



MEMORANDUM

Amended
Agenda Item No. 11(A)(6)

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 directing the Mayor
to negotiate an amendment to
Interlocal Cooperation Agreement
between Miami-Dade County, the
City of Miami and the Omni
Community Redevelopment Agency
related to the future use of the Miami
Herald Properties

Resolution No. R-875-11

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman, and Co-Sponsors Commissioner Lynda Bell, Commissioner Esteban L. Bovo, Jr. and Vice Chairwoman Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/up

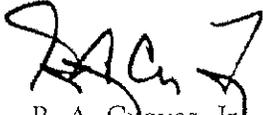


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(Revised)

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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

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Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 11(A)(6)
10-4-11

RESOLUTION NO. R-875-11

RESOLUTION DIRECTING MAYOR OR MAYOR'S DESIGNEE TO NEGOTIATE AN AMENDMENT TO INTERLOCAL COOPERATION AGREEMENT BETWEEN MIAMI-DADE COUNTY, THE CITY OF MIAMI AND THE OMNI COMMUNITY REDEVELOPMENT AGENCY RELATED TO THE FUTURE USE OF THE MIAMI HERALD PROPERTIES; DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO NEGOTIATE AN AMENDMENT TO SAID INTERLOCAL COOPERATION AGREEMENT TO PERMIT THE INCLUSION OF ONE MIAMI-DADE COMMISSIONER AS A MEMBER OF THE OMNI COMMUNITY REDEVELOPMENT AGENCY PURSUANT TO SECTION 163.356(2), FLORIDA STATUTES AND RESOLUTION NO. R-1382-09; AND REQUIRING A REPORT

WHEREAS, the State of Florida Legislature enacted the Community Redevelopment Act of 1969, which is presently codified in the Florida Statutes as Part III of Chapter 163, Sections 163.330 through 163.450, as amended, (the "Act"); and

WHEREAS, all powers arising through the Act are conferred upon counties with home rule charters; and

WHEREAS, on July 7, 1987, the Miami-Dade Board of County Commissioners ("Board") approved the establishment of the community redevelopment agency ("CRA") when it declared the area to be slum and blighted; and

WHEREAS, pursuant to the Act, Miami-Dade County, Florida (the "County"), the City of Miami (the "City") and the OMNI Community Redevelopment Agency (the "Agency") entered into an Interlocal Cooperation Agreement ("Interlocal") on June 24, 1996, as amended through the First Amendment to the Interlocal, dated December 31, 2007; and

WHEREAS, pursuant to the Interlocal the County, as a home rule county, has delegated certain of its powers to the City and the Agency; and

WHEREAS, on January 21, 2010, this Board adopted Resolution No. R-07-10, which approved an amendment to Redevelopment Plan (“Plan”) for the CRA and extended the CRA’s life until March 31, 2030; and

WHEREAS, among the projects identified in the Plan, The Miami Herald properties, which include The Miami Herald Building, the historic Shrine Building and surface parking lots (collective the “Herald Properties”), have been identified as a key to the redevelopment of the CRA; and

WHEREAS, the Plan proposes that redevelopment of the Herald Properties should focus on several objectives, including extending 14th Street to Biscayne Bay for pedestrian activities, providing development which supports street level activity surrounding the Performing Arts Center (“PAC”), parking alternatives for patrons of the PAC, and preservation of the historic Shrine building; and

WHEREAS, on June 1, 2011, The Miami Herald reported that its parent company sold the 14 acres of waterfront land surrounding The Miami Herald Building to Genting Malaysia Berhad (“Developer”), Asia’s third largest casino company; and

WHEREAS, it was further reported that the Developer intends to construct a project known as “Resorts World Miami”, which will include a hotel, convention space, restaurants, retail and some sort of residential component; and

WHEREAS, it was not reported that the Developer has plans construct a casino; and

WHEREAS, notwithstanding the future use of the Herald Properties, the Board wishes to ensure that any future use will benefit the County, the City and the CRA; and

WHEREAS, one way to address the Board's desire and protect the interest of the CRA, whose purpose is to eliminate slum and blight, is to seek an amendment of the Interlocal that addresses the future use of the Herald Properties; and

WHEREAS, another way to ensure the County's interest is further protected is to ensure that one of the Board's members becomes a member of the Agency; and

WHEREAS, on December 1, 2009, the Board adopted Resolution No. R-1382-09, which authorized the Mayor or the Mayor's designee to negotiate an amendment to each CRA's interlocal cooperation agreement, which includes the Interlocal with the City and Agency, to ensure that one member of the Board serves as a member of the CRA as permitted by section 163.356(2) of the Florida Statute; and

WHEREAS, the City and the Agency was approached by the Mayor or the Mayor's designee to commence negotiations, but the City and the Agency declined to participate in said negotiations; and

WHEREAS, the City and the Agency have recently expressed an interest in amending the Interlocal to address an unrelated matter; and

WHEREAS, as a condition of this Board considering and approving any additional amendments to the Interlocal, the Board desires that the City and Agency also negotiate an amendment that complies with this resolution,

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

Section 1. The matters contained in the foregoing recitals are incorporated in this resolution by reference.

Section 2. The Board directs the Mayor or the Mayor's designee to negotiate an amendment to the Omni CRA Interlocal Agreement between the County, the City and the Agency whereby the parties agree to address the future use of the Herald Properties, and any adjacent properties used to develop the Resorts World Miami project and to require the Agency, in addition to the requirements set forth in the Interlocal, as amended, to remit annually to the County's General Fund at the end of the Agency's fiscal year a minimum of 45% of the County's tax increment revenue generated as a result of the Resorts World Miami project, as it may be renamed or operated under a d/b/a or fictitious name in the future and to negotiate any additional fiscal arrangements in the best interests of the County, while ensuring that the County, the City's and the Agency's interests are protected.

Section 3. The Board directs the Mayor or the Mayor's designee to also negotiate an amendment to the Interlocal between the County, the City and the Agency to provide for the appointment of one County Commissioner to the board of commissioners of the Agency pursuant to Resolution No. R-1382-09 and section 163.356(2) of the Florida Statute.

Section 4. The Board directs the Mayor or the Mayor's designee to submit a report to the Board within sixty (60) days of the effective date of this resolution that provides the status of negotiations undertaken pursuant to this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman, and the Co-Sponsors are Commissioner Lynda Bell, Commissioner Esteban L. Bovo, Jr. and Vice Chairwoman Audrey M. Edmonson. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. 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	absent
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 RUVIN, CLERK

By: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

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

Terrence A. Smith