

MEMORANDUM

Agenda Item No. 11(A)(24)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 3, 2015

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

SUBJECT: Resolution creating Miami-Dade
Court Capital Infrastructure Task
Force; providing for
membership, organization and
procedures; and setting forth
purpose, function, responsibility,
and sunset provision

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



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(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 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)(24)

2-3-15

RESOLUTION NO. _____

RESOLUTION CREATING MIAMI-DADE COURT CAPITAL
INFRASTRUCTURE TASK FORCE; PROVIDING FOR
MEMBERSHIP, ORGANIZATION AND PROCEDURES; AND
SETTING FORTH PURPOSE, FUNCTION, RESPONSIBILITY,
AND SUNSET PROVISION

WHEREAS, the availability of judicial review for both public and private matters is one of the bedrock principles of American democracy; and

WHEREAS, adequate court facilities are necessary to properly hear and resolve cases in a timely manner; and

WHEREAS, the County's courthouses are aging and no longer able to meet the demand of Miami-Dade County residents, businesses and litigants; and

WHEREAS, Article V, section 14 of the Florida Constitution provides that counties are required to fund the cost of construction or lease of facilities for the state trial courts; and

WHEREAS, the Miami-Dade County Courthouse at 73 W. Flagler Street ("1928 Courthouse") was initially constructed over four years from 1925-1928 and this aging facility is no longer able to meet the needs of Miami-Dade County; and

WHEREAS, on July 15, 2014, this Board of County Commissioners (the "Board") adopted Resolution No. R-680-14 directing the County Mayor to confer with the Honorable Bertila Soto, Chief Judge of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, regarding courthouse capital construction needs and to submit a recommendation to this Board regarding the need for repairs to existing facilities and the needs for new facilities as well as potential financing vehicles; and

WHEREAS, the County Mayor has issued a summary report recommending repairs, construction and financing of new court facilities; and

WHEREAS, on September 3, 2014, this Board heard testimony from judges, litigants, and courthouse employees regarding hazardous conditions existing at the 1928 Courthouse; and

WHEREAS, in accordance with the report issued by the Mayor, this Board adopted Resolution No. R-697-14 submitting a bond referendum to the electors of Miami-Dade County to authorize the issuance of general obligation bonds in a principal amount not to exceed \$393,000,000 as needed, in one or more series from time to time, payable from ad valorem taxes collected within the County to fund these needed court construction projects; and

WHEREAS, on November 4, 2014, the voters of Miami-Dade County defeated by a margin of 36 percent in favor to 64 percent against the following ballot question:

SHALL COUNTY FUND THE EMERGENCY REPAIRS TO THE 1928 COURTHOUSE AND THE ACQUISITION AND CONSTRUCTION OF NEW COURT FACILITIES BY ISSUING, IN ONE OR MORE SERIES, GENERAL OBLIGATION BONDS PAID OR SECURED BY TAXES DERIVED FROM THE ASSESSED VALUE OF PROPERTY IN THE COUNTY (AD VALOREM TAXES), POTENTIALLY INCREASING PROPERTY TAXES, IN A PRINCIPAL AMOUNT UP TO 393 MILLION DOLLARS, BEARING INTEREST NOT EXCEEDING MAXIMUM LEGAL RATE, AND MATURING WITHIN THIRTY YEARS FROM ISSUANCE?;

and,

WHEREAS, this Board desires to explore alternative methods of addressing court infrastructure needs; and

WHEREAS, this Board desires to establish a taskforce of industry experts in the fields of engineering, construction, real estate, financing, and architecture as well as other interested parties to conduct a detailed analysis of any and all deficiencies in existing court capital infrastructure as well as present recommendations to address such deficiencies,

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

Section 1. *Creation.* There is hereby created the Miami-Dade Court Capital Infrastructure Task Force.

Section 2. *Purpose.* The purpose of the Miami-Dade Court Capital Infrastructure Task Force is to review the County trial court infrastructure needs and identify any needed repairs to existing facilities as well as any current or future infrastructure expansion needs. The Miami-Dade Court Capital Infrastructure Taskforce shall also recommend mechanisms to finance the repairs and/or expansion of court facilities in the most efficient manner possible.

Section 3. *Limitations on Authority.* The Miami-Dade Court Capital Infrastructure Task Force is advisory only and shall not have the power or authority to commit Miami-Dade County or any of its agencies or instrumentalities to any policies, or to incur any financial obligations or to create any liability, contractual or otherwise, on behalf of Miami-Dade County or any of its agencies or instrumentalities.

Section 4. *Membership.* The Miami-Dade Court Capital Infrastructure Task Force shall consist of seven members who reside in Miami-Dade County. At least one member of the Miami-Dade Court Capital Infrastructure Task Force shall possess an expertise in civil engineering with a focus on infrastructure. At least one member shall possess an expertise in community and real estate development. At least one member shall possess expertise in construction. At least one member shall possess expertise in architecture. At least one member shall possess expertise in capital financing. The members should have reputations for integrity and community service. The members shall be appointed in the following manner:

- (a) Within ten days of the effective date of this resolution each member of the Board may nominate experts to be considered for service on the Miami-

Dade Court Capital Infrastructure Task Force. Nominations shall be submitted to the Clerk of the Board;

- (b) Within ten days of the effective date of this resolution interested experts may submit their qualifications to the Clerk of the Board to be considered for service on the Miami-Dade Court Capital Infrastructure Task Force;
- (c) If the Clerk of the Board has not received more than a total of seven nominations from the Board and submissions from interested experts within 30 days of the effective date of this resolution, the Clerk of the Board shall immediately notify the Board and the deadline for nominations and submissions shall be extended by 15 days;
- (d) Upon receipt of sufficient nominations in accordance with this subsection, including at least two nominations for each of the experts noted above, the Clerk of the Board shall place an item on the agenda of the Board's next regularly scheduled meeting for the Board's selection of the members of the Miami-Dade Court Capital Infrastructure Task Force;
- (e) The Board shall consider all nominations made by its members and all submissions by interested experts in making the selection of who shall serve on the Miami-Dade Court Capital Infrastructure Task Force;
- (f) The Board shall ensure that the membership of the Miami-Dade Court Capital Infrastructure Task Force reflects the diversity of the community;
and

- (g) The Board shall appoint seven members to serve on the Miami-Dade Court Capital Infrastructure Task Force with the minimum expertise as set forth above. In addition, the Board shall select one member to serve as chairperson and one member to serve as the vice chairperson.

Any member, chairperson, or vice chairperson who ceases to meet the membership requirements set forth above shall immediately forfeit his or her position on the Miami-Dade Court Capital Infrastructure Task Force. Any member vacancies on the Miami-Dade Court Capital Infrastructure Task Force shall be filled in the manner provided for in the initial appointment. In the event of a chairperson vacancy, the vice chairperson shall conduct the next meeting and the members of the Miami-Dade Court Capital Infrastructure Task Force shall select a new chairperson at that meeting. In the event of a vice chairperson vacancy, the chairperson shall conduct the next meeting and the members of the Miami-Dade Court Capital Infrastructure Task Force shall select a new vice chairperson at that meeting.

Section 5. *Organization and procedures at meetings.* The Miami-Dade Court Capital Infrastructure Task Force may establish, adopt, and amend bylaws, rules, and regulations for its own governance. The chairperson shall preside at all meetings at which he or she is present. The vice chairperson shall act as chairperson in the absence of the chairperson.

In order to transact any business or to exercise any power vested in the Miami-Dade Court Capital Infrastructure Task Force, a quorum consisting of a majority of those persons duly appointed shall be present. The members of the Miami-Dade Court Capital Infrastructure Task Force shall serve without compensation.

Section 6. *Regulations.* All proceedings of the Miami-Dade Court Capital Infrastructure Task Force shall be conducted in accordance with the Government in the Sunshine Law (Sec. 286.011, Fla. Stats.) and the Citizens Bill of Rights of the Miami-Dade County Home Rule Charter. The Miami-Dade Court Capital Infrastructure Task Force shall be deemed an "agency" for purposes of the Public Records Law. The Miami-Dade Court Capital Infrastructure Task Force shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 the Code of Miami-Dade County. The Miami-Dade Court Capital Infrastructure Task Force shall meet within 15 days of the appointment of its members, and shall meet no less than every 30 days from the date of the initial meeting. Additional meetings may be held at the discretion of the Task Force.

Section 7. *Reports.* The Miami-Dade Court Capital Infrastructure Task Force shall provide its initial report setting forth its initial findings and recommendations to the Board within 90 days from the date of the Miami-Dade Court Capital Infrastructure Task Force first meeting. The report submitted shall consist of a comprehensive assessment of the County trial court infrastructure including repairing existing facilities and acquiring or constructing additional court facilities, proposals for addressing the identified needs, and recommendations for financing such proposals. This report shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65 for consideration by the Board. The Board may then request such further work of the Miami-Dade Court Capital Infrastructure Task force as may be in the public interest.

Section 8. *Staff.* The Miami-Dade Court Capital Infrastructure Task Force shall be provided adequate staff and support services by the County Mayor or County Mayor's designee. The staff shall maintain and keep records of the Miami-Dade Court Capital Infrastructure Task Force; prepared in cooperation with the chairperson, the agenda for each meeting; be responsible

for the preparation of such reports, minutes, documents, or correspondence as the Miami-Dade Court Capital Infrastructure Task Force may direct; and, generally administer the business and affairs of the Miami-Dade Court Capital Infrastructure Task Force, subject to budgetary limitations. The Miami-Dade Court Capital Infrastructure Task Force may request that the Board provide such other specialized consulting expertise as it may determine are necessary from time to time. The County Attorney's Office shall provide legal counsel, as needed, to the Miami-Dade Court Capital Infrastructure Task Force.

Section 9. *Sunset.* The Miami-Dade Court Capital Infrastructure Task Force shall sunset and stand dissolved on the 220th day from the effective date of this resolution unless the Board extends the term of service by majority vote.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. 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:

	Jean Monestime, Chairman
	Esteban L. Bovo, Jr., Vice Chairman
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of February, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.



Oren Rosenthal