



MEMORANDUM

Amended
Agenda Item No. 11(A)(26)

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

DATE:

January 21, 2010

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

SUBJECT: Resolution directing County Mayor to report to Board on status of design and construction of Miami Art Museum and Museum of Science, on Status of Building Better Communities General Obligation Bond Program Funds for Museum Projects

Resolution No. R-73-10

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Carlos A. Gimenez and Co-Sponsors Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan and Commissioner Rebeca Sosa.

A handwritten signature in black ink, appearing to read "R. A. Cuevas, Jr.", is written over a horizontal line.

R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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

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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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 11(A)(26)
1-21-10

RESOLUTION NO. R-73-10

RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO REPORT TO BOARD ON STATUS OF DESIGN AND CONSTRUCTION OF MIAMI ART MUSEUM AND MUSEUM OF SCIENCE, ON STATUS OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS FOR MUSEUM PROJECTS, AND ON ABILITY OF MIAMI ART MUSEUM OF DADE COUNTY ASSOCIATION, INC. AND MUSEUM OF SCIENCE, INC. TO FUND BALANCE OF CONSTRUCTION COSTS OF MUSEUMS AND FUTURE OPERATING COSTS OF MUSEUMS; DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO ABSTAIN FROM EXECUTING FURTHER GRANT AGREEMENTS UNTIL REPORT HAS BEEN PRESENTED TO BOARD

WHEREAS, pursuant to Resolution No. 919-04 (the "Cultural and Library Facilities Resolution"), the voters approved the issuance of general obligation bonds in a principal amount not to exceed \$552,692,000 to construct and improve libraries, cultural facilities and Head Start learning centers; and

WHEREAS, Appendix A to the Cultural and Library Facilities Resolution lists projects eligible for funding from the Building Better Communities General Obligation Bond ("BBC GOB") Program by project number, municipal project location, BCC district, project name, project description, street address, and project funding allocation; and

WHEREAS, one of the projects listed in Appendix A to the Cultural and Library Facilities Resolution and approved by the voters for funding is Project No. 296 – "New Miami Art Museum (MAM) Facility" with an original allocation equal to \$100 million and Project No.

297- “New Miami Museum of Science & Planetarium Facility/Historical Museum of Southern Florida” with an original allocation equal to \$175 million; and

WHEREAS, on April 22, 2008, through Resolution R-435-08, this Board approved the first set of BBC GOB Program grant agreements with the Miami Art Museum of Dade County, Inc. (“MAM”) in the amount of \$235,000 and the Museum of Science, Inc. (“MSM”) in the amount of \$3.3 million to fund the initial design and site engineering expenses associated with the development and construction of the two museums; and

WHEREAS, Resolution R-435-08 provided that the current overall project budget for the Museum of Art is \$220 million (\$131 million for the building, \$70 million for an operating endowment and \$19 million for transitional expenses) and that the \$100 million allocated to Project No. 296 – “New Miami Art Museum (MAM) Facility” would be primarily used for a portion of the cost of the construction of the building; and

WHEREAS, Resolution R-435-08 also provided that the current overall project budget for the Museum of Science is \$288 million (\$260 million for the building and \$28 million for transitional expenses) and that the \$175 million allocated to Project No. 297- “New Miami Museum of Science & Planetarium Facility/Historical Museum of Southern Florida” would be used for a portion of the design and construction of the building; and

WHEREAS, private contributions were to fund most of the remaining costs of the project budgets for the two museums; and

WHEREAS, currently, the County contributes a portion of the annual operating budgets of the Museum of Art and the Museum of Science; and

WHEREAS, Resolution R-435-08 stated that the annual operating budget is estimated at \$12.9 million for the new Museum of Art and at \$16 million for the new Museum of Science, and that those budgets would be comprised of private operating endowment support, administrative revenues, and grant funds; and

WHEREAS, seeing as how both MAM and MSM are expected to raise significant sums of private contributions in order to cover the balance of the project budgets for both Museums and to cover the operational expenses of both Museums, this Board wishes to receive information from the County Mayor or County Mayor's designee as to the current status of those fund raising efforts by the Museums and as to the due diligence performed by the County Mayor or County Mayor's designee in confirming the ability of MAM and MSM to fund the balance of the project budgets for both Museums; and

WHEREAS, this Board also wishes to receive information from the County Mayor or County Mayor's designee as to the amount of BBC GOB funding that has already been given to MAM and MSM, the amount of BBC GOB funds that are currently under contract with MAM and MSM, and the projected timeframe for contracting for the remaining BBC GOB funds,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Board hereby directs the County Mayor or County Mayor's designee to report to the Board at its next regularly scheduled meeting on:

Section 1. The status and progress of the design and construction of the Miami Art Museum and the Museum of Science including the current use and the planned use of Community Business Enterprise Program companies ("CBEs") and Community Small Business

Enterprise Program companies (“CSBEs”) and the process utilized by the MAM and the MSM to select contractors and consultants and award contracts.

Section 2. The total amount of BBC GOB Program funds disbursed to each the MAM and the MSM to date, the amount of BBC GOB funds currently under contract with each MAM and MSM, and the projected timeframe for contracting for the remaining BBC GOB funds allocated to Project No. 296 – “New Miami Art Museum (MAM) Facility” and Project No. 297- “New Miami Museum of Science & Planetarium Facility/Historical Museum of Southern Florida.”

Section 3. The due diligence performed by the County Mayor or County Mayor’s designee to verify the ability of MAM and MSM to fund the balance of the construction costs as well as the future operating costs of the of the Museum of Art and the Museum of Science, respectively. The report shall include verification made by the County Mayor or County Mayor’s designee regarding the pledges of financial support to the Museums, and the ratio of cash on hand versus pledges to fund each of the Museums’ completion costs. This Board further directs the County Mayor and County Mayor’s designee to abstain from executing any additional grant agreements with MAM and MSM until the report is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Carlos A. Gimenez, and the Co-Sponsors are Commissioners Sally A. Heyman, Commissioner Barbara J. Jordan and Commissioner Rebeca Sosa. It was offered by Commissioner **Carlos A. Gimenez** , 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
Barbara J. Jordan	aye	Joe A. Martinez	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of January, 2010. 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "MR", is written over a horizontal line.

Monica Rizo