

MEMORANDUM

Agenda Item No. 14(A)(4)

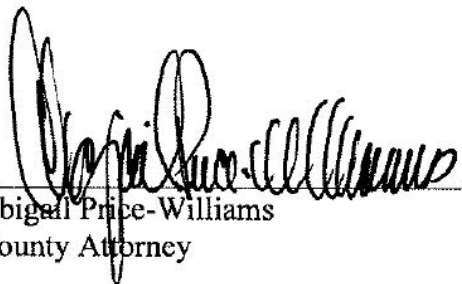
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 20, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County
Mayor designee to negotiate a
Fiscal Agent Agreement with the
Black Archives History and
Research Foundation of South
Florida, Inc. for funds previously
allocated to the Black History
Museum in Miami-Dade County;
and requiring a report

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


Abigail Price-Williams
County Attorney

APW/lmp



MEMORANDUM
(Revised)

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

DATE: October 20, 2020

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County Attorney

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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
- 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. 14(A)(4)
10-20-20

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE A FISCAL AGENT AGREEMENT WITH THE BLACK ARCHIVES HISTORY AND RESEARCH FOUNDATION OF SOUTH FLORIDA, INC. FOR FUNDS PREVIOUSLY ALLOCATED TO THE BLACK HISTORY MUSEUM IN MIAMI-DADE COUNTY; AND REQUIRING A REPORT

WHEREAS, on October 7, 2014, this Board adopted Resolution No. R-911-14 directing the County Mayor or the County Mayor's designee to prepare a plan for the development of an African American (Black History) Museum commemorating and celebrating the history of Black citizens in Miami-Dade County and to negotiate an agreement with the Black Archives History and Research Foundation of South Florida, Inc. (the "Black Archives") for the operation and management of such museum; and

WHEREAS, on January 23, 2019, this Board adopted Resolution No. R-67-19 approving settlement agreements with Rasier-DC, LLC, a wholly owned subsidiary of Uber Technologies, Inc. ("Uber") and Lyft, Inc. ("Lyft") (the "settlement agreements"); and

WHEREAS, the settlement agreements required Uber to pay \$2,400,000.00 to the County and \$276,510.00 to the Clerk of Courts, Traffic Division pursuant to section 31-702(s) of the Code of Miami-Dade County; and required Lyft to pay \$216,140.00 to the County and \$13,910.00 to the Clerk of Courts, Traffic Division pursuant to section 31-702(s); and

WHEREAS, consistent with the direction of this Board, \$500,000.00 from the proceeds of the settlement agreements were allocated to the African American (Black History) Museum for plans and studies for the construction of a new museum; and

WHEREAS, this Board desires that the Black Archives act as fiscal agent to accept the \$500,000.00 allocated from the settlement agreements for plans and studies for the construction of a new museum in accordance with the policy direction set forth by the Board pursuant to Resolution No. R-911-14; and

WHEREAS, the Black Archives is a Florida not-for-profit corporation that was founded in 1977 by Dr. Dorothy Jenkins Fields to collect and preserve the rapidly vanishing material that reflects the African American experience in Miami-Dade County, and that currently has the largest and most comprehensive repository of black history and memorabilia in the County, inclusive of documents, photographs and other source materials telling the story of the Black experience in the County; and

WHEREAS, over the years, the collection has grown, and the Black Archives is now a national resource for this history of the 19th and 20th centuries, providing a rich repository of materials that are used by scholars, students, teachers, and the media; and

WHEREAS, the Black Archives also works to preserve historical sites in the Historic District of Overtown, the City of Miami's first black community; and

WHEREAS, most prominent among these is the Historic Lyric Theater, which has been renamed the Black Archives Historic Lyric Theater Welcome Center Complex ("Lyric Theater"); and

WHEREAS, the Black Archives is uniquely qualified and positioned to be the entity to act as fiscal agent for the expenditure of the \$500,000 allocated from the settlement agreements for plans and studies for the construction of a new museum in accordance with the policy direction set forth by the Board pursuant to Resolution No. R-911-14; and

WHEREAS, this Board now wishes to direct the County Mayor or the County Mayor’s designee to negotiate a fiscal agent agreement with the Black Archives for the purposes set forth in this resolution,

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

Section 1. The foregoing recitals are incorporated into this Resolution and are approved.

Section 2. This Board directs the County Mayor or the County Mayor’s designee to negotiate a fiscal agent agreement with the Black Archives by which \$500,000.00 previously allocated from the proceeds of settlement agreements with Rasier-DC, LLC, a wholly owned subsidiary of Uber Technologies, Inc. and Lyft Inc. will be expended for the plans and construction of the African American (Black History) Museum in Miami-Dade County.

Section 3. This Board directs the County Mayor or the County Mayor’s designee to provide a written report within 30 days of the effective date of this resolution detailing the status of the negotiation of the fiscal agent agreement with the Black Archives or explaining why such agreement has not been reached. The completed report shall be placed on an agenda of this Board pursuant to Ordinance No. 14-65. Upon completion of negotiations, the County Mayor or County Mayor’s designee shall bring the fiscal agent agreement with the Black Archives for final approval by this Board.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. 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:

Audrey M. Edmonson, Chairwoman

Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.

Jose "Pepe" Diaz

Eileen Higgins

Joe A. Martinez

Dennis C. Moss

Xavier L. Suarez

Daniella Levine Cava

Sally A. Heyman

Barbara J. Jordan

Jean Monestime

Sen. Javier D. Souto

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of October, 2020. 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.

D.P.C

Dale P. Clarke