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

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 4, 2011

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

SUBJECT: Resolution rescinding grant award
in amount of \$2,438,000 from the
Building Better Communities General
Obligation Bond Program Project
No. 223 – “Not-for-Profit Community
Organization Capital Fund” to Miami
Children’s Museum, Inc.
Resolution No. R-870-11

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 4, 2011

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

SUBJECT: Agenda Item No. 11(A)(1)

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 _____

Agenda Item No. 11(A)(1)
10-4-11

RESOLUTION NO. R- 870-11

RESOLUTION RESCINDING GRANT AWARD IN AMOUNT OF \$2,438,000 FROM THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 223 – “NOT-FOR-PROFIT COMMUNITY ORGANIZATION CAPITAL FUND” TO MIAMI CHILDREN’S MUSEUM, INC. (“MUSEUM”), AWARDED SAME TO THE MUSEUM, AND AUTHORIZING DISBURSEMENT OF FUNDS TO THE MUSEUM AFTER EXECUTION OF GRANT AGREEMENT AND RECORDATION OF DECLARATION OF RESTRICTIVE COVENANTS

WHEREAS, in 2001, this Board awarded a \$5 million grant from Convention Development Tax funds for the construction of the new Miami Children’s Museum (“Museum”) facility (Resolution No. R-793-01); and

WHEREAS, this \$5 million allocation, along with \$14.8 million of private and State funds, an additional \$5 million construction loan secured by a mortgage on the Museum provided the necessary funding for the Miami Children’s Museum, Inc. (“Children’s Museum”) to complete the construction of the facility; and

WHEREAS, in 2003, the Museum opened in a new state-of-the-art, 60,000 square foot facility close to downtown Miami and now stands as one of the 10 largest children’s museums in the United States and the only one in Miami-Dade County; and

WHEREAS, the Museum targets services to children ages 3 months to 12 years old, their families, caregivers, and educators; and

WHEREAS, the Museum’s facility encompasses 14 galleries of interactive exhibits with learning activities focused on the themes of arts, culture, community, and communication and all

exhibits and programs are guided by research-based models that promote child development through fun, interactive, and authentic learning experiences; and

WHEREAS, to date, the Museum has paid \$4.1 million in principal and interest payments on the construction loan it obtained, but the burden of this continuing obligation has had a direct effect on the Museum's financial stability and its ability to offer programs and services to the public; and

WHEREAS, given the recent economic climate, it has become increasingly difficult for the Museum to raise sufficient funds both to sustain its operations and to continue to repay this loan in a timely manner; and

WHEREAS, on November 2, 2004, voters overwhelmingly approved eight referendum questions to fund more than 300 capital improvement projects throughout Miami-Dade County over an approximately 18 to 20 year period, comprising the Building Better Communities General Obligation Bond ("BBC GOB") Program; and

WHEREAS, BBC GOB Project No. 223 - "Not-for-Profit Community Organization Capital Fund", with a total allocation of \$30 million, was approved as a part of the BBC GOB Program; and

WHEREAS, on July 24, 2007, by Resolution No. R-884-07, the Board approved allocations to 37 not-for-profit entities totaling the full \$30 million from the BBC GOB Project No. 223, after a competitive request for proposals process, and the Children's Museum was awarded \$2,438,000 to implement a series of capital improvements to their existing facility including renovation, upgrading and construction of new features to enhance the visitor experience, accessibility and safety/security, and to complete interior and exterior construction; and

WHEREAS, in order to strengthen the Children's Museum's operational stability prior to undertaking additional capital projects, it is in the best interest of the County to rescind the

original \$2,438,000 grant of BBC GOB Project No. 223 funds to the Children's Museum and approve a grant award in the same amount to the Museum to be used to pay the balance of the construction loan, secured by a mortgage on the museum facility, the proceeds of which were used for capital expenses related to the museum facility; and

WHEREAS, the Children's Museum will therefore be able to pay off its capital debt, thus enabling the organization to focus more of its resources on its core mission to enrich the lives of children by fostering a love of learning and enabling children to realize their highest potential; and

WHEREAS, as a condition of the grant award, the Children's Museum will be required to record a Restrictive Covenant ensuring the use of the property for public museum purposes and restricting the Museum's ability to further encumber the property without the expressed written consent of Miami-Dade County; and

WHEREAS, this item was presented to the BBC-GOB Citizens' Advisory Committee ("CAC") on August 18, 2011 and was forwarded to the Board with a favorable recommendation,

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

Section 1. All of the foregoing recital clauses are incorporated herein by referenced and adopted by this Board.

Section 2. This Board hereby rescinds a grant award in the amount of \$2,438,000 from the BBC GOB Program Project No. 223 – "Not-for-Profit Community Organization Capital Fund" and awards \$2,438,000 from Project No. 223 to the Children's Museum in order to pay the balance of a construction loan, the proceeds of which were used for capital expenses on the Museum facility.

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Section 3. This Board hereby approves the disbursement of BBC GOB funds to the Children's Museum after the execution of the BBC GOB Grant Agreement and the recordation of a declaration of restrictive covenants, after approval of the form by the County Attorney's Office, by the Children's Museum.

The Prime Sponsor of the foregoing resolution is Commissioner Bruno A. Barreiro. It was offered by Commissioner **Lynda Bell**, who moved its adoption. The motion was seconded by Commissioner **Audrey Edmonson** and upon being put to a vote, the vote was as follows:

	Joe A. Martinez, Chairman	absent	
	Audrey M. Edmonson, Vice Chairwoman		aye
Bruno A. Barreiro	absent	Lynda Bell	aye
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Jean Monestime	aye	Dennis C. Moss	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of October, 2011. 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 RIVIN, CLERK

By: **Christopher Agrippa**
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.
Monica Rizo