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

MEMORANDUM

Agenda Item No. 7(C)

(Second Reading 12-01-15)

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

DATE: October 20, 2015

FROM: Abigail Price-Williams County Attorney

SUBJECT: Ordinance repealing Article CVII, sections 2-1601 through 2-1607 of the Code relating to the Miami-Dade Sports Commission

Ordinance No. 15-142

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jean Monestime.

Abigail Price-Williams
County Attorney

APW/cp

Memorandum

MIAMI-DADE COUNTY

Date: December 1, 2015

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Relating to the Miami-Dade Sports Commission

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The proposed ordinance relating to the Miami-Dade Sports Commission repeals Article CVII, Sections 2-1601 through 2-1607 of the Code of Miami-Dade County (County).

The County does not provide funding assistance to the Miami-Dade Sports Commission. The organization's office space and back office support has been provided by the Greater Miami Convention and Visitors Bureau. Therefore, this item has no fiscal impact to the County.

Michael Spring
Senior Advisor to the Mayor

Fis00616

Memorandum

MIAMI-DADE COUNTY

Date: December 1, 2015

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

From: Carlos A. Gimenez
Mayor

Subject: Social Equity Statement for Ordinance Pertaining to Miami-Dade Sports Commission

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The proposed ordinance is not anticipated to have a specific social equity benefit or burden as described in Ordinance No. 15-83.

Jack Osterholt
Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: December 1, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(C)

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**

_____ **Statement of social equity 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. 7(C)

12-01-15

ORDINANCE NO. 15-142

ORDINANCE REPEALING ARTICLE CVII, SECTIONS 2-1601 THROUGH 2-1607 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO THE MIAMI-DADE SPORTS COMMISSION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Miami-Dade Sports Commission has indicated that it can best perform its task of attracting quality sporting events to Miami-Dade County if it is incorporated into the Greater Miami Convention and Visitors Bureau,

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

Section 1. Article CVII, Sections 2-1601 through 2-1607 of the Code of Miami-Dade County, Florida, is hereby repealed in its entirety:[1]

[[~~ARTICLE CVII.MIAMI-DADE SPORTS COMMISSION~~

~~Sec. 2-1601. Creation of Authority.~~

~~There is created and established pursuant to the Metropolitan Dade County Home Rule Charter, as amended, an agency and instrumentality of Metropolitan Dade County to be known as the "Miami-Dade Sports Commission" ("Commission"). The Commission shall be a public body corporate and politic which, through its governing body, may exercise all those powers either specifically granted in this Article or necessary in the exercise of those powers enumerated in this Article.~~

~~Sec. 2-1602. Promotion and Attraction of Sports.~~

~~The Authority shall promote, attract and solicit adult and youth sports from throughout the United States and within Miami-Dade County to the greatest extent feasible and shall strive to generate and further community support to achieve this purpose, including~~

[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.

~~working closely with the County's Parks Department so as not to compete for events and to use each other as a resource.~~

~~Sec. 2-1603. Governing Body.~~

~~(a) Composition and appointment. The governing body of the Commission shall be a board of directors that consists of twelve (12) voting members from the following organizations and any additional members selected by the Executive Committee pursuant to (c) below:~~

~~(1) The County Manager, Deputy County Manager, or Assistant County Manager;~~

~~(2) The Director of the Miami-Dade Parks Department;~~

~~(3) A representative from the Miami-Dade League of Cities;~~

~~(4) A representative who is involved in collegiate athletics from one of the local colleges or universities to be selected by the board of directors;~~

~~(5) A representative from the Miami-Dade School Board;~~

~~(6) A representative from the Greater Miami Convention and Visitors Bureau;~~

~~(7) A representative from the Greater Miami and the Beaches Hotel Association;~~

~~(8) A representative from The Greater Miami Chamber of Commerce;~~

~~(9) A representative from The Orange Bowl Committee.~~

~~(10) A member of the Board of County Commissioners to be appointed by the Chairman or Chairperson of the Board of County Commissioners;~~

~~(11) A member of the Board of County Commissioners to be appointed by the Chairman or Chairperson of the Board of County Commissioners;~~

~~(12) The Miami-Dade County Mayor or his designee.~~

~~Each organization shall appoint its representative to the board of directors. When making a selection, each organization shall consider that the voting members should reflect the gender, racial, ethnic or cultural make-up of the community.~~

~~(b) Qualifications. Each member of the Commission shall be a United States citizen, a duly qualified elector of Miami-Dade County, and shall comply with the requirements of Chapter 2-11-38 of the Code of Miami-Dade County. Before taking any official action, each voting member shall take the prescribed oath of office. Members of the Commission shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.~~

~~(c) Executive Committee. The Executive Committee shall consist of the twelve (12) members of the Board of Directors appointed by the organizations listed in (a) above. The Executive Committee may, by majority vote, select and appoint up to thirty-four (34) additional voting members to the Board of~~

~~Directors. The Executive Committee may expand its membership up to four (4) additional members selected from the Board of Directors. The Executive Committee, upon a majority vote, may veto any action taken by the Board of Directors. The twelve (12) members of the Board of Directors shall, by a majority vote, renew the up to thirty-four (34) Board members on an annual basis. The Chairperson shall be a member of the Board of County Commissioners appointed by the Chairperson of the Board of County Commissioners.~~

~~Term. The members of the Commission who are the County Mayor or his designee or are members of the Board of County Commissioners shall serve terms of three (3) years each. No member who is a member of the Board of County Commissioners shall serve more than two (2) consecutive terms of three (3) years each. Notwithstanding the foregoing, the Board of County Commissioners may waive the term limits contained herein, in the manner prescribed in Section 2-11.38.2(b) of the Code.~~

~~(d) Vacancies. Each organization shall appoint a new representation within one month when its appointee resigns or is removed from the Commission.~~

~~(e) Modified applicability of Conflict of Interest and Code of Ethics Ordinance. The Metropolitan Dade County Conflict of Interest and Code of Ethics Ordinance (the "Conflict of Interest Ordinance"), Section 2-11.1 of the Code of Metropolitan Dade County, Florida, shall be applicable to the members of the Commission only in the manner and to the extent provided in the next sentence. It is declared to be the intent of the Commission, as expressed in this subsection, to provide that the Conflict of Interest Ordinance shall not operate to preclude individuals from serving as Commission members on the basis of interests relating to Miami-Dade County when such interests do not conflict with the Commission.~~

~~(f) Organization and Procedure. The board of directors shall elect one (1) of its members as chairperson and one of its members as vice-chairperson whom shall both serve a term of two (2) years and such other officers as the board of directors may determine to be necessary.~~

~~The Commission shall create by-laws and shall hold regular meetings in accordance with those by-laws. The Commission may hold such other meetings, as it deems necessary. A majority of the members of the board of directors shall constitute a quorum. All meetings of the Commission shall be public and the Commission shall maintain written minutes of all proceedings that shall be promptly prepared and recorded. Copies of all minutes and resolutions of the Commission shall be forwarded to the Clerk of the Board of County Commissioners no later than thirty (30) days subsequent to any meeting of the Commission.~~

~~The members of the Commission shall have the powers, duties, and responsibilities customarily vested in the board of directors of a private corporation, including the power to appoint a Chief Executive Officer and to remove such appointee and to make, adopt and amend rules and regulations that supplement its by-laws.~~

~~Sec. 2-1604. Powers and Duties of the Commission.~~

~~The Commission, acting through its governing body, shall have the following powers, duties, function and responsibilities.~~

~~(a) To attract quality sporting events to Miami-Dade County in cooperation with the County's Parks Department that will result in economic benefit to Miami-Dade County through tourism activity and improve the quality of life of its citizens and showcase the Miami-Dade County area and its many athletic facilities to a local, national and international audience.~~

~~(b) To form an independent 501(c)(3) corporation which will raise private funds to assist needy local adult and youth amateur athletic organizations and to assist the Commission.~~

~~(c) To solicit membership from local corporations and business entities and to establish an advisory board consisting of those individuals or corporate representatives who become members of the Commission.~~

~~(d) To establish membership fees and incentives programs.~~

~~(e) To sue and be sued, to plead and be impleaded, to contract and be contracted with, and to have an official seal. This provision shall not be construed to in any way affect the laws relating to governmental immunity. The contractual powers of the Commission shall be subject to the following limitation:~~

~~It is specifically provided that contracts and any related amendments executed by the Commission, or other obligations incurred by the Commission, shall not be binding upon Miami-Dade County. In the event that the Commission shall be revoked, obligations of the Commission shall only be enforceable against Miami-Dade County to the extent that such obligations would have been enforceable with regard to personal property which was in the possession of the Commission and with regard to business income which would have come in the possession of the Commission had the Commission not been revoked.~~

~~The Commission shall comply with the formal bid requirements of Section 4.03D of the charter of Metropolitan Dade County, Florida, and for such purpose the term "Board" as used in Section 4.03D shall be construed to be "The Metropolitan Dade County Sports Commission" and the term "Manager" shall be construed to be "Chief Executive Officer of the Authority."~~

~~For all contracts involving the purchase of goods or services (including construction), the Commission shall comply with the provisions of Section 2-8.2 of the County Code and the administrative procedures pursuant to that subsection (f) to purchase or otherwise obtain title in its own name to personal property and shall be authorized to sell or otherwise lawfully dispose of personal property. Subject to prior approval by the Board of County Commissioners, the Commission shall have the authority to purchase real property and to sell, convey, mortgage or otherwise impair or encumber the~~

~~title to real property. The Commission shall be authorized to lease real property either as lessee or lessor for any number of years and upon any terms and conditions. The leasing of any real property shall be in accordance with the requirements of Section 125.35, Florida Statutes.~~

~~Subject to prior approval of the Board of County Commissioners, the Commission shall not destroy, replace, or abandon real property. The Commission shall be authorized to maintain and repair its facilities and may alter, modify, or make additions to its facilities whenever such changes are necessary for the proper operation and maintenance of such facilities.~~

~~(g) To appoint, remove, and suspend employees or agents of the Commission including an Executive Director, to fix their compensation, and to adopt personnel and management policies. Initially, the Commission may use County employees to serve as its staff. The Commission shall assure employees a process of appeal with regard to disciplinary or other official action.~~

~~(h) To submit annually to the Board of County Commissioners, a report summarizing and evaluating all programs and activities undertaken by the Commission during that previous fiscal year.~~

~~(i) To accept gifts of money, services, or real or personal property. All gifts shall be held pursuant to the provisions of this article.~~

~~(j) To cooperate and contract with any governmental agency or instrumentality, federal, state, county, or municipal.~~

~~(k) The Commission shall comply with all laws and regulations of the United States, the State of Florida, and Miami-Dade County, including but not limited to the laws relating to the expenditure of funds and the keeping of records.~~

~~(l) To establish a not-for-profit corporation under the laws of Florida to assume the duties and responsibilities of the Commission.~~

~~Sec. 2-1605. Financial support for the Commission.~~

~~The Commission shall establish a fiscal year that coincides with that of Miami-Dade County, and the County Manager shall provide financial support to the Commission by including the amount of two hundred fifty thousand dollars ($250,000.00) in the official Miami-Dade County budget each year unless directed otherwise by the Board of County Commissioners. The amount provided to the Commission may be increased or decreased by the Board from time to time. The board of directors shall submit a requisition to the Finance Director in a form acceptable by the Finance Director for the dispersal of funds as needed. The Commission shall timely submit to the Board of County Commissioners a budget request pertaining to operating and capital expenditures for the succeeding fiscal year, which request shall not be implemented until approved by the Board of County Commissioners.~~

~~The Commission budget request shall be prepared on official Miami-Dade County budget forms in a format prescribed by the County Manager, shall be reviewed in a manner similar to that in which requests of other county departments are reviewed, and shall be incorporated in the proposed budget and timely submitted to the Commission each year. Nothing contained herein shall be construed to prohibit the Commission from submitting to the Board of County Commissioners supplemental budget requests which, if approved by the Board of County Commissioners, shall constitute amendments to the official Miami-Dade County budget.~~

~~(a) Borrowing of money. Subject to prior approval of the Board of County Commissioners, the Commission shall have the authority to borrow money for any of its corporate purposes.~~

~~(b) General financial provisions. The Commission shall have the authority to establish necessary banking accounts in its own name and to make cash disbursements. The Commission shall submit an annual financial report to the Board of County Commissioners no later than ninety (90) days from the close of such fiscal year. Miami-Dade County may require that an external auditor audit the Commission's annual financial statements.~~

~~The Commission Auditor of Miami-Dade County shall at all times have the right to audit all records of the Commission, and the external auditor of the Miami-Dade County, at the direction of the Board of County Commissioners, shall be empowered to audit all records of the Commission.~~

~~Sec. 2-1606. Modifications and Term.~~

~~It is the intent of the Board of County Commissioners to create by this article and for the purposes set forth in this article, a Commission that may be modified or revoked in whole or in part by duly enacted ordinance of the Commission.~~

~~Sec. 2-1607. Counsel.~~

~~The Commission shall utilize the County Attorney's Office for legal services. Legal opinions by the County Attorney's Office pertaining to this article shall be binding upon the Commission.~~]]

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: December 1, 2015

Approved by County Attorney as
to form and legal sufficiency: APW

Prepared by: B.Z.

Bruce Libhaber

Prime Sponsor: Chairman Jean Monestime

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