

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

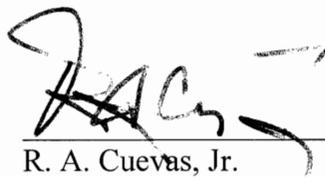
DATE: (Second Reading 03-04-08)
January 22, 2008

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

SUBJECT: Ordinance amending Rule 9.03
of Section 2-1; relating to the
Rules governing fee waivers
for the use of Vizcaya Museum
and Gardens

Ordinance 08-23

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Jose "Pepe" Diaz, Chairman Bruno A. Barreiro and Commissioner Carlos A. Gimenez.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date: March 4, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

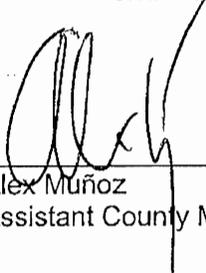
Subject: Ordinance amending Rule 9.03 of Section 2-1; relating to the Rules governing fee waivers for the use of Vizcaya Museum and Gardens

The fiscal impact of the ordinance governing fee waivers for the use of Vizcaya Museum and Gardens (Vizcaya) is difficult to determine at this time. The estimated fiscal impact would be a function of how many events are approved for fee reductions or waivers by two-thirds of the County Commission. While it is difficult to determine the prospective impact, the following were the fee waivers/reductions that were approved for Vizcaya in the years preceding the implementation of Ordinance 95-133:

Fiscal Year	Number of fee waivers/reductions	Value Absorbed by Vizcaya *
FY 1991-92	15	\$94,687
FY 1992-93	10	\$55,562
FY 1993-94	10	\$72,930
FY 1994-95 **	18	\$120,889

* Value based on fee schedule for the corresponding fiscal year

** Ordinance 95-133 was effective mid-year FY 1994-95



Alex Muñoz
Assistant County Manager

Fiscal02108



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: March 4, 2008

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

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7 (A)
03-04-08

ORDINANCE NO. 08-23

ORDINANCE AMENDING RULE 9.03 OF SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, RELATING TO THE RULES GOVERNING FEE WAIVERS FOR USE OF VIZCAYA MUSEUM AND GARDENS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners has adopted Rule 9.03 to protect the budget of Vizcaya Museum and Gardens by requiring a public hearing and a unanimous vote in order to grant a fee waiver; and

WHEREAS, reducing the voting requirement from a unanimous to two-thirds (2/3) of the members present would continue to protect Vizcaya Museum and Gardens and make the granting of fee waivers for appropriate events less cumbersome; and

WHEREAS, this Board desires to clarify that this Rule only applies when any portion of the cost of the fee waiver will negatively impact Vizcaya Museum and Gardens' budget, and that the Rule does not apply when a private party is given a fee waiver and Vizcaya Museum and Gardens' budget is fully reimbursed from another appropriate County fund; and

WHEREAS, subsection (c) of the Rule is no longer necessary in light of the creation of the Vizcaya Museum and Gardens Trust in sections 2-1111 to 2-1122 of the Code of Miami-Dade County,

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

Section 1. Rule 9.03 of section 2-1 of the Code of Miami-Dade County, Florida, is

hereby amended to read as follows:¹

Sec. 2-1. Rules of procedure of County Commission.

* * *

Rule 9.03 Fee reduction and waiver requests for the use of Vizcaya Museum and Gardens.

(a) All requests for fee reductions and waivers for the use of Vizcaya Museum and Gardens must be submitted to the board for review at a public hearing ~~>>before the full Commission<<~~. Following the public hearing any such fee reductions and waivers will require a ~~[[unanimous]]~~ >>two-thirds (2/3) majority<< vote of the board members present. ~~>>This Rule does not apply when Vizcaya Museum and Gardens' budget is fully reimbursed from another County fund for such fee reduction or waiver.<<~~

(b) Notwithstanding the previous paragraph (a), the County Manager shall be permitted to:

(1) Administratively reduce fees four (4) times during any calendar year and waive fees two (2) times during any calendar year for the use of Vizcaya Museum and Gardens for any nonfundraising events provided that those events are either diplomatic activities or events that benefit the entire citizenry of Miami-Dade County, and annually report the reductions and waiver to the Commission; and

(2) Waive fees for events sponsored by organizations which provide volunteer services to Vizcaya Museum and Gardens or raise funds and provide support for the maintenance of, and improvements to, Vizcaya Museum and Gardens.

~~[[e) The Vizcayan Policy Committee shall submit an annual oral report to the Board of County~~

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or ~~>>double arrowed<<~~ constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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~~Commissioners setting forth a summary of the activities of their organization during the preceding year.]]~~

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: **March 4, 2008**

Approved by County Attorney as
to form and legal sufficiency:

SAC

Prepared by:

TWL

Thomas W. Logue

Sponsored by Commissioner Jose "Pepe" Diaz,
Chairman Bruno A. Barreiro and
Commissioner Carlos A. Gimenez

Memorandum



Date: March 4, 2008

Supplement to
Agenda Item No. 7(A)

To: Honorable Chairman Bruno A. Barreiro and Members,
Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "G Burgess".

Subject: Supplemental Information regarding Vizcaya Museum and Gardens

Attached please find a letter from Cathy Jones, Chairwoman of the Vizcaya Museum and Gardens Trust regarding agenda item 7A on the March 4, 2008 Board of County Commissioners agenda, which pertains to the proposed amendments to rule 9.03.

A handwritten signature in black ink, appearing to read "Alex".

Assistant County Manager

Attachment



Vizcaya Museum and Gardens
3251 South Miami Avenue
Miami, Florida 33129
Tel 305-250-9133
Fax 305-285-2004
www.vizcayamuseum.org

miamidade.gov

TO: Honorable Chairman Bruno Barreiro
and Members, Board of County Commissioners

FROM: Cathy Jones, Chair, Vizcaya Museum and Gardens Trust

DATE: March 4, 2008

RE: BCC Agenda Item 7A, Pertaining to Rule 9.03

I am proud to serve on the Vizcaya Museum and Gardens Trust, an agency and instrumentality of the Board of County Commissioners, and I appreciate your support of our ongoing efforts to make the County-owned Vizcaya as good as it possibly can be. Vizcaya has attained the prestigious and significant honors of accreditation by the American Association of Museums (AAM) and designation as a National Historic Landmark. This speaks to the value and integrity of the historic property and the hard work of Miami-Dade County's elected officials, employees, and volunteer stakeholders.

Over the years Vizcaya has been used excessively for special events, some providing income to the museum, others with fees waived or reduced. These events have taken a toll on the fragile property. Rule 9.03 of Section 2-1 was established in 1995 to protect this County asset by carefully controlling the incidence of fee waivers at Vizcaya. In our shared role as stewards of Vizcaya, I urge you to exercise caution in adopting amendments that weaken the rule's effectiveness in protecting the County's interests.

During Vizcaya's reaccreditation process in 1999, the American Association of Museums expressed grave concern about the overuse of Vizcaya for special events even after the establishment of Rule 9.03. Specifically they noted that:

- Special events cause wear and tear to the fragile property.
- Vizcaya should be made accessible to the community primarily through educational programs; not through special events that are limited by fee or invitation.
- Special events divert resources from the museum's mission of collections care and public education.
- Fee-waived events undermine the museum's fiscal stability.

Cathy Jones to BCC
March 4, 2008
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In the nine years following this report, the BCC, the Vizcaya Trust, and County staff have worked hand-in-hand to reduce the impact of facility rentals at Vizcaya. Fees have been increased with the intent of fulfilling AAM's mandate. Rules have been strengthened to better protect the museum's facility and its collections. The Trust has focused on making Vizcaya accessible through programs that benefit the entire Miami-Dade community, such as its annual Free Summer Sundays.

Trust members recognize the value of and need for accommodating important events at Vizcaya, and Rule 9.03 establishes a judicious method for approving these. In the nearly 13 years since its adoption, this rule has caused remarkably few conflicts or problems. Increasing the incidence of unfunded events at Vizcaya would reverse the County's hard-earned progress of the past decade. The subject ordinance proposes amending the rule in two substantive ways, one of which seems sensible and overdue, the other of which causes concern:

- The proposed amendment states that the fee waiver rule will not apply when Vizcaya's budget is fully reimbursed for events from another County source. This provides the BCC with more flexibility to use Vizcaya for events of Countywide importance, while preserving the museum's fiscal stability and the integrity and value of this irreplaceable County resource. I encourage you to adopt this change.
- At the public hearing before the Recreation and Culture Committee in February, Trust members shared their concerns about lowering the threshold for unfunded waivers and reductions from unanimous to 2/3 vote of those members present, as this could significantly increase the number of events at Vizcaya. Based on public discussion at the last Trust meeting and on Trust members' presentations to the Recreation and Culture Committee, I hope you will, instead, consider maintaining the current requirement of unanimity, or establishing a threshold of at least 9 or 10 votes.

Thank you for reflecting upon this recommendation and for your ongoing support of Vizcaya Museum and Gardens.