



MEMORANDUM

Amended
Agenda Item No. 11(A)(8)

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

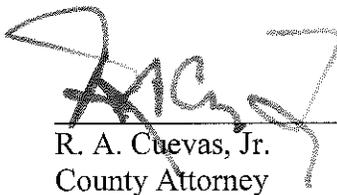
DATE: February 7, 2012

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

SUBJECT: Resolution amending Implementing
Order 4-97 to allow non-profit,
community based organizations
to utilize library space at any one
of the 5 regional libraries without
charge

Resolution No. R-156-12

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto and Co-Sponsor Commissioner Lynda Bell.



R. A. Cuevas, Jr.
County Attorney

RAC/ jls



MEMORANDUM

(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

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 11(A)(8)
2-7-12

RESOLUTION NO. R-156-12

RESOLUTION AMENDING IMPLEMENTING ORDER 4-97 TO ALLOW NON-PROFIT, COMMUNITY BASED ORGANIZATIONS TO UTILIZE LIBRARY SPACE AT ANY ONE OF THE 5 REGIONAL LIBRARIES WITHOUT CHARGE TO CONDUCT FOUR HOUR MEETINGS NO MORE THAN ONCE PER MONTH, SUBJECT TO SATISFACTION OF CERTAIN CRITERIA; AND DIRECTING THE COUNTY MAYOR TO ADJUST BUDGETED EXPENSES TO ACCOUNT FOR ANY LOSS IN BUDGETED REVENUE

WHEREAS, this Board wishes to support non-profit, community-based organizations in their efforts to benefit the citizens of Miami-Dade County; and

WHEREAS, the Miami-Dade County Library Department currently imposes fees on all organizations seeking to use auditorium, meeting room, or other library room space; and

WHEREAS, this Board recognizes that many non-profit, community-based organizations do not have financial resources necessary to pay the fees currently imposed by the Miami-Dade County Library Department pursuant to Implementing Order 4-97 for use of such meeting space; and

WHEREAS, the anticipated lost projected revenue to the Library Department is \$5,000.00,

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

Section 1. The foregoing recitals are incorporated in this Resolution and are approved.

Section 2. This Board hereby amends Implementing Order 4-97 to add the following language after the fee schedules at the end of Implementing Order 4-97:

Notwithstanding the foregoing fee schedules, organizations which are (1) qualified as non-profit organizations pursuant to Section 501(c)(3) or other Sections of the United States Internal Revenue Code or Florida law, and (2) a “community based organizations” defined as “any not-for profit group, organization, society, association, or partnership whose primary purpose is to provide a community service to improve or enhance the well-being of the community of Miami-Dade County at large or to improve or enhance the well-being of certain individuals within this community with special needs” may utilize library meeting space at the Main Library at 101 West Flagler Street and any one of the 5 regional libraries for up to four hours no more than once per month without charge, provided that (i) the meeting is open to the general public, (ii) is for the conduct of the organization’s business and not for the purposes of a press conference or other media event, (iii) occurs during regular library operating hours, (iv) does not interfere with normal operation of the library facility and programs, and (v) is not for political or sectarian religious purposes. Reservations for such use shall be made no more than three (3) months in advance, shall be made on the Library Conference /Multi-Purpose Room Program Form, and shall be prioritized in order of time of receipt for such reservation (i.e. based on a first come first served basis), except that any reservation by the Miami-Dade County Department of Elections for the purpose of elections shall have priority over any other reservation.

Section 3. It shall be the policy of this Board to exempt such organizations from the fees as noted above. No later than fifteen days from the effective date of this resolution, the County Mayor or the County Mayor's designee shall identify expenditures for reduction in the amount of \$5,000 from the appropriations in the Fiscal Year 2011-12 budget to the Miami-Dade Library Department. If expenditure reductions in the Fiscal Year 2011-12 budget to the Miami-Dade Library Department are identified by the County Mayor to offset the loss of revenue as set forth above, then this Board directs that the County Mayor prepare an appropriate budget amendment to effectuate the foregoing and bring such amendment back to the Board for approval, if necessary.

Section 4. If the County Mayor or the County Mayor's designee has not identified expenditure reductions in the Fiscal Year 2011-12 budget to the Miami-Dade Library Department by the fifteenth day from the effective date of this resolution to offset the loss of revenue as set forth above, then the Fiscal Year 2011-12 budget is hereby amended to reduce revenue appropriations and expenditure allocations in the amount of \$5,000 for the Miami-Dade Library Department, and such reduction in appropriation is hereby approved and adopted.

Section 5. The County Mayor or the County Mayor's designee shall submit a written report to the Board on or before thirty days from the effective date of this Resolution to inform the Board of the expenditure reductions implemented.

Section 6. This Board Approves the Conference /Multi-Purpose Room Program Form and Rules attached hereto and incorporated herein by reference. The County Mayor or his designee is authorized to promulgate additional rules and regulations for the use of Library space which are not inconsistent with this Resolution or Implementing Order 4-97 as amended by this Resolution.

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The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto and the Co-Sponsor is Commissioner Lynda Bell. It was offered by Commissioner **Bruno A. Barreiro**, who moved its adoption. The motion was seconded by Commissioner **Jean Monestime** and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	aye		
Audrey M. Edmonson, Vice Chairwoman	aye		
Bruno A. Barreiro	aye	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 7th day of February, 2012. 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.

Richard Seavey



Non-profit organizations, which provide official documentation of their non-profit status, will be provided use of a library facility at no charge for up to 4 hours once per month. Use of meeting rooms by for-profit entities is prohibited. Use of these rooms by any group does not imply library endorsement of the aims, policies or activities of such group.

The following regulations apply to all programs scheduled in library facilities:

1. All programs must be open to the public and held for the benefit of the general public, as space permits. Internal meetings of Boards and community organizations not meant for the general public are strictly prohibited. No admission fee may be charged and no collections may be taken or sales made. Library facilities shall not be used for personal or private profit, aggrandizement, solicitation or advertising. Private for profit organizations or individuals are prohibited from disseminating promotional materials, business cards, taking attendance, registering patrons requiring the purchase of materials or making referrals to a private for profit entity. Non-profit organizations are permitted to disseminate promotional materials once cleared through the Library System's Marketing Division.
 2. A copy of this completed form must be submitted to and approved by the Outreach Division. The approved original form must be kept by the Branch Manager.
 3. Programs may be held concurrently with exhibitions at the library's discretion. However, exhibition cases, objects or furniture must not be moved.
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4. Any individual group using a library facility is responsible for any item or equipment brought into the library by the individual or group.
 5. Library facilities shall not be used for meetings or programs that involve partisan politics or sectarian/denominational religion.
 6. The library reserves the right to cancel or re-schedule any program when necessary.
 7. All materials to be distributed during programs must be cleared through the Marketing Division.
 8. County and Library System regulations prohibiting smoking, alcohol, etc., will be observed.
 9. At the conclusion of the program, please return the room to its original state. All program materials must be removed unless prior arrangements have been made. Library personnel are to be notified when program is completed.

THE UNDERSIGNED AGREES TO ABIDE BY THE ABOVE REGULATIONS GOVERNING USE OF LIBRARY FACILITIES.

Name (print)	Signature	Phone: (Home)	(Business)
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Organization's Name and Address (if applicable)

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