

## MEMORANDUM

Agenda Item No. 11(A)(17)

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

**DATE:** September 4, 2013

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

**SUBJECT:** Resolution directing the  
County Mayor to notify  
the Chairperson and members  
of the Board of County  
Commissioners' Cultural Affairs  
& Recreation Committee of  
certain capital expenditures and  
facility closures  
Resolution No. R-710-13

This item was amended at the Cultural Affairs and Recreation Committee meeting on July 8, 2013. The purpose of the amendment is to (1) change the reporting requirement from the Cultural Affairs and Recreation Committee to the Commissioner for the Commission District in which the closed facility is located; (2) increase the reporting threshold from \$1,000.00 to \$250,000.00; (3) remove references to construction repairs; and (4) remove references to partial closures.

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



R. A. Cuevas, Jr.  
County Attorney

RAC/smm



**MEMORANDUM**  
(Revised)

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

**DATE:** September 4, 2013

**FROM:**   
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**SUBJECT:** Agenda Item No. 11(A)(17)

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. 11(A)(17)  
9-4-13

RESOLUTION NO. R-710-13

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NOTIFY THE COMMISSIONER FOR THE COMMISSION DISTRICT IN WHICH A CULTURAL OR RECREATIONAL FACILITY IS CLOSED OR SCHEDULED FOR CLOSURE IN CONNECTION WITH CONSTRUCTION EXCEEDING \$250,000.00 IN VALUE

~~[[WHEREAS, a Cultural Affairs & Recreation Committee has been established under Rule 4.01(a) of the Board of County Commissioners' Rules of Procedure to oversee all matters pertaining to parks, libraries, museums, and cultural facilities; and]]~~<sup>1</sup>

~~WHEREAS, [[the Cultural Affairs & Recreation Committee has jurisdiction over]]~~ the Cultural Affairs Department; Department of Regulatory and Economic Resources Historic Preservation; Miami-Dade Public Library System; Museum and Cultural Facilities; and Parks, Recreation and Open Spaces Department ~~[[; and~~

~~WHEREAS, each of these departments]]~~ operate public facilities that are valuable recreational and informational resources for Miami-Dade County's residents and visitors >>(the "Cultural or Recreational Facilities")<<; and

~~WHEREAS, Miami-Dade County's residents and visitors rely on [[these facilities]]~~ >>Cultural or Recreational Facilities<< being open and available for their use; and

~~WHEREAS, >>the Commissioner for the Commission District in which a Cultural or Recreational Facility is located is<< [[the Chairperson and Members of the Cultural Affairs & Recreation Committee are]]~~ a valuable point of contact and source of information for members

<sup>1</sup> Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

of the public interested in the use and condition of the >>Cultural or Recreational Facilities<< ~~[[public facilities]]~~ within the >>affected Commission District<< ~~[[Committee's purview]]~~; and

**WHEREAS**, by informing the >>Commissioner for the Commission District in which a Cultural or Recreational Facility is located, which Cultural or Recreational Facility will be (or has been) closed for construction, the Commissioner<< ~~[[Chairperson and Members of the Cultural Affairs & Recreation Committee of construction projects, including repairs, that may result in the closure or reduced usability of a public facility within the Cultural Affairs & Recreation Committee's purview, the Chairperson and Members]]~~ would be better equipped to address constituents' concerns regarding access interruptions and monitor work to ensure that access >>to the Cultural or Recreational Facility<< is promptly restored to the public,

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

**Section 1.** Directs the County Mayor or County Mayor's designee to ~~[[, at each meeting of the Cultural Affairs & Recreation Committee, report to]]~~ >>provide at least thirty (30) days' written notice to<< the >>District Commissioner whenever a Cultural or Recreational Facility within that Commission District is closed or scheduled for closure due to on-going or anticipated construction equaling or exceeding \$250,000.00 in value<< ~~[[Chairperson and Members of the Cultural Affairs & Recreation Committee on any scheduled or anticipated repairs or construction projects exceeding \$1,000 in value at any public facilities with the purview of the Cultural Affairs & Recreation Committee]]~~; and

**Section 2.** ~~[[Directs the County Mayor or County Mayor's designee to provide at least thirty (30) days' written notice to the Chairperson and Members of the Cultural Affairs & Recreation Committee of any scheduled or anticipated closures, whether such closures are partial~~

~~or entire, of any public facilities with the purview of the Cultural Affairs & Recreation Committee; and~~

**Section 3.** ~~—]] Directs the County Mayor or County Mayor’s designee to notify the >>District Commissioner<< [[Chairperson and Members of the Cultural Affairs & Recreation Committee]] as soon as practicable, [[but no later than the next scheduled meeting of the Cultural Affairs & Recreation Committee, if any of the aforementioned repairs, construction projects, or closures are]] >>whenever any closure of a Cultural or Recreational Facility within that Commission District is<< necessary by reason of an emergency.~~

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto. It was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> 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.

MAG

Miguel A. Gonzalez