, (October 1 of each year).. Any renewal of this Second Agreement may be executed by the County Mayor or the County Mayor's designee and the City Manager or the City Manager's designee, or, alternatively, by Resolution of the Board of County Commissioners and the City Council.

Either Party may cancel this Second Amendment, with or without cause, by written notice delivered to the other, but such notice must be delivered at least one hundred eighty (180) days prior to the date the cancellation shall be effective. Except for payment of any operating costs owed by THE CITY to THE COUNTY upon the effective date of cancellation, neither Party shall be entitled to any other compensation or damage resulting from the termination of this Second Amendment.

**ARTICLE VI**

**HEADINGS**

Captions and headings in this Second Amendment are for ease of reference only and do not constitute a part of this Agreement and shall not affect the meaning of interpretation of any provisions herein.

**ARTICLE VII**

**SECOND AMENDMENT'S EFFECT ON OTHER AGREEMENTS**

This Second Amendment is supplementary to, and not intended to supersede, the Amended Interlocal Agreement or any other agreement entered into by and between THE COUNTY and THE CITY except to the extent expressly agreed upon in writing herein. This writing embodies the entire Second Amendment and understanding between the parties with respect to the matters agreed upon herein, and there are no other agreements or understandings, oral or written, with reference to the subject matter hereof that are not merged herein and superseded hereby.

**ARTICLE VIII**

**REPRESENTATION S OF THE COUNTY**

THE COUNTY represents that (a) this Second Amendment has been duly authorized and approved by the Miami-Dade County Board of County Commissioners as the governing body of THE COUNTY, and (b) the person executing this Second Amendment has the required power and authority to execute this Second Amendment.

**ARTICLE IX**

**REPRESENTATIONS OF THE CITY**

THE CITY represents that (a) this Second Amendment has been duly authorized and approved by the Governing Body of THE CITY, and (b) the person executing this Second Amendment on behalf of THE CITY has the required power and authority to execute this Second Amendment.

**ARTICLE X**

**AMENDMENT TO THE SECOND AMENDMENT**

This Second Amendment may be modified, altered or amended only by a written amendment duly executed by the Parties.

**ARTICLE XI**

**COUNTERPARTS**

This Second Amendment may be executed in one or more counterpart(s), each of which shall be deemed an original.

IN WITNESS WHEREOF, Miami-Dade County, Florida, has caused this Agreement to be executed in its name by the County Mayor or his designee, attested by the Clerk of the Board of County Commissioners and has caused the seal of the Board of County Commissioners to be hereto attached; and the City of Sunny Isles Beach, Florida has caused this Agreement to be executed in its name by the City Manager or his designee, attested by the Clerk of the City Council and has caused the seal of the Council to be hereto attached, all on the day and year written above.

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ATTEST:

MIAMI-DADE COUNTY  
FLORIDA, BY ITS BOARD OF  
COUNTY COMMISSIONERS

Harvey Ruvin,  
Clerk of the Board

By: \_\_\_\_\_  
County Mayor

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

By: \_\_\_\_\_  
Assistant County Attorney

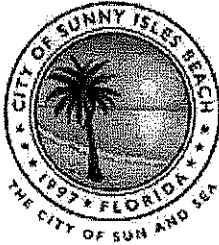
ATTEST:

CITY OF SUNNY ISLES  
BEACH, FLORIDA, BY ITS  
COUNCIL

Clerk of the Council

By: \_\_\_\_\_  
City Manager

By: \_\_\_\_\_  
Clerk



## City of Sunny Isles Beach

18070 Collins Avenue  
Sunny Isles Beach, Florida 33160

(305) 947-0606 City Hall

(305) 949-3113 Fax

### MEMORANDUM

**TO:** The Honorable Mayor and City Commission  
**FROM:** Alan J. Cohen, City Manager  
**DATE:** 11/17/2011  
**RE:** Third Amendment to Library Interlocal Lease Agreement

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#### **RECOMMENDATION:**

This Resolution is presented for your consideration.

#### **REASONS:**

The City of Sunny Isles Beach and Miami-Dade County entered into an Amended Library Interlocal Lease Agreement on or about November 1, 2002 for the operation of a Library by the County at the Sunny Isles Beach Government Center. The City and the County wishes to increase the operating hours of the Library to be opened on Fridays from 2:00 p.m. to 6:00 p.m. in order to accommodate its residents.

The City shall pay all costs associated with the increase in operating hours of the Library including additional salary costs, and any and all COLA and merit salary increases totaling approximately \$15,903.00.

#### **ATTACHMENTS:**

- Resolution
- Third Amendment to Interlocal Agreement

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