MEMORANDUM

SPAGO
Agenda Item No. 2(E)

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

DATE: May 10, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution creating second 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.

Abigail Price-Williams
County Attorney

APW/lmp

MEMORANDUM
(Revised)

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

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No.

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**

_____ **Statement of social equity 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.
6-7-16

RESOLUTION NO. _____

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

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, to address this Constitutional responsibility this Board adopted Resolution No. R-144-15 on February 3, 2015 establishing the Miami-Dade Court Capital Infrastructure Task Force; and

WHEREAS, the Miami-Dade Court Capital Infrastructure Task Force was directed to review the County's trial court infrastructure needs, identify and report on any needed repairs to the existing facilities and any future court infrastructure needs, study and recommend mechanisms for financing repairs or expansion of court facilities in the most efficient manner,

and review the existing Court Infrastructure Master Plan and recommend amendments as needed; and

WHEREAS, the taskforce was composed of industry experts in the fields of engineering, construction, real estate, financing, and architecture as well as other interested parties and conducted a detailed analysis of any and all deficiencies in existing court capital infrastructure over the course of nine (9) meetings; and

WHEREAS, this Board desires that the same task force members conduct a more detailed analysis of the proposed recommendations working in conjunction with local universities such as the University of Miami and Florida International University to create a detailed recommendation regarding courthouse facility needs and the best funding and delivery methodologies to meet those needs,

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 Second Miami-Dade Court Capital Infrastructure Task Force.

Section 2. *Purpose.* The purpose of the Second Miami-Dade Court Capital Infrastructure Task Force is to conduct a more detailed, in-depth analysis of the recommendations of the first Miami-Dade Court Capital Infrastructure Task Force, consult with local universities such as the University of Miami and Florida International University, and create a detailed report recommending the best way to address courthouse capital needs and the best funding and delivery methodology to achieve those recommendations.

Section 3. *Limitations on Authority.* The Second 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, 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 Second Miami-Dade Court Capital Infrastructure Task Force shall consist of the same membership as the Miami-Dade Court Capital Infrastructure Task Force with the same chairperson and vice chairperson. Any member, chairperson, or vice chairperson who ceases to meet the membership requirements set forth in Resolution No. 144-15 shall immediately forfeit his or her position on the Second Miami-Dade Court Capital Infrastructure Task Force. Any member vacancies on the Second Miami-Dade Court Capital Infrastructure Task Force shall be filled in the manner provided for in Resolution No. 144-15. In the event of a chairperson vacancy, the vice chairperson shall conduct the next meeting and the members of the Second 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 Second Miami-Dade Court Capital Infrastructure Task Force shall select a new vice chairperson at that meeting.

Section 5. *Organization and procedures at meetings.* The Second 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 Second 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 Second Miami-Dade Court Capital Infrastructure Task Force shall serve without compensation.

Section 6. *Regulations.* All proceedings of the Second 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 Second Miami-Dade Court Capital Infrastructure Task Force shall be deemed an "agency" for purposes of the Public Records Law. The Second 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 Second Miami-Dade Court Capital Infrastructure Task Force shall meet within thirty (30) days of the effective date of this Resolution. Additional meetings may be held at the discretion of the Task Force.

Section 7. *Report.* The Second Miami-Dade Court Capital Infrastructure Task Force shall provide its report to the Board of County Commissioners. The report submitted shall consist of a more detailed analysis of the recommendations of the first Miami-Dade Court Capital Infrastructure Task Force, the recommendations of local universities such as the University of Miami and Florida International University, a detailed recommendation of the best way to address courthouse capital needs and the best funding and delivery methodology to achieve those recommendations. 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 Second Miami-Dade Court Capital Infrastructure Task force as may be in the public interest.

Section 8. *Staff.* The Second 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 Second 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 Second Miami-Dade Court Capital Infrastructure Task Force may direct; and, generally administer the business and affairs of the Second Miami-Dade Court Capital Infrastructure Task Force, subject to budgetary limitations. The Second 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 Second Miami-Dade Court Capital Infrastructure Task Force.

Section 9. *Sunset.* The Second Miami-Dade Court Capital Infrastructure Task Force shall sunset and stand dissolved on the two-hundred-and-twentieth (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 7th day of June, 2016. 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