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

MEMORANDUM

Agenda Item No. 5(B)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	February 3, 2015
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution approving significant modification of Building Better Communities General Obligation Bond Program Project No. 180 – "additional courtrooms and administration facilities" to reduce allocation by $30,000,000.00 and addition of Project No. 351 – "Emergency Capital Repairs to Miami-Dade County Courthouse" Resolution No. R-82-15

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

R. A. Cuevas, Jr.
County Attorney

RAC/cp

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MEMORANDUM
(Revised)

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

DATE: February 3, 2015

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

SUBJECT: Agenda Item No. 5(B)

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(B)
2-3-15

RESOLUTION NO. R-82-15

RESOLUTION APPROVING SIGNIFICANT MODIFICATION OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 180 – "ADDITIONAL COURTROOMS AND ADMINISTRATION FACILITIES" TO REDUCE ALLOCATION BY $30,000,000.00 AND ADDITION OF PROJECT NO. 351 – "EMERGENCY CAPITAL REPAIRS TO MIAMI-DADE COUNTY COURTHOUSE" WITH AN ALLOCATION OF $30,000,000.00 OF SURPLUS FUNDS FROM PROJECT NO. 180, ALL AS IDENTIFIED IN APPENDIX A TO RESOLUTION NO. R-915-04, AFTER A PUBLIC HEARING; AND WAIVING REQUIREMENTS OF IMPLEMENTING ORDER 3-47 REGARDING ADDING NEW PROJECTS TO THE BOND PROGRAM USING SURPLUS FUNDS

WHEREAS, pursuant to Resolution No. R-915-04 (the "Public Safety Resolution"), the voters of Miami-Dade County approved the issuance of general obligation bonds in a principal amount not to exceed $341,087,000 to construct and improve detention centers, justice centers, courthouses, police, fire and lifeguard stations, and new animal care and control facilities; and

WHEREAS, Appendix A to the Public Safety Resolution lists projects eligible for funding from the Building Better Communities General Obligation Bond Program (the "Bond Program") by project number, municipal project location, Commission district, project name, project description, street address and allocation; and

WHEREAS, one of the projects listed in Appendix A to the Public Safety Resolution is Project No. 180 – "Additional Courtrooms and Administration Facilities", a Countywide project with a municipal project location and street address listed as "TBD" or "to be decided", a project description that provides "Expansion of court facilities in accordance with the master plan," and an original allocation of $90,000,000 ("Project No. 180"); and

WHEREAS, approximately $12,000,000 of Project No. 180's allocation amount has been allocated to the Joseph Caleb Center Tower renovation for eligible improvements; and

WHEREAS, approximately $78,000,000 of Project No. 180's allocation amount remains available for allocation to eligible capital projects; and

WHEREAS, the Miami-Dade County Courthouse, located at 73 West Flagler Street (the "1928 Courthouse"), is over 80 years old and the aging structure is experiencing corrosion, rust, water intrusion, algae and mold penetration, termites, poor air quality, and potential asbestos exposure; and

WHEREAS, the deteriorating condition of the 1928 Courthouse may create hazards to the life, health and safety of judges, employees, and visitors to the 1928 Courthouse; and

WHEREAS, this Board desires to provide safe and adequate facilities for the administration of justice in Miami-Dade County and therefore desires to perform emergency capital repairs to correct or repair any hazardous conditions that exist; and

WHEREAS, on December 4, 2014 this Board unanimously adopted Resolution No. 1084-14, which resolution provided that if the County Mayor in consultation with the County Building Official determines that evidence of a condition exists that creates a hazard to the life, health, or safety of the judges, employees or visitors at the 1928 Courthouse, the Mayor or his designee shall immediately close all or portion of the 1928 Courthouse and correct or repair the hazardous condition using Bond Program funds, if such funds are available for such use; and

WHEREAS, accordingly, this Board wishes to make Bond Program funds available to fund emergency capital repairs needed to correct or repair any hazardous condition that may arise at the 1928 Courthouse; and

WHEREAS, this Board therefore desires to approve a significant modification to Project No. 180 to reduce the original allocation by $30,000,000 for a new Project No. 180 allocation of $60,000,000 and to declare the $30,000,000 as "surplus funds" (as such term is defined in Implementing Order 3-47 ("IO 3-47")); and

WHEREAS, this Board further desires to utilize the $30,000,000 of surplus funds to create a new Bond Program Project No. 351 titled "Emergency Capital Repairs to the Miami-Dade County Courthouse", with a municipal project location of "Miami", a Commission district of "CW" or "Countywide", a project description that provides "emergency capital repairs to the Miami-Dade County Courthouse to correct or repair hazardous conditions that may affect the life, health and safety of judges, employees, visitors or users of the courthouse", a street address of "73 West Flagler Street", and an allocation of $30,000,000; and

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

WHEREAS, IO 3-47 requires that prior to adding a new project to the Bond Program, the Board must consider certain factors, including that all projects have been completed or all the necessary funding for all projects have been identified to the satisfaction of the Board and that the new project is ready to proceed; and

WHEREAS, in order to add Project No. 351 - "Emergency Capital Repairs to the Miami-Dade County Courthouse" to the Bond Program as a new project to Appendix A to the Public Safety Resolution, this Board wishes to waive the requirements of IO 3-47 regarding the addition of new projects to the Bond Program using surplus funds; and

WHEREAS, this item was considered by the Citizens' Advisory Committee at its meeting of December 12, 2014 and it received a favorable recommendation from the Committee,

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. 180 in Appendix A to the Public Safety Resolution to reduce its original allocation from $90,000,000 to $60,000,000.

Section 3. This Board hereby declares $30,000,000 as surplus funds and waives the requirements of IO 3-47 regarding the addition of a new project to the Bond Program using surplus funds, including the requirements that surplus funds may fund a new project (a) 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 (b) the new project is ready to proceed.

Section 4. This Board, after a public hearing, approves the addition of Project No. 351 titled "Emergency Capital Repairs to the Miami-Dade County Courthouse" to Appendix A to the Public Safety Resolution. Appendix A to the Public Safety Resolution is hereby amended to include Project No. 351, with a municipal project location listed as "Miami", a Commission District listed as "CW" or "Countywide", a project description that provides "emergency capital repairs to the Miami-Dade County Courthouse to correct or repair hazardous conditions that may affect the life, health and safety of judges, employees, visitors or users of the courthouse", a street address listed as "73 West Flagler Street", and an allocation equal to $30,000,000.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata. It was offered by Commissioner **Juan C. Zapata**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** 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	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**absent**	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 3rd day of February, 2015. This resolution shall become effective upon the earlier of (1) 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. GBK

Geri Bonzon-Keenan