

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 11(A)(12)
07-10-07

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

RESOLUTION NO. R-836-07

RESOLUTION DIRECTING THE VIZCAYA MUSEUM AND GARDENS TRUST, A COUNTY ENTITY, TO RESCIND ITS RESOLUTION 079217 WHICH, WITHOUT PERMISSION OF THE BOARD OF COUNTY COMMISSIONERS, ENCOURAGED THE VIZCAYANS, INC. TO PROSECUTE A LAWSUIT AGAINST A ZONING DECISION OF THE CITY OF MIAMI AND AGREED TO ALLOW THE VIZCAYANS, INC. TO CREDIT ITS LITIGATION EXPENSES AGAINST MONEYS OWED TO THE TRUST

WHEREAS, the Board of County Commissioners of Miami-Dade County created the Vizcaya Museum and Gardens Trust as an agent and instrumentality of Miami-Dade County to provide for more effective administration and fundraising for the Vizcaya Museum and Gardens; and

WHEREAS, the Ordinance creating the Vizcaya Museum and Gardens Trust gave the Trust a high degree of independence, including the power to contract and to bring lawsuits, but specifically provided that the Trust is subject to the Legislative and Executive powers of Miami-Dade County; and

WHEREAS, it is the policy of the Board of County Commissioners that no County entity will lend the name of the County and the names of its institutions, use County resources, or directly or indirectly fund any lawsuits challenging the zoning decisions of any municipality in Miami-Dade County unless and until the Board of County Commissioners has authorized such a lawsuit; and

WHEREAS, on March 22, 2007, the Board of County Commissioners considered the issue of the potential impact of a certain pending zoning matter involving property owned by Mercy Hospital on Vizcaya Museum and Gardens and voted that it would inform the City of the County's concerns but that the County's input would be for informational purposes only and that the County would abide by the City of Miami decision whatever the City should ultimately decide; and

WHEREAS, the Vizcaya Museum and Gardens Trust violated this policy and this express direction by adopting Vizcaya Resolution 079217 which (1) encouraged The Vizcayans, Inc., a private 501(c) 3 corporation that acts as a support group to the Vizcaya Museum and Gardens, to file and prosecute a legal challenge to the City of Miami's zoning decision, and (2) agreed to allow The Vizcayans, Inc. to credit its litigation expenses against moneys The Vizcayans, Inc. owes to the Trust pursuant to the Vizcayans Operating Agreement,

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

- (a) This Board finds that Vizcaya Resolution 079217 is contrary to the policy of Miami-Dade County that no county entity will lend the name of the County, use County resources, or fund directly or indirectly any lawsuits challenging the zoning decisions of any municipality in Miami-Dade County unless and until the Board of County Commissioners has authorized such a lawsuit;
- (b) This Board finds that Vizcaya Resolution 079217 is a nullity and directs the Vizcaya Museum and Gardens Trust to rescind Vizcaya Resolution 079217 forthwith and, in any event, no later than 15 days from the date that this resolution becomes effective;

- (c) This Board directs the Vizcaya Museum and Gardens Trust to refrain in the future from lending the County name and the names of its institutions, using County resources, or funding directly or indirectly any lawsuits challenging the zoning decisions of any municipality in Miami-Dade County unless and until the Board of County Commissioners has authorized such a lawsuit; and
- (d) This Board directs the County Manager to report to this Board any failure on the part of the Vizcaya Museum and Gardens Trust to follow the directives contained in this resolution.

The foregoing resolution was sponsored by Senator Javier D. Souto and offered by Commissioner Sen. Javier D. Souto, who moved its adoption. The motion was seconded by Commissioner Joe A. Martinez and upon being put to a vote, the vote was as follows:

	Bruno A. Barreiro, Chairman	aye	
	Barbara J. Jordan, Vice-Chairwoman	aye	
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	nay	Sally A. Heyman	absent
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	nay	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of July, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS



HARVEY RUVIN, CLERK

By: **KAY SULLIVAN**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

TWL

Thomas W. Logue

MEMORANDUM

Agenda Item No. 11(A)(12)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 10, 2007

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

SUBJECT: Resolution directing the
Vizcaya Museum and
Gardens Trust to rescind
its Resolution 079217

The accompanying resolution was prepared and placed on the agenda at the request of Senator Javier D. Souto.



R.A. Cuevas, Jr.
Acting County Attorney

RAC/bw



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: July 10, 2007

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

SUBJECT: Agenda Item No. 11(A)(12)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review