

MEMORANDUM

Agenda Item No. 11(A)(5)

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

DATE: November 19, 2020

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Resolution establishing County policy that the Cuban Memorial Monument at Tamiami Park ("monument") shall be preserved in perpetuity in its current form and at its current location as a tribute to the thousands of victims of Cuba's communist regime who died fighting for or seeking freedom and democracy; prohibiting demolition or relocation of the monument without board approval and prior written notification to District Commissioner; directing County Mayor to (1) provide continuous cleaning, maintenance, repairs, and oversight of the monument as needed and subject to availability of funding, and (2) provide prior written notice to Memorial Cubano, Inc., a Florida not-for-profit corporation, of certain work; inviting Memorial Cubano, Inc. to make a citizen's presentation to this Board once a year regarding the status of the monument

Resolution No. R-1211-20

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.



Geri Bonzon-Keenan
Successor County Attorney

GBK/lmp



MEMORANDUM

(Revised)

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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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)(5)
11-19-20

RESOLUTION NO. _____ R-1211-20

RESOLUTION ESTABLISHING COUNTY POLICY THAT THE CUBAN MEMORIAL MONUMENT AT TAMIAMO PARK (“MONUMENT”) SHALL BE PRESERVED IN PERPETUITY IN ITS CURRENT FORM AND AT ITS CURRENT LOCATION AS A TRIBUTE TO THE THOUSANDS OF VICTIMS OF CUBA’S COMMUNIST REGIME WHO DIED FIGHTING FOR OR SEEKING FREEDOM AND DEMOCRACY; PROHIBITING DEMOLITION OR RELOCATION OF THE MONUMENT WITHOUT BOARD APPROVAL AND PRIOR WRITTEN NOTIFICATION TO DISTRICT COMMISSIONER; DIRECTING COUNTY MAYOR TO (1) PROVIDE CONTINUOUS CLEANING, MAINTENANCE, REPAIRS, AND OVERSIGHT OF THE MONUMENT AS NEEDED AND SUBJECT TO AVAILABILITY OF FUNDING, AND (2) PROVIDE PRIOR WRITTEN NOTICE TO MEMORIAL CUBANO, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, OF CERTAIN WORK; INVITING MEMORIAL CUBANO, INC. TO MAKE A CITIZEN’S PRESENTATION TO THIS BOARD ONCE A YEAR REGARDING THE STATUS OF THE MONUMENT

WHEREAS, the Cuban Memorial Monument, or as it is referred to in Spanish – “el Memorial Cubano,” is a permanent monument erected at Tamiami Park dedicated to denouncing the history of crimes committed by Fidel Castro’s regime and honoring the victims who have sacrificed themselves for freedom and democracy for Cuba (the “monument”); and

WHEREAS, Memorial Cubano, Inc., a Florida not-for-profit corporation dedicated to honoring the victims of Cuba’s communist government and the developer of the monument, approached the County in 2006, offering to place the monument in Tamiami Park as a gift to the County in accordance with Administrative Order 1-3; and

WHEREAS, in 2007, pursuant to Resolution No. R-1170-07, this Board approved a grant agreement with Memorial Cubano, Inc. (“grant agreement”) to provide \$200,000 of Sunshine State

loan proceeds to Memorial Cubano, Inc. to cover a portion of the estimated cost of the monument, with the balance of the funding to be provided by Memorial Cubano, Inc. through cash and in-kind donations; and

WHEREAS, due to the economic downturn, Memorial Cubano, Inc. experienced a reduction in donations and, in 2009, this Board, pursuant to Resolution No. R-1364-09, approved an amendment to the grant agreement in order to revise the project scope of the monument and reduce Memorial Cubano, Inc.'s financial contribution and pursuant to Resolution No. R-1376-09, approved a grant of Safe Neighborhood Parks bond funds to Memorial Cubano, Inc. in the amount of \$200,000 for the construction of the monument; and

WHEREAS, Memorial Cubano, Inc. completed the monument in 2011 and since then it has served its intended purpose, a tribute to the thousands of victims of Cuba's communist regime who died fighting for or seeking freedom and democracy; and

WHEREAS, pursuant to the terms of the amended grant agreement, which grant agreement expired with the completion of the monument in 2011, the County owns the monument; and

WHEREAS, this Board desires to ensure that the monument will continue to honor these victims and serve as a beacon of freedom, liberty and hope for many generations to come,

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

Section 1. The Board approves the foregoing recitals and incorporates them herein by referenced.

Section 2. The Board establishes, as County policy, that the Cuban Memorial Monument shall be preserved in perpetuity in its current form and at its current location as a tribute

to the thousands of victims of Cuba's communist regime who died fighting for or seeking freedom and democracy.

Section 3. The Board hereby prohibits the material alteration, demolition or relocation of the monument without prior Board approval and hereby directs the County Mayor to provide the Commissioner for the district in which the monument is located with written notice of any item seeking the Board's approval for the material alteration, demolition or relocation of the monument no less than 60 days prior to the placement of such item on any agenda of the Board or a committee thereof. For purposes of this resolution, "material alteration" includes, but is not limited to, the modification or removal of the names on the monument or the addition of any additional names to the monument.

Section 4. The Board further directs the County Mayor to: (a) provide continuous cleaning, maintenance, repairs, and oversight of the use and operations of the monument, as needed and subject to the availability of funds; and (b) provide written notice to Memorial Cubano, Inc. and the Commissioner for the district in which the monument is located of: (i) all permanent capital improvements that are to be constructed at Tamiami Park within 100 feet of the monument; (ii) any renovations or alterations planned for the monument itself, including, but not limited to, the modification or removal of any plaques on the monument; and (iii) any planned maintenance, repairs or operating activities at or surrounding the monument that are reasonably likely to result in damage to the monument. The written notice required by subsection (b) of this section shall be provided no less than 60 days prior to the anticipated commencement of any construction of capital improvements within 100 feet of the monument, renovations or alterations, and planned maintenance, repairs or operations, so as to provide Memorial Cubano, Inc. an opportunity to express any concerns it may have with respect to adverse impacts to the monument occurring as a

result thereof. The provisions of subsection (b) of this section shall be construed as directory only and failure to comply with the provisions hereof shall not affect the validity of any resolution, action of the Board, or construction of any capital improvements, nor does it create any substantive rights for any parties whatsoever to enforce the provisions thereof. The County Mayor shall place any notice issued pursuant to the provisions of subsection (b) of this section on an agenda of the Board pursuant to Ordinance No. 14-65.

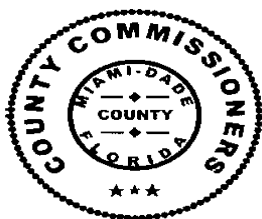
Section 5. The Board invites Memorial Cubano, Inc. to make a citizen's presentation to this Board once a year regarding the status of the upkeep, maintenance and oversight of the monument, which citizen's presentation shall be placed on an agenda of the Board in accordance with the Board's rules of procedure.

Section 6. The Board directs the Clerk of the Board to send a certified copy of this resolution to the president of Memorial Cubano, Inc.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. It was offered by Commissioner **José "Pepe" Diaz**, 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, Vice Chairwoman	aye	
Jose "Pepe" Diaz	aye	Sen. René García	aye
Oliver G. Gilbert, III	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Eileen Higgins	aye
Joe A. Martinez	aye	Kionne L. McGhee	aye
Jean Monestime	aye	Raquel A. Regalado	aye
Sen. Javier D. Souto	aye	District 8 - Vacant	vacant

The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of November, 2020. 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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to read "mRP", is written over a horizontal line.

Monica Rizo Perez