

**MEMORANDUM**

Agenda Item No. 7(A)

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

**DATE:** November 20, 2008


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

**SUBJECT:** Ordinance amending Rule 9.3  
of Section 2-1 of the Code of  
Miami-Dade County, providing  
criteria when granting fee  
waivers for use of Vizcaya  
Museum and Gardens

**Ordinance No. 08-127**

**The ordinance as passed on first reading provided: "Fee waivers and reductions shall not be granted to an organization more than once every two year..." The Recreation and Cultural Affairs Committee amended this item to allow an organization to receive a fee waiver or reduction more than once every two years in the discretion of the Commission.**

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz, and Co-Sponsors Commissioner Audrey M. Edmonson, Vice-Chairwoman Barbara J. Jordan, and Commissioner Dorrin D. Rolle.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

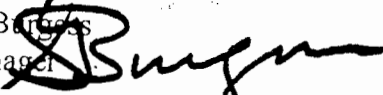
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# Memorandum



**Date:** November 20, 2008

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

**From:** George M. Burgess  
County Manager 

**Subject:** Ordinance amending rule 9.3 of Section 2-1 for the Code of Miami-Dade County,  
providing criteria when granting fee waivers for use of Vizcaya Museum and Gardens

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The fiscal impact of the ordinance providing fee waivers for the use of Vizcaya Museum and Gardens (Vizcaya) is difficult to determine. The estimated fiscal impact would be a function of how many events meet the established criteria for fee reductions or waivers and are approved by two-thirds of the County Commission.



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Assistant County Manager

fis07108



# MEMORANDUM

(Revised)

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

**DATE:** November 20, 2008

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

**SUBJECT:** Agenda Item No. 7 (A)

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. 7(A)

11-20-08

ORDINANCE NO. 08-127

ORDINANCE AMENDING RULE 9.03 OF SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, PROVIDING CRITERIA FOR THE BOARD OF COUNTY COMMISSIONERS TO CONSIDER WHEN GRANTING FEE WAIVERS FOR USE OF VIZCAYA MUSEUM AND GARDENS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, the Board of County Commissioners has adopted Rule 9.03 to protect the budget of Vizcaya Museum and Gardens by requiring a public hearing and a super-majority vote in order for the Board to grant a fee waiver or reduction; and

**WHEREAS**, the adoption of specific criteria to govern the Board's discretion to grant fee waivers or reductions would serve to make the process more fair and transparent, limit the potential for over-use of this provision, and protect an important funding source for Vizcaya Museum and Gardens,

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

Section 1. Rule 9.03 of section 2-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 2-1. Rules of procedure of County Commission.**

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

\* \* \*

*Rule 9.03 Fee reduction and waiver requests for the use of Vizcaya Museum and Gardens.*

(a) All requests for fee reductions and waivers for the use of Vizcaya Museum and Gardens must be submitted to the board for review at a public hearing before the full Commission. Following the public hearing any such fee reductions and waivers will require a two-thirds (2/3<sup>rd</sup>) majority vote of the board members present. This Rule does not apply when Vizcaya Museum and Gardens' budget is fully reimbursed from another County fund for such fee reduction or waiver. >>The following criteria shall govern the grant of a fee waiver or reduction:

- i. Fee waivers and reductions shall be granted only to major cultural, diplomatic, international, military, or other events or conferences involving heads-of-state or other similar individuals that will enhance the visibility of the County as a place to live, work, visit, or invest.
- ii. No fee waivers or reductions shall be granted for events whose purpose is, in whole or in part, to raise funds.
- iii. Fee waivers and reductions shall be granted only to not-for-profit or governmental organizations, and not to private individuals or for-profit organizations.
- iv. Fee waivers and reductions may be granted at the discretion of the Board to an organization more than once every two years, but the Board recognizes that repeat events should generally not be based on recurrent complimentary use of this fragile facility.
- v. Organizations that are offered fee waivers and reductions shall comply with all Vizcaya Museum and Gardens facility rental rules and regulations and shall sign and be

bound by the facility rental agreement, except for the provisions regarding rental fee payment and deposit.

- vi. All direct costs that result from the organization's event shall be payable by the organization directly to Vizcaya Museum and Gardens, including but not limited to tent or equipment rental, hire of police and cleanup crew, and costs of any damages or cleanup by County staff or outside vendors, unless the resolution granting the fee waiver and reduction states that the County will pay such costs to Vizcaya Museum and Gardens.
- vii. Organizations requesting a fee waiver or reduction should first attempt to find other public or private ways to fund the Vizcaya fee.<<

(b) Notwithstanding the previous paragraph (a), the County Manager shall be permitted to:

(1) Administratively reduce fees four (4) times during any calendar year and waive fees two (2) times during any calendar year for the use of Vizcaya Museum and Gardens for any nonfundraising events provided that those events are either diplomatic activities or events that benefit the entire citizenry of Miami-Dade County, and annually report the reductions and waiver to the Commission; and

(2) Waive fees for events sponsored by organizations which provide volunteer services to Vizcaya Museum and Gardens or raise funds and provide support for the maintenance of, and improvements to, Vizcaya Museum and Gardens.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and

be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

**PASSED AND ADOPTED: November 20, 2008**

Approved by County Attorney as  
to form and legal sufficiency:

JAR

Prepared by:

TWL

Thomas W. Logue

Prime Sponsor: Commissioner Jose "Pepe" Diaz  
Co-Sponsors: Commissioner Audrey M. Edmonson  
Vice-Chairwoman Barbara J. Jordan  
Commissioner Dorrin D. Rolle