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

MEMORANDUM

Agenda Item No. 11(A)(10)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: January 21, 2015

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

SUBJECT: Resolution directing the Mayor to (1) analyze the feasibility and advisability of Miami-Dade County using the David W. Dyer Federal Building and United States courthouse for court facilities; (2) analyze and identify other options that may be available for providing court facilities; (3) identify what can be done with the historic 1928 Miami-Dade County courthouse should this facility no longer be used for court functions; and (4) prepare a report and recommendations

Resolution No. R-43-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa, and Co-Sponsors Vice Chairman Esteban L. Bovo, Jr. and Commissioner Sally A. Heyman.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: January 21, 2015

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SUBJECT: Agenda Item No. 11(A)(10)

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)(10)
1-21-15

RESOLUTION NO. R-43-15

RESOLUTION DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO (1) ANALYZE THE FEASIBILITY AND ADVISABILITY OF MIAMI-DADE COUNTY USING THE DAVID W. DYER FEDERAL BUILDING AND UNITED STATES COURTHOUSE FOR COURT FACILITIES; (2) ANALYZE AND IDENTIFY OTHER OPTIONS THAT MAY BE AVAILABLE FOR PROVIDING COURT FACILITIES; (3) IDENTIFY WHAT CAN BE DONE WITH THE HISTORIC 1928 MIAMI-DADE COUNTY COURTHOUSE SHOULD THIS FACILITY NO LONGER BE USED FOR COURT FUNCTIONS; AND (4) PREPARE A REPORT AND RECOMMENDATIONS

WHEREAS, Article V, section 14 of the Florida Constitution provides that counties are required to fund the cost of construction or lease of facilities for the state trial courts; and

WHEREAS, the Miami-Dade County Courthouse at 73 W. Flagler Street is over 80 years old and the aging structure is experiencing, among other things, corrosion, rust and water intrusion; and

WHEREAS, on November 4, 2014, the voters of Miami-Dade County defeated by a margin of 36 percent in favor to 64 percent against the following ballot question:

> SHALL THE COUNTY FUND EMERGENCY REPAIRS TO THE 1928 COURTHOUSE AND THE ACQUISITION AND CONSTRUCTION OF NEW COURT FACILITIES BY ISSUING, IN ONE OR MORE SERIES, GENERAL OBLIGATION BONDS PAID OR SECURED BY TAXES DERIVED FROM THE ASSESSED VALUE OF PROPERTY IN THE COUNTY (AD VALOREM TAXES), POTENTIALLY INCREASING PROPERTY TAXES, IN A PRINCIPAL AMOUNT UP TO 393 MILLION DOLLARS, BEARING INTEREST NOT EXCEEDING MAXIMUM LEGAL RATE, AND MATURING WITHIN THIRTY YEARS FROM ISSUANCE?; and

WHEREAS, the David W. Dyer Federal Building and United States Courthouse ("Dyer Courthouse"), located at 300 N.E. 1st Avenue, is a 166,000 square-foot facility owned by the federal government; and

WHEREAS, it is vacant and has not been used since the opening of the Wilkie D. Ferguson, Jr. Courthouse in 2007; and

WHEREAS, the Dyer Courthouse is a historic building that is on the National Register of Historic Places and contains unused courtrooms; and

WHEREAS, there have been estimates that maintaining the Dyer Courthouse as a vacant facility costs federal taxpayers over $1 million a year; and

WHEREAS, the County should, among other things, determine: (1) the current status and condition of the Dyer Courthouse; (2) the cost of leasing or conveying the Dyer Courthouse to the County; (3) the cost and feasibility of retrofitting the Dyer Courthouse for state court facilities; and (4) any environmental studies which have been conducted to date; and

WHEREAS, in addition to the Dyer Courthouse, there may be other lease or purchase opportunities available in Miami-Dade County for providing court facilities and the County should explore such options; and

WHEREAS, on September 3, 2014, this Board heard testimony from judges, litigants, and courthouse employees regarding hazardous conditions existing at the 1928 Courthouse; and

WHEREAS, although some portions of the 1928 Courthouse have been closed as a result of the existing conditions at the 1928 Courthouse, the majority of the 1928 Courthouse currently remains in use and open to the public; and

WHEREAS, the County should identify what can be done with the 1928 Courthouse should this facility no longer be used for court functions,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the Mayor or the Mayor's designee to:

Section 1. Analyze the feasibility and advisability of Miami-Dade County using the David W. Dyer Federal Building and United States Courthouse, located at 300 N.E. 1st Avenue, for state court facilities, including, among other things:

a. The current status and condition of the Dyer Courthouse;

b. The cost and feasibility of the federal government leasing or conveying the Dyer Courthouse to the County;

c. The cost and feasibility of retrofitting the Dyer Courthouse for state court facilities; and

d. Consideration of any environmental studies on the Dyer Courthouse which have been conducted to date.

Section 2. Analyze and identify other options that may be available for providing court facilities.

Section 3. Identify what can be done with the historic 1928 Miami-Dade County Courthouse should this facility no longer be used for court functions.

Section 4. Prepare a report and recommendations regarding the issues identified in Sections 1 through 3 above. The Mayor or the Mayor's designee shall provide the report within 30 days of the effective date of this resolution and shall place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa, and the Co-Sponsors are Vice Chairman Esteban L. Bovo, Jr. and Commissioner Sally A. Heyman. It was offered by Commissioner **Esteban L. Bovo, Jr.**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of January, 2015. This resolution shall become effective upon the earlier of (1) ten (10) days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

Jess M. McCarty