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

MEMORANDUM

Agenda Item No. 5(E)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 17, 2013

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

SUBJECT: Resolution Approving Significant Modification of Building Better Communities General Obligation Bond Program Project Nos. 113 and 115 and the addition of New Project No. 346 for the Parks and Recreation Projects
Resolution No. R-728-13

The accompanying resolution was prepared by the Office of Management and Budget Department and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

Memorandum

MIAMI-DADE COUNTY

Date: September 17, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Approving Significant Modification of Building Better Communities General Obligation Bond Project Nos. 113 and 115 and the Addition of New Project No. 346 for the Parks and Recreation Projects

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RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution, which does the following:

- Approves a significant modification to Building Better Communities General Obligation Bond (BBC GOB) Program Project No. 113 – "Unincorporated Municipal Service Area – Wild Lime Park" to reduce BBC GOB funds allocated to the project.
- Approves a significant modification to BBC GOB Project No. 115 – "Unincorporated Municipal Service Area – Olympic Park" to reduce scope of project description and BBC GOB funds allocated to the project.
- Waives provisions of Implementing Order 3-47 requiring completion of all existing BBC GOB Program projects or identification of funding for completion of all existing BBC GOB Program projects prior to adding a new project to the BBC GOB Program using surplus funds.
- Reallocates surplus BBC GOB Program funds from Project Nos. 113 and 115 to new BBC GOB Program Project No. 346 – "Hammocks Community Park – Remediation of Contamination"

SCOPE

All three park properties in this item are located in Commission District 11, which is represented by Commissioner Juan C. Zapata. The projects in this item are for recreational facilities in the unincorporated municipal service area (UMSA).

FISCAL IMPACT/FUNDING SOURCE

The item reallocates $779,145 from Project No. 113 (52 percent of its original allocation) and $1,470,855 from Project No. 115 (92 percent of its original allocation) for a total reallocation amount of $2,250,000 of bond proceeds surplus funds from the BBC GOB Program to new Project No. 346.

TRACKING/MONITOR

Parks, Recreation and Open Spaces (PROS) will implement the projects and the Office of Management and Budget will monitor the projects.

DELEGATION OF AUTHORITY

There is no additional delegation of authority related to this item.

BACKGROUND

The BBC GOB Program was approved by the voters in 2004, of which one of the questions authorized

expenditures to Construct and Improve Park and Recreational Facilities and included as Appendix A to Resolution No. 913-04 a number of projects for Parks, Recreation and Open Spaces (PROS) to support the needs of the community at the time. The intended scopes of work for Project No. 113 – "Unincorporated Municipal Service Area – Wild Lime Park" and Project No. 115 – "Unincorporated Municipal Service Area – Olympic Park" have been revisited.

For Wild Lime Park, the BBC GOB project description is "Local park improvements include courts, vehicular and pedestrian circulation, playground, picnic area, and landscaping." Significant improvements have been made to the park to date from non-BBC GOB funding, including vehicular and pedestrian circulation, and the playground; the $720,855 in BBC GOB funding to be retained at the park will fund the balance of the planned project elements. It is important to note that the reduced amount of funding to the location will not affect the function of the park or the level of recreational service expected by the community. For Olympic Park, the BBC GOB project description is "Local park improvements include building construction and vehicular circulation." Significant improvements to the park have been made utilizing BBC GOB funds as well as other funding sources, including lighted basketball courts, walking paths and a playground; however, the previously proposed building and its associated parking/vehicular circulation are no longer recommended for the six-acre park; no BBC GOB funding will be retained at the park. As a result, the identified surplus funds can be allocated to new BBC GOB Project No. 346 – "Hammocks Community Park – Remediation of Contamination," a priority, emergent project at an UMSA park in Commission District 11.

Random testing of the Hammocks Community Park site by Regulatory and Economic Resources (RER) discovered arsenic in the soil and at the adjacent Hammocks Middle School. The park and the adjacent Middle School are used by PROS for a very popular baseball program through a community-based organization. Although RER, working with the Health Department, concluded that an immediate health risk does not exist, RER has determined that remediation of the contamination is required as a long-term solution. This reallocation of BBC GOB surplus funds will allow PROS to move forward with the remediation, followed by restoration of the existing park facilities that are affected by the remediation work. Accordingly, it is in the County's best interest to reallocate these funds to a high priority project that will have substantial impact on PROS ability to continue to provide a safe environment to the community. The BBC GOB projects affected by the significant modification are summarized on the attached schedule.

Implementing Order 3-47, which governs the BBC GOB program, dictates that in order to use surplus funds to fund a new project, the Board must consider whether all projects have been completed or all the necessary funding for all projects has been identified to the satisfaction of the Board. As such, this item requests the waiver of this requirement of Implementing Order 3-47. In addition, Implementing Order 3-47 stipulates that an application of surplus funds to fund a new project needs to be presented to the BBC GOB Citizens' Advisory Committee (CAC). Accordingly, at its July 19, 2013 meeting, this item was presented to the BBC GOB Citizens' Advisory Committee (CAC) for its review and was forwarded to the Board with a favorable recommendation. Based on the CAC's favorable recommendation, the use of surplus funds for the new project needs to be approved by majority vote of the Board members present.

Attachment

Lisa M. Martinez
Senior Advisor, Office of the Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 17, 2013

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

SUBJECT: Agenda Item No. 5(E)

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 Mayor'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(E)
9-17-13

RESOLUTION NO. R-728-13

RESOLUTION APPROVING SIGNIFICANT MODIFICATION OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NOS. 113 – "UNINCORPORATED MUNICIPAL SERVICE AREA – WILD LIME PARK," AND 115 – "UNINCORPORATED MUNICIPAL SERVICE AREA – OLYMPIC PARK," AND ADDITION OF PROJECT NO. 346 – "HAMMOCKS COMMUNITY PARK – REMEDIATION OF CONTAMINATION" TO BE FUNDED WITH $2,250,000.00 OF SURPLUS FUNDS FROM PROJECT NOS. 113 AND 115, AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-913-04, ALL AFTER A PUBLIC HEARING; AND WAIVING REQUIREMENTS OF IMPLEMENTING ORDER 3-47 REGARDING ADDING NEW PROJECTS TO BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM USING SURPLUS FUNDS

WHEREAS, pursuant to Resolution R-913-04 ("Park and Recreation Resolution"), the voters of Miami-Dade County approved the issuance of general obligation bonds in a principal amount not to exceed $680,258,000.00 to construct and improve neighborhood and regional parks and other recreational areas; and

WHEREAS, Appendix A to the Park and Recreation Resolution lists projects eligible for funding from the Building Better Communities General Obligation Bond Program (the "Bond 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 Park and Recreation Resolution is Project No. 113 – "Unincorporated Municipal Service Area – Wild Lime Park" with an original allocation of $1,500,000.00, a project description that reads "[l]ocal park improvements include courts, vehicular and pedestrian circulation, playground, picnic area, and

landscaping" at a street address of 11341 SW 147 Avenue ("Project No. 113"), in BCC District 11; and

WHEREAS, the Parks, Recreation and Open Spaces Department has reviewed its intended project scope for the park; and

WHEREAS, improvements to the park are planned for future years with such BBC GOB as are required, and project savings can be realized without compromising the delivery of recreational services; and

WHEREAS, one of the projects listed in Appendix A to the Park and Recreation Resolution is Project No. 115 – "Unincorporated Municipal Service Area – Olympic Park" with an original allocation of $1,600,000.00 and a project description that reads "[l]ocal park improvements include building construction and vehicular circulation" located at 8601 SW 152 Avenue ("Project No. 115"), in BCC District 11; and

WHEREAS, the Parks, Recreation and Open Spaces Department has reviewed its intended project scope for the park; and

WHEREAS, completed improvements to the park provide appropriate recreational service levels utilizing BBC GOB funds and other funding sources; and

WHEREAS, because a surplus of funding has been identified at Wild Lime and Olympic Park, this Board approves a significant modification to Project Nos. 113 and 115, thereby making the sum of $2,250,000.00 allocated to these projects "surplus funds" (as such term is defined in Implementing Order 3-47); and

WHEREAS, high levels of arsenic contamination have been identified at Hammocks Community Park located at 9885 Hammocks Boulevard in BCC District 11; and

WHEREAS, the Parks, Recreation and Open Spaces Department has made the remediation of the park a high priority; and

WHEREAS, the recommended reallocation of funding amongst the identified projects will have an immediate and direct impact on the safety and welfare of the community and specifically to the visitors to the park, as required in Implementing Order 3-47 as to the use of surplus funds for project completion; and

WHEREAS, given that $2,250,000.00 originally allocated to Project Nos. 113 and 115 have been deemed surplus due to the revisiting of intended project scopes, this Board wishes to instead allocate that money to the remediation of contamination at Hammocks Community Park; and

WHEREAS, this Board desires to allocate $2,250,000.00 no longer needed for Project Nos. 113 and 115 to a new project to be added to Appendix A to the Park and Recreation Resolution as Project No. 346 - "Hammocks Community Park – Remediation of Contamination," located at 9885 Hammocks Boulevard, Miami, FL 33196, in BCC District 11, and a project description as follows: "Remediation of contamination"; and

WHEREAS, in accordance with Implementing Order 3-47, the $2,250,000 no longer needed for Project Nos. 113 and 115 are deemed "surplus funds"; and

WHEREAS, Implementing Order 3-47 sets forth a process for the allocation of surplus funds to existing and new Bond Program projects; and

WHEREAS, in order to add the "Hammocks Community Park – Remediation of Contamination" as a new project to Appendix A of the Park and Recreation Resolution, this Board wishes to waive the requirements of Implementing Order 3-47 regarding the addition of new projects to the Bond Program using surplus funds; and

WHEREAS, this item was presented to the Citizen's Advisory Committee ("CAC") on July 19, 2013 and received a favorable recommendation,

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

Section 1. The foregoing recital clauses are incorporated herein by this reference and are adopted by this Board.

Section 2. This Board, after a public hearing, hereby approves the significant modification of Project No. 113 identified in Appendix A to the Park and Recreation Resolution, to reduce the allocation from $1,500,000.00 to $720,855.00. This Board, after a public hearing, hereby approves the significant modification of Project No. 115 identified in Appendix A to the Park and Recreation Resolution, to reduce the allocation from $1,600,000.00 to $129,145.00 and to modify the project description to read as follows: "[l]ocal park improvements".

Section 3. This Board hereby waives the requirements of Implementing Order 3-47 regarding the addition of new projects to the Bond 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, after a public hearing, approves the addition of Project No. 346 to the Appendix A to the Park and Recreation Resolution. Project No. 346 shall have a project name of "Hammocks Community Park – Remediation of Contamination," with a location at 9885 Hammocks Boulevard, Miami, Florida 33196, in BCC District 11, a project description as follows: "Remediation of contamination", a municipal project location of "UMSA", and an allocation equal to $2,250,000.

The foregoing resolution was offered by Commissioner **Esteban L. Bovo, Jr.**, who moved its adoption. The motion was seconded by Commissioner **Audrey Edmonson** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of September, 2013. 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. GBK

Geri Bonzon-Keenan

EXHIBIT A

Significant Modifications Summary

Project Name	Project No.	BBC-GOB Funding	BBC-GOB Surplus Funds	Comments
Unincorporated Municipal Service Area - Wild Lime Park	113	$1,500,000	$779,145	Significant improvements have been made to park using non BBC-GOB funds (no BBC-GOB funds have been expended to date)
Unincorporated Municipal Service Area - Olympic Park	115	$1,600,000	$1,470,855	Improvements have been made to park using BBC-GOB, QNIP, and Impact Fees
TOTAL - MODIFIED PROJECTS		**$3,100,000**	**$2,250,000**	
Hammocks Community Park - Remediation of Contamination	346	N/A	$2,250,000	Project added to BBC-GOB: remediation of arsenic contamination in soil at Hammocks Community Park
TOTAL - ADDED PROJECTS			**$2,250,000**	