

# MEMORANDUM

Agenda Item No. 11(A)(7)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

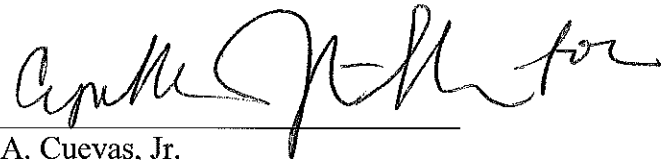
**DATE:** June 4, 2013

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

**SUBJECT:** Resolution allocating  
unexpended balance of funds  
paid to the County by South  
Florida Stadium, LLC remaining  
after payment of expenses to  
hold special election to the  
County's small business bonding  
assistance program

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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/smm



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** June 4, 2013

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

**SUBJECT:** Agenda Item No. 11(A)(7)

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 Mayor'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)(7)  
6-4-13

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

RESOLUTION ALLOCATING UNEXPENDED BALANCE OF FUNDS PAID TO THE COUNTY BY SOUTH FLORIDA STADIUM, LLC REMAINING AFTER PAYMENT OF EXPENSES TO HOLD SPECIAL ELECTION TO THE COUNTY'S SMALL BUSINESS BONDING ASSISTANCE PROGRAM; AND DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO DEVELOP A PLAN TO FUND COSTS ASSOCIATED WITH IMPLEMENTATION OF SUCH PROGRAM, TO ISSUE A WRITTEN REPORT TO THE COUNTY COMMISSION DETAILING THE PLAN, AND TO PREPARE AN APPROPRIATE BUDGET AMENDMENT TO THE FISCAL YEAR 2012-13 COUNTY BUDGET TO EFFECTUATE THE FOREGOING

**WHEREAS**, Florida law requires that entities contracting with the County for the construction of a public works project provide to the County a payment and performance bond for 100% of the contract amount; and

**WHEREAS**, many small businesses have difficulty obtaining or are not able to obtain such construction bonds, thereby making small business participation in County construction contracts difficult; and

**WHEREAS**, this Board previously created a small business bonding assistance program as part of its Community Small Business Enterprise Program to assist small businesses in obtaining such construction bonds; however, this program is not funded for Fiscal Year 2012-13; and

**WHEREAS**, this Board wishes to direct the County Mayor or his designee to reevaluate such bonding assistance program and to develop a plan for funding such program, which plan should include at a minimum, recommended changes to the previously established small business bonding assistance program, and addition of a fiscal component to provide financial

assistance to prime and subcontractors to enable them to obtain construction bonds, such as a revolving loan program or leveraging funds from the banking industry, to the extent permitted by applicable law; and

**WHEREAS**, this Board pursuant to Resolution No. R-278-13 this Board called a countywide special election to held Tuesday, May 14, 2013 for the purpose of submitting to the electors of the county the question of whether to approve the proposed use of additional tourist room taxes for the modernization of Sun Life Stadium (“Resolution R-278-13”); and

**WHEREAS**, in satisfaction of the requirements of Section 10 of Resolution R-278-13, South Florida Stadium, LLC timely deposited with the Board of County Commissioners \$4,784,337.00 to pay the expenses of holding the special election (the “Election Expense Payment”); and

**WHEREAS**, the Election Expense Payment is non-refundable for any reason, including cancellation of the election; and

**WHEREAS**, Resolution R-278-13 calling the May 14, 2013 countywide special election provided that such election shall be cancelled in the event that the legislature adjourns sine die without enacting legislation authorizing the County’s levy of the additional tourist development room tax; and

**WHEREAS**, on May 3, 2013 the legislature adjourned sine die without enacting legislation authorizing the County’s levy of such additional tourist development room tax; and

**WHEREAS**, the Mayor, in accordance with Resolution R-278-13, instructed the Elections Department to cancel the special election effective the evening of May 3, 2103; and

**WHEREAS**, approximately \$1,000,000.00 of the Election Expense Payment remain unexpended as a result; and

**WHEREAS**, this Board wishes to allocate the unexpended balance of the Election Expense Payment to provide needed funding for the County's small business bonding assistance program,

**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. This Board hereby allocates the unexpended balance of the Election Expense Payment to provide needed funding for the County's small business bonding assistance program.

Section 3. This Board directs the County Mayor or his designee to reevaluate the County's small business bonding assistance program and to develop a plan for funding such program in fiscal year 2012-13. The recommended plan should include at a minimum recommended changes to the previously established small business bonding assistance program, and the addition of a fiscal component to provide financial assistance to prime and subcontractors to enable them to obtain construction bonds, such as a revolving loan program or leveraging funds from the banking industry, to the extent permitted by applicable law. The County Mayor or his designee shall submit a written report to this Board on or before sixty (60) days from the effective date of this resolution detailing such plan. If legislation is required to implement the plan, such legislation shall be presented to the Board for its consideration on or before sixty (60) days from the effective date of this resolution.

Section 4. This Board hereby directs the County Mayor or the County Mayor's designee to prepare the appropriate budget amendment to the fiscal year 2012-13 County budget to effectuate the foregoing and to bring such amendment back to the Board as part of the mid-year or end-of-year budget amendment process.

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:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jean Monestime  
Sen. Javier D. Souto  
Juan C. Zapata

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of June, 2013. 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