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

MEMORANDUM

Agenda Item No. 11(A)(50)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: March 3, 2009

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

SUBJECT: Resolution retroactively authorizing in-kind services for the December 21, 2008 performance of the "Nutcracker"

Resolution No. R-271-09

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: March 3, 2009

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

SUBJECT: Agenda Item No. 11(A)(50)

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 Mayor'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)(50)
3-3-09

RESOLUTION NO. **R-271-09**

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE PARK AND RECREATION DEPARTMENT FOR THE DECEMBER 21, 2008 PERFORMANCE OF THE "NUTCRACKER" SPONSORED BY THE CUBAN CLASSICAL BALLET OF MIAMI, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED $2,000.00 TO BE FUNDED FROM THE DISTRICT 6 IN-KIND RESERVE FUND

WHEREAS, the Cuban Classical Ballet of Miami, Inc. has requested in-kind services from the Miami-Dade Park and Recreation Department for the December 21, 2008 performance of the "Nutcracker" in an amount not to exceed $2,000.00 (see attached Fee Waiver/In-kind Service Application); and

WHEREAS, the performance of the "Nutcracker" is an enriching cultural event which is especially enjoyed by children; and

WHEREAS, the Cuban Classical Ballet of Miami, Inc. is a not-for-profit organization; and

WHEREAS, the performance of the "Nutcracker" is a small event, as defined in the attached Fee Waiver/In-kind Service Application, and $2,000.00 of the in-kind services shall be funded from the District 6 In-kind Reserve Fund,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board retroactively authorizes in-kind services from the Miami-Dade Park and Recreation Department for the December 21, 2008 performance of the "Nutcracker" in an amount not to exceed $2,000.00 to be funded from the District 6 In-kind Reserve Fund.

The Prime Sponsor of the foregoing resolution is Commissionner Rebeca Sosa. It was offered by Commissioner **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman **aye**
Jose "Pepe" Diaz, Vice-Chairman **aye**

Bruno A. Barreiro	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**absent**	Barbara J. Jordan	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**absent**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of March, 2009. 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. GKS

Gerald K. Sanchez

Jane Jones 10/30/08

MIAMI-DADE COUNTY
FEE WAIVER/IN-KIND SERVICES APPLICATION

COUNTY FEE WAIVERS OR IN-KIND SERVICES REQUESTED THROUGH THIS PROCESS ARE NOT EFFECTIVE UNTIL APPROVED BY ACTION OF THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO THE MIAMI-DADE COUNTY HOME RULE CHARTER

Please complete the following form and submit completed form along with requested materials, if applicable, to:

12/21
Parks - 2,000

Delores Green
Office of Strategic Business Management
111 N.W. 1st Street, Suite 2200
Miami, FL 33128

Phone: (305) 375-5143
Fax: (305) 375-5168

Type of Event/Application (select one of the following):

- ☐ District Event - Event of minimal impact related to specific commission district (Complete questions 1-7, sign and date; copy will be submitted to the appropriate District Commissioner within two days of receipt of application.)
- ☐ Small Event - Event of minimal impact not necessarily related to a specific commission district. (Complete questions 1-7, sign and date.)
- ☑ Special Event - Event with expected attendance of less than 5,000 with localized impact limited to an individual community or municipality (Complete questions 1-12, sign, date and submit form no later than 60 days prior to event date.)
- ☐ Major Event - Large Event with expected attendance of over 5,000 or significant probability of protests, controversy, violence or vandalism (Complete questions 1-12, sign, date and submit form no later than 120 days prior to event date.)

Note: Event budget must be included for "Special" and "Major" event types.

1. Full legal name of the requesting organization: _____

2. Applicant Status: (Select one of the choices below)
   - ☑ Not-For-Profit or Tax Exempt
   - ☐ For-Profit
   - ☐ Local Government or Public Entity
   - ☐ Other (specify): _____

3. Name and contact information for single point of contact (address, phone, fax, e-mail address, etc.): Pedro Pablo Peña, Director
   Cuban Classical Ballet of Miami, 900 SW 12th St, Miami 305 549-7711

4. Specify fee waiver or in-kind service requested (quantify, if applicable): Fee Waiver (theater)

5. Name, date of event, description, and purpose of the event (if event is a fund-raiser, define the beneficiaries):
   Nutcracker, Dec. 21, 2008 8 p.m. & 5 p.m.
   Ballet performance

6. Please select ALL that apply to event:
   - ☐ Economic Development: Event supports vitality or growth of the local economy
   - ☑ Youth/Education: Event benefits youth of any age and/or offers educational benefits
   - ☐ Health and Social Services: Event supports health-related causes and/or social programs or institutions that improve quality of life within the community
   - ☑ Arts and Culture: Event supports music, theatre, literature, art or culture
   - ☐ Environmental: Event benefits environmental concerns or promotes conservation
   - ☐ Sports and Athletics: Event supports/promotes organized sports or recreational participation

Hablé con Pedro Pablo
10/30/08
Sosa (6)

MIAMI-DADE COUNTY
FEE WAIVER/IN-KIND SERVICES APPLICATION

7. Physical address of event venues (please specify Commission District(s)): Dade County Auditorium 2901 West Flagler Street, Commission District 6

8. Description of regional or local impact: Enriching cultural event geared for the community and especially children to generate their interest in the arts.

9. Daily/hourly event schedule, including set-up and breakdown schedule (attach event calendar, if applicable): Sunday, Dec. 21, 8 p.m. @ 5 p.m.

10. Detailed description of event venues (map or schematic of event venues, access points, surrounding roadways and traffic flow diagrams, if applicable): Not available

11. Expected number of participants and estimated attendance (per day, if applicable): 3,000

12. Itemized budget, including total event budget, total budget of host organization, if applicable, and total commitment of resources (attach additional pages as needed): See attached

I hereby certify that all the statements made in this application are true and correct.

Signature of Authorized Representative

7/2/08
Date

NUTCRACKER

Performance Budget

Dade County Auditorium
December 21, 2008

Description	Amount
Theater Labor Union	$ 5,000
Costumes	25,000
Dancers (Artistic Fee)	25,000
Advertising & Public Relations	15,000
Stage Manager	1,000
Lighting Design	1,700
Music Operator	750
Transportation	500
Miscellaneous Expenses	600
TOTAL	$ 59,550

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: MAY 20 2008

CUBAN CLASSICAL BALLET OF MIAMI INC
900 SW 1ST ST STE 306
MIAMI, FL 33130

Employer Identification Number:
20-5713495
DLN:
17053306300037
Contact Person:
JOANNA YAWNEY ID# 95078
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
October 13, 2006
Contribution Deductibility:
Yes
Advance Ruling Ending Date:
December 31, 2010
Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. During your advance ruling period, you will be treated as a public charity. Your advance ruling period begins with the effective date of your exemption and ends with advance ruling ending date shown in the heading of the letter.

Shortly before the end of your advance ruling period, we will send you Form 8734, Support Schedule for Advance Ruling Period. You will have 90 days after the end of your advance ruling period to return the completed form. We will then notify you, in writing, about your public charity status.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Letter 1045 (DO/CG)

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CUBAN CLASSICAL BALLET OF MIAMI INC

Sincerely,

Robert Choi
Director, Exempt Organizations
Rulings and Agreements

Enclosures: Publication 4221-PC
Statute Extension

Rodriguez, Nadia (OSBM)

From: Milian, Lourdes (DIST6)
Sent: Friday, December 05, 2008 12:49 PM
To: Rodriguez, Nadia (OSBM)
Cc: Olmedillo, Jessica (DIST6)
Subject: Re: Ballet In-kind

Nadia as per our conversation the amount the commissioner is approving is $2,000.

Thank you, Have a Great Day!
Lourdes G. Milian, District Office Manager
Commissioner Sosa, District 6
305-267-6377 Office
e-mail: lmilian@miamidade.gov

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All E-mail sent and received is captured by our servers and kept as a public record.

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Rodriguez, Nadia (OSBM)

From: Jayska, Amanda (OSBM)
Sent: Monday, December 08, 2008 1:31 PM
To: Rodriguez, Nadia (OSBM)
Subject: FW: Dade County Auditorium

FYI.

Amanda Jayska, Budget Analyst
Miami-Dade County

From: Gazitua, Luis Andre (Mayor's Office)
Sent: Monday, December 08, 2008 1:21 PM
To: Galvez, Barbara (OSBM); Jayska, Amanda (OSBM)
Cc: Garcia-Navarro, Millie (Mayor's Office); Morales, Denis (Mayor's Office); Triana, Josefina C. (Mayor's Office)
Subject: Dade County Auditorium

Ladies: Pursuant to our conversation this morning, our Chief of Staff has authorized a $4,202.78 distribution of discretionary reserve funds in support of the Nutcracker event. The funds will be pledged at the first BCC meeting of 2009.

Warmest regards,

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records.

Luis Andre Gazitua, Esq.
Senior Advisor

Office of the Mayor of Miami Dade County
111 NW First Street, Suite 2910
Miami, Fl. 33128

gazitua@miamidade.gov
http://www.miamidade.gov/mayor/

tel: 305-375-4245
fax: 305-375-3618

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Miami-Dade County Auditorium

Final Settlement For: THE NUTCRACKER
Cuban Classical Ballet of Miami
Event Date: Sunday December 21, 2008 at 2PM

Promoter: Cuban Classical Ballet
ATTN: Pedro Pablo Peña

Miami-Dade County Auditorium

2901 West Flagler Street

Miami, Florida 33135

Tax Exempt:

Phone: 305-547-5414

Flat Rate Rental: $ Deposit: $ Balance: $

DAILY BASE RENT	RENTAL:	BALANCE
Base Rent	**$3,000.00 FLAT FEE ON MATTINEE PERFORMANCE**	$3,000.00
Rent Reductions	$4,202.78 Cmsr. Barreiro; $4,202.78 Mayor Alvarez; $2,000.00 Cmsr. Sosa; $700 Univision Radio	($11,105.56)
Set-up/Reh.	@$950.00 per day	NA
Ticket Printing	2,429 Tickets @ $0.18 per ticket	$437.22
Dance Floor	1 @$250.00 per day	$250.00
Spotlights	2 Spots @$75/ea	$150.00
Sound Equipment	1 Reg Mics @$10/ea + 1 CD Player @$50/ea	$60.00
Lamp Usage	1 @$100.00 per day	$100.00
Misc. Rental	Ushers (Andy Frain Services) $1,200.00 Stagehands (Technical Assistance) $3,405.57 Clean-up Fee	$4,605.57
Additional Equipment/ Activity	Security (Off-Duty Police & Paramedic) $800.00 Item Sales $250.00 7% Administration Fee on Personnel $140.00	$1,190.00
Tax @7%	**Rental Tax of N/A** **Ticket Sales Tax of N/A**	$0.00
Surcharge	PBO: $0 TM:$0 **SBO: $800**	$800.00
PBO Receipts	(M-DCA $ + Ticketmaster $ = $)	
Total Due	**TO BE CREDITED TO EVENING PERFORMANCE**	**($512.77)**

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Rodriguez, Nadia (OSBM)

From: Milian, Lourdes (DIST6)
Sent: Friday, December 12, 2008 12:45 PM
To: Rodriguez, Nadia (OSBM)
Cc: Jayska, Amanda (OSBM)
Subject: RE: Re: Ballet In-kind

The Commissioner is only doing the $2,000.00

Thank you, Have a Great Day!
Lourdes G. Milian, District Office Manager
Commissioner Sosa, District 6
305-267-6377 Office
e-mail: lmilian@miamidade.gov

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From: Rodriguez, Nadia (OSBM)
Sent: Wednesday, December 10, 2008 9:50 AM
To: Milian, Lourdes (DIST6)
Cc: Navarro, Lubby (Office of the Chair)
Subject: RE: Re: Ballet In-kind

Lourdes,
I spoke to Lubby in regards to the in-kind and she stated that they were not aware of this event. Apparently, district 5 and the Mayor's office are splitting the costs of 1,000 tickets. Let me know if you have any questions. Thanks.

From: Milian, Lourdes (DIST6)
Sent: Friday, December 05, 2008 12:49 PM
To: Rodriguez, Nadia (OSBM)
Cc: Olmedillo, Jessica (DIST6)
Subject: Re: Ballet In-kind

Nadia as per our conversation the amount the commissioner is approving is $2,000.

Thank you, Have a Great Day!
Lourdes G. Milian, District Office Manager
Commissioner Sosa, District 6
305-267-6377 Office
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Memorandum

MIAMI-DADE COUNTY

Date: March 3, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: District Specific In-Kind Reserve Request Recommendation

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The Office of Strategic Business Management (OSBM) has reviewed the attached in-kind request and recommends for the item to move forward to the Board of County Commissioners for consideration. The district specific in-kind reserve balance allows for the funding of this request.

Background

A retroactive waiver for in-kind services has been requested by a not-for-profit organization the Cuban Classical Ballet of Miami, Inc. for their "Nutcracker" event held on December 21, 2008.

In-kind services have been requested in an amount not to exceed $2,000.00 from the Miami-Dade Park and Recreation Department to waive in-part the rental fee for the Miami-Dade County Auditorium. This event will be funded from the District 6 in-kind reserve fund.

In FY 2008-09, the Cuban Classical Ballet of Miami, Inc. has currently received no county funding for this event.

Inkind04009