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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

# MEMORANDUM

Agenda Item No. 11(A)(17)

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

**DATE**: December 4, 2007

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

**SUBJECT**: Resolution to Request that the Carnival Corporation Consider Inclusion of "Miami-Dade" in the name of the Carnival Center for Performing Arts

**R-1348-07**

The accompanying resolution was prepared and placed on the agenda at the request of Vice-Chairwoman Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/dcp

# MEMORANDUM

(Revised)

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

DATE: December 4, 2007

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

SUBJECT: Agenda Item No. 11(A)(17)

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(17)
12-04-07

RESOLUTION NO. **R-1348-07**

RESOLUTION URGING PERFORMING ARTS CENTER FOUNDATION OF GREATER MIAMI, INC. TO REQUEST THAT THE CARNIVAL CORPORATION CONSIDER INCLUSION OF WORD "MIAMI-DADE" IN NAME OF CARNIVAL CENTER FOR PERFORMING ARTS

**WHEREAS,** pursuant to the terms of the Operating and Management Agreement entered into by and between the Performing Arts Center Trust, Inc. (the "PACT") and Miami-Dade County, originally approved on July 19, 1993 and amended on March 19, 1996, December 19, 2000, January 23, 2003 and July 27, 2004, and amended and restated on May 9, 2006 (the "Operating Agreement"), the PACT is obligated to operate the Carnival Center for the Performing Arts (the "Carnival Center") on behalf of the County and contribute funds for design and construction of and to establish an endowment for the operation and maintenance of the Carnival Center; and

**WHEREAS,** the Amended and Restated Amendment Number 5 to the Cooperation Agreement (the "Cooperation Agreement") by and between the Performing Arts Center Foundation of Greater Miami, Inc. (the "Foundation") and the PACT sets forth the terms by which the Foundation will raise private funds and cooperate in the design, construction and operation of the Carnival Center; and

**WHEREAS,** pursuant to the terms of the Cooperation Agreement, the Foundation has the exclusive right to use named gift opportunities as a method of raising private funds to satisfy the PACT's obligations to contribute capital and endowment funds as provided in the Operating Agreement; and

**WHEREAS,** in 2006, the Performing Arts Center was renamed as the "Carnival Center for the Performing Arts" as consideration for the $20 million naming gift from the Carnival Corporation; and

**WHEREAS,** because "Miami-Dade" does not appear in the name of the Carnival Center, persons may not be aware that the Carnival Center is located in Miami-Dade County; and

**WHEREAS,** this Board wishes to urge the Foundation to request the Carnival Corporation to consider inclusion of the words "Miami-Dade" in the name of the Carnival Center for the Performing Arts,

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

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board urges the Foundation to request that the Carnival Corporation consider inclusion of the words "Miami-Dade" in the name of the Carnival Center of the Performing Arts.

The foregoing resolution was sponsored by Vice-Chairwoman Barbara J. Jordan and offered by Commissioner **Jose "Pepe" Diaz**, 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 | **aye** | Sally A. Heyman | **absent** |
| Joe A. Martinez | **aye** | Dennis C. Moss | **aye** |
| Dorrin D. Rolle | **aye** | Natacha Seijas | **aye** |
| Katy Sorenson | **absent** | Rebeca Sosa | **aye** |
| Sen. Javier D. Souto | **absent** | | |

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

Geri Bonzon-Keenan