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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 5(B)

TO: Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

DATE: December 4, 2012

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

SUBJECT: Resolution approving significant modification of Building Better Communities General Obligation Bond (BBC GOB) Program Project No. 332 – "Hialeah High School Performing Arts Center"

Resolution No. R-994-12

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Esteban L. Bovo.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM
(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson 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 _____

Agenda Item No. 5(B)
12-4-12

RESOLUTION NO. R-994-12

RESOLUTION APPROVING SIGNIFICANT MODIFICATION OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND (BBC GOB) PROGRAM PROJECT NO. 332 – "HIALEAH HIGH SCHOOL PERFORMING ARTS CENTER" TO REDUCE ALLOCATION BY $1,200,000.00 IN, AND ADDITION OF PROJECT NO. 332.1 – "CULTURAL HERITAGE, EDUCATION AND PERFORMING ARTS PARK," TO BE FUNDED WITH $1,200,000.00 OF SURPLUS FUNDS FROM PROJECT NO. 332, TO, APPENDIX A TO RESOLUTION NO. R-919-04, ALL AFTER A PUBLIC HEARING; WAIVING REQUIREMENTS OF IMPLEMENTING ORDER 3-47 REGARDING ADDING NEW PROJECTS TO BBC GOB PROGRAM USING SURPLUS FUNDS; APPROVING ACCELERATION OF PROJECT NO. 332.1; ADDING PROJECT NO. 332.1 TO EXHIBIT A OF RESOLUTION NO. R-134-11

WHEREAS, pursuant to Resolution No. R-919-04 (the "Cultural Facilities Resolution"), the voters of Miami-Dade County approved the issuance of general obligation bonds in a principal amount not to exceed $552,692,000.00 to construct and improve libraries, cultural facilities, and Head Start learning centers for pre-school children to offer multicultural educational opportunities and activities; and

WHEREAS, Appendix A to the Cultural 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 allocation; and

WHEREAS, one of the projects listed in Appendix A to the Cultural Facilities Resolution is BBC GOB Program Project No. 332- "Hialeah High School Performing Arts Center" with an original allocation of $10,000,000.00; and

WHEREAS, the City of Hialeah will be able to complete BBC GOB Project No. 332 for significantly less than its authorized allocation, leaving at least $1,200,000.00 as surplus funds; and

WHEREAS, therefore, the unused proceeds allocated to Project No. 332 are "surplus funds" (as such term is defined in Implementing Order 3-47 ("IO 3-47"); and

WHEREAS, the City of Hialeah desires, and has requested, to use $1,200,000.00 of surplus funds to acquire two adjacent parcels of land at the southeast corner of West 18 Avenue and West 76 Street and southwest corner of West 17 Avenue and West 76 Street and to develop this property into a cultural facility; and

WHEREAS, the City of Hialeah will use these funds to acquire and construct a park and cultural facility to include a "Bay of Pigs" Memorial and an amphitheater that will offer multicultural educational and performing arts opportunities and activities to children and adults in our community, and such facility shall be called the "Cultural Heritage, Education and Performing Arts Park"; and

WHEREAS, it would be in the best interest of the County to allocate the $1,200,000.00 of surplus funds from Project No. 332 to the City of Hialeah to be used for the "Cultural Heritage, Education and Performing Arts Park"; and

WHEREAS, this Board wishes to approve a significant modification of BBC GOB Project No. 332- "Hialeah High School Performing Arts Center" in Appendix A to the Cultural Facilities Resolution to reduce the allocation from $10,000,000.00 to $8,800,000.00; and

WHEREAS, this Board further desires to allocate the $1,200,000.00 of surplus funds not needed for Project No. 332 to a new project to be added to Appendix A to the Cultural Facilities Resolution as Project No. 332.1 with a project name of "Cultural Heritage, Education and

Performing Arts Park" a municipal project location of Hialeah, in BCC District 13, a street address of "southeast corner of West 18 Avenue and West 76 Street and southwest corner of West 17 Avenue and West 76 Street", and a project description as follows: "Acquire and construct the Cultural Heritage, Education and Performing Arts Park, to include a Bay of Pigs Memorial and an amphitheater in order to offer multicultural educational and performing arts opportunities and activities to children and adults in our community"; and

WHEREAS, in accordance with IO 3-47, the $1,200,000.00 not needed for Project No. 332 are deemed "surplus funds"; and

WHEREAS, IO 3-47 sets forth a process for the allocation of surplus funds to existing and new BBC GOB Program projects; and

WHEREAS, in order to add the "Cultural Heritage, Education and Performing Arts Park" as a new project to Appendix A of the Cultural Facilities Resolution, this Board wishes to waive the requirements of IO 3-47 regarding the addition of new projects to the BBC GOB Program using surplus funds; and

WHEREAS, this Board desires to accelerate funding for the "Cultural Heritage, Education and Performing Arts Park" and wishes to add the "Cultural Heritage, Education and Performing Arts Park" to Exhibit A to Resolution No. R-134-11 as a project to be funded from the Series 2011 BBC GOB bond proceeds; and

WHEREAS, this item was presented to the BBC-GOB Citizens' Advisory Committee ("CAC") on October 30, 2012 and received 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, after a public hearing, hereby approves a significant modification of BBC GOB Program Project No. 332 – "Hialeah High School Performing Arts Center" from Appendix A to the Cultural Facilities Resolution in order to reduce its allocation from $10,000,000.00 to $8,800,000.00.

Section 3. This Board, after a public hearing, hereby waives the requirements of IO 3-47 regarding the addition of new projects to the BBC GOB Program using surplus funds, including the requirement that surplus funds may fund new projects only after all projects have been completed or necessary funding for completion of all projects has been identified to the satisfaction of the Board, and approves the addition of BBC GOB Program Project No. 332.1 to Appendix A to the Cultural Facilities Resolution. Project No. 332.1 shall have a project name of "Cultural Heritage, Education and Performing Arts Park", a municipal project location of Hialeah, in BCC District 13, a street address of "southeast corner of West 18 Avenue and West 76 Street and southwest corner of West 17 Avenue and West 76 Street", and a project description as follows: "Acquire and construct the Cultural Heritage, Education and Performing Arts Park, to include a Bay of Pigs Memorial and an amphitheater in order to offer multicultural educational and performing arts opportunities and activities to children and adults in our community".

Section 4. This Board hereby approves the acceleration of Project No. 332.1 and its addition to Exhibit A to Resolution No. R-134-11 as a project to be funded from the Series 2011 BBC GOB bond proceeds.

The Prime Sponsor of the foregoing resolution is Commissioner Esteban L. Bovo, Jr. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Jean Monestime** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Vice Chairwoman **aye**

Bruno A. Barreiro	**aye**	Lynda Bell	**absent**
Esteban L. Bovo, Jr.	**absent**	Jose "Pepe" Diaz	**absent**
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**	Juan C. Zapata	**aye**

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 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.

Monica Rizo