

MEMORANDUM

Supplement to Agenda Item No. 11(A)(3)

TO:

Honorable Chairwoman Rebeca Sosa

and Members, Board of County Commissioners

DATE:

December 16, 2014

FROM:

R. A. Cuevas, Jr.

County Attorney

SUBJECT:

Supplemental report required by

resolution authorizing bonds to be issued by Capital Trust Agency on

behalf of Miami Community

Charter School, Inc.

Section 2 of the Resolution provides that, prior to the consideration of the Resolution, the Commission accept a report of a public hearing conducted by a hearing officer. Enclosed is the report from the hearing officer. No one from the public appeared at the public hearing.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

R. A. Cuevas, Jr. County Attorney

RAC/cp

REPORT OF HEARING OFFICER (MIAMI COMMUNITY CHARTER SCHOOL)

This instrument shall constitute the official report of the undersigned designated official of the Capital Trust Agency (the "Agency"), a separate legal and administrative agency created and existing under Chapter 163, Part I, and Chapter 617, Florida Statutes, Chapter 163, Part I, et seq., Chapter 166, Part II, Florida Statutes, Chapter 617, Florida Statutes and other applicable provisions of law, with respect to a public hearing scheduled and held by the Agency on December 10, 2015, in connection with the proposed issuance of the Agency's not exceeding \$9,000,000 revenue bonds (the "Bonds") on behalf of Miami Community Charter School, Inc., a Florida not for profit corporation (the "Borrower"), whose principal place of business is 101 SW Redland Road, Homestead, Florida 33034. The proceeds of the Bonds will be loaned to the Borrower for financing or refinancing all or a part of the costs of the acquisition, construction, installation and equipping of an expansion to the Borrower's existing educational facilities for grades K-5 and an expansion to the Borrower's existing educational facilities for grades 6-12, in each case including related facilities, fixtures, furnishings and equipment, as described in Exhibit A attached hereto (the "Facilities"), located in Miami-Dade County, Florida (the "County").

The public hearing was duly advertised in the *Miami Herald*, a newspaper of general circulation in the jurisdiction of the County, on November 26, 2014. The proof of publication was presented to me at such hearing, and a copy is attached hereto as Exhibit "B" (the "Notice").

The hearing commenced at the time and location stated in the Notice. At such hearing, interested individuals were afforded reasonable opportunity to express their views, both orally and in writing, on all matters pertaining to the plan of finance and the financing of the Facilities, and the proposed use of the proceeds were presented. When the information had been presented, opportunity was given for members of the public in attendance to give their input. It was noted that no written communication was received.

The undersigned then concluded the hearing. A written transcript of the hearing is attached hereto as Exhibit "C".

Respectfully submitted,

By:____

Ed Gray, III

Executive Director Capital Trust Agency

EXHIBIT "A" TO REPORT OF HEARING OFFICER (MIAMI COMMUNITY CHARTER SCHOOL)

The Facilities consists of the acquisition, construction, installation and equipping of an expansion to the Borrower's existing educational facilities for grades K-5, including a 2-story building which will contain approximately 10,000-14,000 square feet and which will include classrooms, cafeteria area and related parking, and include the acquisition of the site therefor containing approximately ½ acre, and an expansion to the Borrower's existing educational facilities for grades 6-12, including a building containing approximately 33,000 square feet which will include classrooms, gymnasium, and food service area, in each case including related facilities, fixtures, furnishings and equipment. The Facilities will be owned by the Borrower and operated by the Borrower as charter school facilities pursuant to Section 1002.33, Florida Statues, as amended.

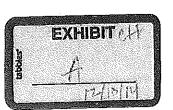
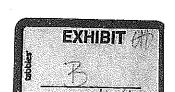


EXHIBIT "B" TO REPORT OF HEARING OFFICER (MIAMI COMMUNITY CHARTER SCHOOL)

PROOF OF PUBLICATION

[FOLLOWS]





PUBLISHED DAILY MIAMI-DADE-FLORIDA

STATE OF FLORIDA COUNTY OF MIAMI-DADE

Before the undersigned authority personally appeared:

JEANNETTE MARTINEZ

who on oath says that he/she is

CUSTODIAN OF RECORDS

of The Miami Herald, a daily newspaper published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement that was published was published in said newspaper in the issue of:

November 26, 2014

Affiant further says that the said The Miami Herald is a newspaper published at Miami, in the said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Dade County, Florida each day and has been entered as second class mail matter at the post office in Miami, in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspapers(s).

worn to and subscribed before me this

9th, day of December, 2014

My Commission

Expires: ____April 24, 2017___

Millie Charles

_____Notary



To advertise, please call 1-866-860-6000 or visit MiamiHerald.com/classifieds



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NOTICE OF PUBLIC HEARING

NOTRE OF PUBLIC HEARING

for the purpose of Section 147(f) of the internal Revenue Cody of 1986, as amended the Code", notice is hereby given that a public healing will be held at 12:00 p.m., or at 10-20 healing will be held at 12:00 p.m., or at 10-20 healing will be held at 12:00 p.m., or at 10-20 healing will be held at 12:00 p.m., or at 10-20 healing will be held at 12:00 p.m., or at 10-20 healing will be held at 12:00 p.m., or at 10-20 healing will be the healing in the community Charter School, 18:70 SW 352nd Street, Florida Chy, in Misand-Dade County, Florida Chy, in Misand-Dade County, Florida Chy, in Misand-Dade County, Florida Street, Florida Chy, in Misand-Dade County, Florida personal for the purpose, among other thanks to be leased by the Capitel Trust Agency (the Agency 1 to Misand Community Charter school, inc., a Florida and sa profil corporation line Borrower'), for the purpose of linancing which the purpose of linancing of the contour the scentifianc, construction. Installation and evulpoing of an expansion to the forrower's exhibiting source that and which will contour a 2-story building which will contour \$2,000 student for the county. Florida Story on the site therefore the scentifiancy of the contours of the county. Florida Story on an expansion to the story on the formal proporation of the site therefore the fourth of the county. Florida Story on an expansion to the sorrower, surmination, and large to the will include county. Florida Story on the proporation of the county. Florida Story on an expansion to the sorrower, surmination, and large to the will include county. Florida Story in store the fourth of the county. Florida Story in story of the contour section scaled in the section of the county. Florida Story in the proporation of the section of the county. Florida Story in the section of the county. Florida Story in the section of the county. The plan of t

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Saint Lucia Claim no. Sluncy701410628

(1) Grake development Ltd. (3) G.G. Jacob and Company (40) Receivership) Claimants
and
GRATIA IACOB
Defendant

TO: SRATIA IACOB whose lost known address was Marigot, Costries, St. Lucio.

TAKE NOTICE that Claim SLUHCV20140628 has been fried in the High Court of Justice. St. tooks against you by the Chimanit. (1) DRAKE DEVELOMMENT. 27D and (2) G.G. LACOR AND COMPANY LTD. (in Receivership).

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DU BOULAY, ANTHÔNY & CO. Logsi Pratitioner for the Claimants

This Notice is filed for and on behalf of the Claiments by DU BOULAY, ANTHONY & CO, of Chambers at Strail Street. Catches Solicitors for the Claiments, Tel: (758) 452-511 Fax (753) 452-5114. Email: industries.com.

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NOTICE OF PUBLIC HEARING

For the purpose of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), notice is hereby given that a public hearing will be held at 12:00 p.m., or as soon thereafter as practicable, on Wednesday, December 10, 2014, at the Teacher Break Room of the Miami Community Charter School, 18720 SW 352nd Street, Florida City, in Miami-Dade County, Florida 33034. The purpose of the public hearing is to consider a plan of finance for the purpose, among other things, of providing funds to be loaned by the Capital Trust Agency (the "Agency") to Miami Community Charter School, Inc., a Florida not for profit corporation (the "Borrower"), for the purpose of financing or refinancing all or a part of the costs of the acquisition, construction, installation and equipping of an expansion to the Borrower's existing educational facilities for grades K-5, including a 2-story building which will contain approximately 10,000 -14,000 square feet and which will include classrooms, cafeteria area and related parking, and include the acquisition of the site therefor consisting of approximately ½ acre of land, located at 925 SW 1st Street, Florida City, in Miami-Dade County, Florida 33034 and approximately 12,473 square feet of land, located at 921 SW 1st Street, Florida City, in Miami-Dade County, Florida, 33034, and an expansion to the Borrower's existing educational facilities for grades 6-12, including a building containing approximately 33,000 square feet which will include classrooms, gymnasium, and food service area, located at 18720 SW 352nd Street, Florida City, in Miami-Dade County, Florida 33034, in each case including related facilities, fixtures, furnishings and equipment (collectively, the "Facility").

The plan of finance contemplates that the Agency will issue, in respect to such Facility, not exceeding \$9,000,000 in aggregate principal amount of its revenue bonds, in one or more tax-exempt or taxable series (the "Bonds"), and loan the proceeds of such Bonds to the Borrower to provide funds for the Facility. The Facility will be owned by the Borrower and operated by the Borrower as charter school facilities pursuant to Section 1002.33, Florida Statues, as amended.

The purpose of the public hearing is to comply with the provisions of Section 147(f) of the Code. Miami-Dade County (the "County") will not issue, and will not be obligated to repay, the Bonds.

The Bonds, when issued, will be special, limited obligations payable solely out of the revenues, income and receipts pledged to the payment thereof and derived from financing agreements with the Borrower. The Agency will not be obligated to pay the principal of, premium, if any, or interest on the Bonds except from the payments of the Borrower. The Bonds will not constitute (i) a debt, liability or obligation of the Agency, the County, the State of Florida (the "State"), or any political subdivision, public agency or municipality thereof, (ii) a pledge of the full faith and credit of the Agency, the County, the State, or any political subdivision, public agency or municipality thereof, or (iii) a pledge of the taxing power of the County, the State, or any political subdivision or municipality thereof. The Agency has no taxing power.

At the time and place fixed for said public hearing all who appear will be given an opportunity to express their views for or against the proposal to approve said Bonds and the plan of finance. Prior to said public hearing, written comments may be delivered to the Capital Trust Agency, attention Executive Director, at 315 Fairpoint Drive, Gulf Breeze, Florida 32561. All persons are advised that, if they decide to appeal any decision made by the County with respect

to any matter considered at this public hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. All interested persons are invited to present their comments at the time and place set forth above.

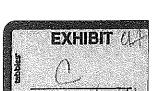
Following the public hearing, the Agency will thereafter submit its report concerning the public hearing to the applicable elected representative of the County responsible for approving the issuance of the Bonds for purposes of Section 147(f) of the Code.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, AS AMENDED, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PUBLIC HEARING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE EXECUTIVE DIRECTOR AT (850) 934-4046 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING, EXCLUDING SATURDAY AND SUNDAY.

EXHIBIT "C" TO REPORT OF HEARING OFFICER (MIAMI COMMUNITY CHARTER SCHOOL)

TRANSCRIPT OF PUBLIC HEARING

[FOLLOWS]



TEFRA HEARING PROCEDURES (MIAMI COMMUNITY CHARTER SCHOOL)

(1) Could you please describe the facility to be financed with the Bonds?

The Bonds are being issued for the purpose, among other things, of financing or refinancing all or a part of the costs of the acquisition, construction, installation and equipping of an expansion to the Borrower's existing educational facilities for grades K-5 and an expansion to the Borrower's existing educational facilities for grades 6-12, in each case including related facilities, fixtures, furnishings and equipment, located in Miami-Dade County, Florida (the "Facilities").

The Facilities will be acquired and owned and operated by Miami Community Charter School, Inc., a Florida not for profit corporation, hereinafter referred to as the Borrower, and whose principal place of business is 101 SW Redland Road, Homestead, Florida 33034.

2) How will the Bond proceeds be used?

The proceeds of the Bonds will be loaned to the Borrower for the purpose of, among other things, financing the costs of acquisition, construction, installation and equipping of the Facilities by the Borrower.

3) What is the public purpose for the Bond Issue?

The public purpose for this bond issue is to provide quality educational facilities for school children in grades K through 12 in the community, provide employment in the community where the Facilities are located and promote and advance the economic prosperity, living conditions and the general welfare of the State of Florida and its people.

4) Will the Capital Trust Agency or the City be responsible for repaying the Bonds?

The Bonds will expressly state that none of the Capital Trust Agency, Miami-Dade County, the City of Gulf Breeze, the State, or any other municipality, political subdivision, or public agency of the State is liable to pay the principal of or interest on the Bonds.

5) What is the maximum amount of tax-exempt Bonds that will be issued?

The maximum amount of tax-exempt Bonds to be issued to provide funds for the facility will be an amount not to exceed \$9,000,000.

- 1) Persons attending and offering comments are noted in the attached record of persons appearing at the hearing.
- 2) No oral or written communication was received by the Capital Trust Agency concerning the public hearing.

The public hearing was then concluded.

In the Matter Of:

Miami Community Charter Schools

HEARING

December 10, 2014



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1				
2		PUBLIC HEARING		
3		TEFRA HEARING		
4	4	•		
5	IMAIM)	COMMUNITY CHARTER SCHOOLS)		
6	******	************		
7	BY:	ED GRAY, EXECUTIVE DIRECTOR		
8	DATE:	DECEMBER 10, 2014		
9	TIME:	12:00 p.m 12:02 p.m.		
10	LOCATION:	MIAMI COMMUNITY CHARTER SCHOOL 18720 SOUTHWEST 352nd STREET		
11		FLORIDA CITY, FLORIDA 33034		
12	ATTORNEY/CLIENT SESSION TAKEN BY/BEFORE:			
13				
14	REPORTER:	CHELSEA HLAVACH, COURT REPORTER AND NOTARY PUBLIC		
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1.
     APPEARANCES:
 2
 3
     ED GRAY, III, ESQUIRE
 4
          Capital Trust Agency
          315 Fairpoint Drive
          Gulf Breeze, Florida 32561
 5
          Edgray3@muniad.com
 6
          Executive Director
 7
 8
     ALSO PRESENT:
 9
     MARK GOTZ, School Representative
10
     JANET VALEZ, School Representative
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1	PROCEEDINGS				
2	* * * *				
3	BY MR. GRAY:				
4	Q. My name is Ed Gray. I'm the executive director				
5	of the Capital Trust Agency. Today's hearing was duly				
6	noticed in the Miami Herald; affidavit of publication we'll				
7	include as an exhibit, dated November 26th, 2014. So the				
8	notice was published and noticed for the public to attend.				
9	In that same notice reference was made that if				
10	anyone wanted to include written comments, to mail them to				
11	the address of our office. As of yesterday's date no				
12	written comments had been received.				
13	We are convened here at the offices of the Miami				
14	Community Charter School High School as published. No one				
15	is in attendance except personnel of the school; therefore,				
16	since there's no general members of the public or anywhere				
17	else here to offer comments or ask questions, I will				
18	include as a part of the transcript information related to				
19	the project.				
20	I am also going to conclude the hearing in				
21	recognition of no one being here. So the public hearing is				
22	now closed.				
23	(The public hearing concluded at 12:02 p.m.)				
24					
25					

1	CERTIFICATE OF REPORTER
2	STATE OF FLORIDA COUNTY OF MIAMI-DADE
3	
4	I, CHELSEA HLAVACH, Shorthand Reporter and Notary
5	Public, State of Florida, HEREBY CERTIFY that I was
6	authorized to and did stenographically report the public
7	hearing and the foregoing transcript, pages 1 through 3,
8	inclusive, is a true and accurate record of my stenographic
9	notes.
10	I FURTHER CERTIFY that I am not a relative,
11	employee, attorney, or counsel to any of the parties, nor
12	am I a relative or employee of any of the parties' attorney
13	or counsel connected with the action, nor am I financially
14	interested in the action.
15	Dated this 10th day of December, 2014.
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17	
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19	
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21	
22	Chelsea Hlavach, Notary Public,
23	State of Florida at Large
24	
25	

1	G G	publication 3:6 published 3:8,14	
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duly 3:5	P		
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TEA 2.4	part 3:18		
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