

Memorandum



Date: June 4, 2019

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

Agenda Item No. (8)(C)(1)

From: Carlos A. Gimenez
Mayor

Subject: Resolution Approving Final Report and Sunsetting of the Vizcaya Museum
and Gardens Trust

Recommendation

Pursuant to Section 2-1118 of the Code of Miami-Dade County, it is recommended that the Board of County Commissioners (Board) approve the Final Report of the Vizcaya Museum and Gardens Trust (Trust) and sunset the Trust.

Scope

Vizcaya Museum and Gardens (Vizcaya) is located at 3251 South Miami Avenue, Miami, Florida, 33129. While Vizcaya is located within District 7, represented by Commissioner Xavier L. Suarez, it has countywide significance.

Fiscal Impact/Funding Source

There is no fiscal impact to the County.

Track Record/Monitor

The sunsetting of the Trust will be monitored by Michael Spring, Director of the Department of Cultural Affairs.

Background


Vizcaya is a historic house museum and public garden, as well as a local, regional, and international destination with National Historic Landmark status that preserves the Miami estate of agricultural industrialist James Deering to engage our community and its visitors in learning through the arts, history and the environment. The estate and its collections have been owned by the County since 1952. In July 1998, through Ordinance 98-112, the Board restructured Vizcaya as a freestanding County agency and established the Trust as its governing body. In order to establish the optimal organizational structure for efficient and effective governance and operations, the Board approved Ordinance No. 17-42 on July 6, 2017, entering into an Operating and Management Agreement with the non-profit Vizcaya Museum and Gardens Trust, Inc. (VMGTI) to oversee the County-owned Vizcaya, and amended Article LXXXI of the Code of Miami-Dade County (Code) to effect this transition, to wind up the affairs of the public Trust and to provide sunset provisions.

Following the Board's adoption of the ordinance, the County's Human Resources Department worked closely with the Trust's staff leadership and provided all of Vizcaya's County employees with the option of a position with another County agency prior to the October 1, 2017 transition. Other aspects of the transition, such as the assignment of relevant

agreements and reconciliation of finances, were successfully completed in the months thereafter.

In all other respects, the transition of Vizcaya's operations to VMGTI was overseen by the Board and staff of VMGTI in close consultation with the Department of Cultural Affairs. Throughout, Vizcaya's service to the public has been seamless and over 300,000 people have enjoyed visiting Vizcaya in the past year.

Article LXXXI, Section 2-1118 of the Code provided for a Final Report from the Trust within two years of the ordinance's adoption. As the transition has progressed smoothly and there is no reason to keep the Trust active at this time, the Trust has approved and is submitting its Final Report in advance of the deadline. It is recommended that the Board accept this Final Report (Exhibit A) through the attached resolution, with the effect of sunseting the Trust and deleting Article LXXXI from the Code.

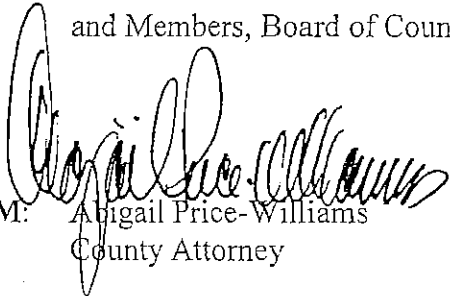

Michael Spring
Senior Advisor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: June 4, 2019

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(C)(1)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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. 8(C)(1)
6-4-19

RESOLUTION NO. _____

RESOLUTION ACCEPTING THE FINAL REPORT OF THE VIZCAYA MUSEUM AND GARDENS TRUST PURSUANT TO SECTION 2-1118 OF THE CODE OF MIAMI-DADE COUNTY AND THEREBY SUNSETTING ARTICLE LXXXI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND DIRECTING THE CLERK TO TAKE SUCH ACTIONS NECESSARY TO ENSURE ITS DELETION FROM THE CODE

WHEREAS, on July 6, 2017, this Board adopted Ordinance 17-42, entering into an Operating and Management Agreement with the non-profit Vizcaya Museum and Gardens Trust, Inc. (“VMGTI”) to oversee the County-owned Vizcaya Museum and Gardens (“Vizcaya”) and amending Article LXXXI of the Code of Miami-Dade County to effect this transition, to wind up the affairs of the public Vizcaya Museum and Gardens Trust (“Trust”) and to provide sunset provisions; and

WHEREAS, section 2-1114 of the Code requires that the Trust submit to this Board a final report within two years (“Final Report”); and

WHEREAS, because the transition to VMGTI has proceeded smoothly, the Trust has approved and submitted to this Board its Final Report, a copy of which is attached hereto as Exhibit A, and there is no further purpose in keeping the Trust active at this time; and

WHEREAS, section 2-1118 of the Code provides that the Board’s acceptance of the Final Report would have the effect of sunsetting the Trust and of deleting Article LXXXI from the Code,

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

Section 1. This Board adopts and incorporates herein the Mayor's Memorandum accompanying this resolution, and accepts the Final Report of the Trust, as provided in section 2-1118 of the Code, thereby sunsetting Article LXXXI of the Code, which shall be of no further force and effect.

Section 2. As provided in Section 2-1118 of the Code, the Clerk of the Board is hereby directed, following the adoption of this resolution, to take such further action as may be necessary to ensure that this Article is deleted from the Code.

The foregoing resolution 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:

| | |
|--------------------------------|----------------------|
| Audrey M. Edmonson, Chairwoman | |
| Rebeca Sosa, Vice Chairwoman | |
| Esteban L. Bovo, Jr. | Daniella Levine Cava |
| Jose "Pepe" Diaz | Sally A. Heyman |
| Eileen Higgins | Barbara J. Jordan |
| Joe A. Martinez | Jean Monestime |
| Dennis C. Moss | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of June, 2019. 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.

NJM for

Jorge Martinez-Esteve

EXHIBIT A

RESOLUTION 199201

RESOLUTION APPROVING THE FINAL REPORT OF THE VIZCAYA MUSEUM AND GARDENS TRUST ("TRUST") TO THE BOARD OF COUNTY COMMISSIONERS AND RECOMMENDING THAT THE TRUST BE SUNSETTED

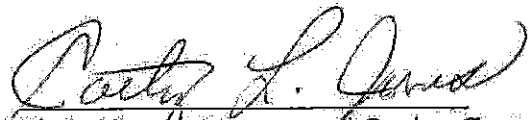
WHEREAS, this Trust desires to accomplish the purpose outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE BE IT RESOLVED BY THE VIZCAYA MUSEUM AND GARDENS TRUST OF MIAMI-DADE COUNTY, FLORIDA, that this Trust approves its Final Report to the Board of County Commissioners (Exhibit 1) and recommends that the Trust be sunsetted.

The foregoing resolution was offered by Trust member ^{Mireille} ~~Chancy~~ ^{Gonzalez}, who moved its adoption. The motion was seconded by Trust member ^{Megan} ~~Kelly. Upon being put to a vote the vote was as follows: all members voted in favor; motion passed.~~

The Trust Chairperson thereupon declared the resolution duly passed and adopted this 28th day of March, 2019. This resolution shall become effective upon its passage by the Vizcaya Museum and Gardens Trust.

MIAMI-DADE COUNTY, FLORIDA
BY THE VIZCAYA MUSEUM AND
GARDENS TRUST


Chair, Vizcaya Museum and Gardens Trust


Approved by County Attorney as
to form and legal sufficiency 

Exhibit 1 to Resolution 199201

Final Report of the Vizcaya Museum and Gardens Trust to
The Board of County Commissioners

March 28, 2019

Through Ordinance 17-42, adopted on July 6, 2017, the Board of County Commissioners transitioned the management and operation of Vizcaya Museum and Gardens ("Vizcaya") from the public Vizcaya Museum and Gardens Trust ("Trust") to the non-profit Vizcaya Museum and Gardens Trust, Inc. ("VMGTI").

The County's Human Resources Department worked closely with the Trust's staff leadership and provided all of Vizcaya's County employees with the option of a position with another County agency prior to the October 1, 2017, transition. On October 1, Vizcaya's County staff and operations migrated to the non-profit entity as anticipated. Other aspects of the transition, such as the assignment of relevant agreements and reconciliation of finances, were successfully completed in the months thereafter.

In all other respects, the transition of Vizcaya's operations to VMGTI was overseen by the Board and staff of VMGTI in close consultation with Senior Advisor to the Mayor Michael Spring. New personnel and financial systems have been set up and Vizcaya's service to the public has been seamless, with over 300,000 individuals enjoying Vizcaya in the past year.

Other than the meeting to adopt this Final Report, the Trust met only twice since the adoption of Ordinance 17-42. All agreements have either been terminated or assigned, and it has become apparent that there is no reason for keeping the Trust active. In light of these circumstances, it is recommended that the Board of County Commissioners sunset the Trust at this time.

October 1, 2017 – December 31, 2017: The Trust met on November 16, 2017, to ratify two contract assignments, to terminate its superseded operating agreement with VMGTI, to distribute remaining support group assets, and to delegate procurement authorities to the Director of the County's Cultural Affairs Department to facilitate repairs from Hurricane Irma. No further action was taken by the Trust.

January 1, 2018 – March 31, 2018: The Trust met on February 24, 2018, to assign the rights and responsibilities of an architecture/engineering Professional Services Agreement to VMGTI. No further action was taken by the Trust during this quarter.

April 1, 2018 – June 30, 2018: No action was taken by the Trust during this quarter.

July 1, 2018 – September 30, 2018: No action was taken by the Trust during this quarter.

October 1, 2018 – December 31, 2018: No action was taken by the Trust during this quarter.

January 1, 2019 – March 28, 2019: A meeting was held on March 28, 2019 to approve this Final Report to the Board of County Commissioners.