

MEMORANDUM

TO:	Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners	DATE:	Agenda Item No. 7(E) (Second Reading 6-2-21) March 16, 2021
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT:	Ordinance creating the South Dade Black History Center Advisory Board at the Larcenia Bullard Plaza; creating article XLVI of the Code; providing for purpose, composition, and duties of the board and other related matters; creating the South Dade Black History Advisory Board Trust Fund

Ordinance No. 21-46

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: June 2, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for the Ordinance Creating the South Dade Black History Center
Advisory Board at the Larcenia J. Bullard Plaza

The implementation of this ordinance will have an estimated fiscal impact to Miami-Dade County of \$258,000 on the first year of implementation. This includes one position (\$108,000, salary and fringes) and other administrative staff support for operating and programming support, budgeting, and financial activities (\$40,000); corresponding operating expenditures (\$10,000); and exhibition, programming, and marketing expenses for the Black History Center (\$100,000).

Future estimated costs would assume an annual five percent (5%) growth in personnel related expenditures and a three percent (3%) growth in other operating and programming expenditures every year. These expenditures are not included in the FY 2020-21 Adopted Budget.

A handwritten signature in blue ink that reads "Morris Copeland".

Morris Copeland
Chief Community Services Officer

FIS03121 202316

Memorandum



Date: June 2, 2021

To: Honorable Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Social Equity Statement for the Ordinance Creating the South Dade Black
History Center Advisory Board at the Larcenia J. Bullard Plaza

The Ordinance seeks to create Article XLVI of the Code that will create the South Dade Black History Center Advisory Board (SDAB). Article XLVI will provide the purpose, composition, and duties of the board, and create the South Dade Black History Center Advisory Board Trust Fund. It is anticipated to have a beneficial impact to the community because the SDAB will be responsible for supporting the Black History Center with its mission of educating residents on the contributions of South Miami-Dade County's Black communities to the County's infrastructure and cultural, political, and social landscapes. Demonstrating how Black communities contributed to and shared the common goal of developing Miami-Dade County will promote diversity and inclusion in our world-class community.



Morris Copeland
Chief Community Services Officer

202316

Memorandum



Date: June 2, 2021

To: Honorable Chairman Jose "Pepe" Diaz
And Members, Board of County Commissioners

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Report on the Creation of the South Dade Black History Center Advisory Board

The items listed in this report are provided pursuant to Section 2-11.37 of the Miami-Dade County Code regarding the creation of a new advisory board. Please note that this report contains alternatives to ensure the most efficient and effective ways to accomplish the goals outlined in the proposed ordinance. Some of these recommendations may require revisions to the legislation.

1. The South Dade Black History Center Advisory Board (SDAB) shall serve as a liaison with the Board of County Commissioners regarding the South Dade Black History Center located in District 9 at the Larcenia J. Bullard Shopping Plaza in Richmond Heights and shall support the Black History Center in carrying out its purpose, including fundraising and developing policies and public programming.
2. The SDAB will advise the Board of County Commissioners on the Black History Center and various matters of interest to the Black communities in South Miami-Dade County. There are no other County boards that have these specific responsibilities. However, the Black Affairs Advisory Board, with appointments from each member of the Board of County Commissioners, describes its mission as existing "to advocate for the social, economic, political and educational needs of the diverse Black World Community in Miami-Dade County, while advancing the quality of life for these residents in a dedicated and responsive manner." The Black Affairs Advisory Board could be a viable alternative to creating a new entity.
3. The SDAB will consist of 5 board members, all appointed by the sitting District 9 County Commissioner.
4. Adequate staff will be necessary to support the SDAB, including responsibilities for: maintaining its records; preparing agendas, reports, documents, resolutions, correspondence for monthly and other meetings deemed necessary by the SDAB; taking minutes; and administering the business and affairs of the SDAB. It is anticipated that staff will be responsible for operating the Black History Center, managing the fundraising, and developing the policies and public programming for the Black History Center.
5. Other effective and economical strategies used for managing County-owned historical and cultural spaces include the County contracting with community nonprofit organizations that have specific proficiency with the specified programming and activities goals. This approach to staffing matches community expertise to these initiatives and typically, can cost less than direct County management. For the Black History Center, nonprofit cultural organizations like the Black Archives History and Research Foundation of South Florida and HistoryMiami Museum have well-recognized track records in exhibitions and programs highlighting the diverse history of our community.

6. In light of the current budget challenges, considering alternative approaches to creating a new advisory board and adding County staff for management would be advisable. However, if the County were responsible for managing the SDAB and the Black History Center, the cost for the first year of implementation is estimated at \$258,000 (of which approximately \$4,000 are one-time start-up costs). This includes: one position (\$108,000, salary and fringes) and other administrative staff support for operating and programming support, budgeting, and financial activities (\$40,000); corresponding operating expenditures such as the purchase of computer equipment, annual software licenses, telephone and internet services, office supplies, office space configuration, and parking reimbursements for members of the SDAB (\$10,000); and exhibition, programming, and marketing expenses for the Black History Center (\$100,000). Five-year estimated costs assume an annual five percent (5%) growth in personnel related expenditures and a three percent (3%) growth in other operating and programming expenditures every year. This estimate does not include any costs for the Black History Center overhead (utilities, maintenance, lease, etc.) nor expenses for any furniture, fixtures, or equipment which may add expenses.
7. The SDAB is being given the authority to raise public and private funds in support of the administration and operation of the Black History Center which will be deposited in a SDAB Trust Fund.
8. The SDAB will have the authority to expend funds from the SDAB Trust Fund.
9. The SDAB will not have bonding authority.
10. The creation of the SDAB is intended to provide a governance structure for the South Dade Black History Center and for exploring, documenting, showcasing, and educating the community about the history of South Miami-Dade's Black communities.
11. The SDAB will provide an annual report to the Board.



Morris Copeland
Chief Community Services Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: June 2, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(E)

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. 7(E)

6-2-21

ORDINANCE NO. 21-46

ORDINANCE CREATING THE SOUTH DADE BLACK HISTORY CENTER ADVISORY BOARD AT THE LARCENIA BULLARD PLAZA; CREATING ARTICLE XLVI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR PURPOSE, COMPOSITION, AND DUTIES OF THE BOARD AND OTHER RELATED MATTERS; CREATING THE SOUTH DADE BLACK HISTORY ADVISORY BOARD TRUST FUND; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, people of African descent, often referred to as Black, began inhabiting Miami-Dade County (“County”) in the late 1800s; and

WHEREAS, Black people living in the County or their ancestors, have come from other parts of the United States as well as nations across the world including the Bahamas, Cuba, Haiti, Jamaica, the West Indies, other islands in the Caribbean Basin, and nations in Africa, and Central and South America; and

WHEREAS, Black people helped the County develop into the thriving metropolis it is today and, among other things, made significant contributions to its infrastructure and cultural, political, and social landscapes; and

WHEREAS, for instance, Black people:

- (1) comprised a major portion of the labor force that constructed the railroad owned by Henry Flagler and hotels on Miami Beach, which contributed significantly to the start of the County’s tourism industry and dramatically increased tourism and immigration to the County;

(2) comprised a major portion of the labor force that constructed Vizcaya, which is now a County-owned museum and tourist attraction, and the Dade County Courthouse, which was completed in 1925 and still serves as the main civil courthouse in the County, both of which are historical landmarks;

(3) contributed to the political history of the County by representing one-third of the men necessary to effectuate the incorporation of the City of Miami in 1896; and

(4) contributed to the cultural and social histories of the County through the development of literary, visual, and performing arts such as those performances once highlighted in Overtown's Little Broadway, the Lyric Theater, and the Hampton House; and

WHEREAS, Senator Larcenia J. Bullard served as a member of the Florida Legislature for nearly 20 years; and

WHEREAS, Senator Bullard was first elected to represent the 118th District in the Florida House of Representatives in 1992, where she served until 2000; and

WHEREAS, thereafter, in 2002, Senator Bullard was elected to represent District 39 in the Florida Senate, which included parts of Miami-Dade, Collier, Hendry, Monroe, and Palm Beach Counties, from 2002 – 2012; and

WHEREAS, among her many notable accomplishments, Senator Bullard sponsored and supported a number of educational initiatives during her tenure in office, played a significant role in helping to rebuild South Miami-Dade County in the aftermath of Hurricane Andrew, and was named “2012 Legislator of the Year” during the 18th Annual Delta Days at the State Capitol, “Top Intriguing Floridian” by Florida Monthly Magazine, “Quality Citizen of the Year” by the League of Cities, “Woman of the Year” by several community organizations, and “Ambassador of Peace” by the Inter-religious and International Federation for World Peace; and

WHEREAS, in honor of Senator Bullard’s commitment and service to South Miami-Dade County, on June 3, 2014, this Board approved Resolution No. R-487-14, which renamed the Richmond Heights Shopping Center located on Lincoln Boulevard and Carter Drive in Richmond Heights, Florida to the Larcenia J. Bullard Shopping Plaza (“Plaza”); and

WHEREAS, the Plaza is intended to be a multi-purpose facility to:

- (1) be a catalyst for civic events;
- (2) showcase the history of South Miami-Dade County’s Black communities;
- (3) serve as an arts and cultural center; and
- (4) provide the community with retail and commercial rental spaces; and

WHEREAS, the Plaza will house the South Dade Black History Center (“Black History Center”) in a space where residents of, and visitors to, the area may visit and learn about the history of South Miami-Dade County’s Black communities and the contributions of Black people to the development of South Miami-Dade County; and

WHEREAS, the creation of an advisory board for the Black History Center would help to ensure that it is operated and managed in a manner that explores, documents, showcases, and educates the community about the history of South Miami-Dade County’s Black communities; and

WHEREAS, among other things, the South Dade Black History Center Advisory Board would be responsible for:

- (1) providing this Board with information pertaining to the Black History Center as well as other matters of interest to the Black communities in South Miami-Dade County;
- (2) supporting the Black History Center in carrying out its purpose;

(3) assisting with fundraising efforts to support the administration and operation of the Black History Center and related efforts; and

(4) assisting with developing the Black History Center's policies and programming related to collections, conservation, curation, education, and exhibitions; and

WHEREAS, the South Dade Black History Center Advisory Board would assist with the operation and administration of the Black History Center and advise this Board on such related matters,

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

Section 1. Article XLVI of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

ARTICLE XLVI. SOUTH DADE BLACK HISTORY CENTER ADVISORY BOARD.

Sec. 2-431. Creation and Purpose.

The South Dade Black History Center Advisory Board ("SDAB") is hereby created. The purpose of the SDAB is to assist with the operation and management of the South Dade Black History Center ("Black History Center") and serve as a resource to the Board of County Commissioners ("Board") for matters related to the Black History Center and other related matters of interest to the Black communities in South Miami-Dade County.

Sec. 2-432. Composition; membership.

- (a) *Composition.* The SDAB shall be comprised of a total of five voting members. Each member of the SDAB shall be appointed by the sitting County Commissioner of District 9, where the Black History Center is housed and where the vast majority of South Miami-Dade County's Black communities are located.

- (b) *Qualifications.* Each member of the SDAB shall be a permanent resident and duly qualified elector of Miami-Dade County in accordance with section 2-11.38 of the Code, as may be amended, and shall have knowledge of and interest in Black History and matters of importance to the Black communities in South Miami-Dade County.
- (c) *Compensation.* SDAB members shall serve without compensation, but shall be entitled to reimbursement for parking in a County leased or owned parking facility.
- (d) *Vacancies.* Vacancies shall be filled in the same manner by which original members were appointed.
- (e) *Tenure and Removal.* All SDAB members shall serve four-year terms. The term limits of SDAB members shall be in accordance with section 2-11.38.2 of the Code, as may be amended. The sitting District 9 County Commissioner who has appointed the members of the SDAB may at any time, with or without cause, remove said board members from the SDAB by filing a notice with the Clerk of the Board of County Commissioners (“Clerk of the Board”) and appointing different persons to fill the position.
- (f) *Attendance.* Attendance requirements for members shall be in accordance with section 2-11.39 of the Code, as may be amended.

Sec. 2-433. Organization.

- (a) *Bylaws, Rules, and Regulations.* The SDAB shall establish, adopt, and amend bylaws, rules, and regulations for its own governance. In the event the SDAB does not adopt rules or policies, or its adopted rules or policies do not address a particular situation, the applicable provisions of the Board’s Rules of Procedure, as such may be amended, shall apply.
- (b) *Officers.* The sitting District 9 County Commissioner shall appoint the SDAB chairperson. The chairperson shall serve at the will of the sitting District 9 County Commissioner and may be removed from being chairperson at any time with or without cause. The SDAB members shall elect a vice-chairperson and such other additional officers as the board shall deem necessary. All officers except for the chairperson shall serve two-year terms. The chairperson

shall serve for a term of four years. Officer elections shall be held biennially in November, with newly elected officers installed the following January.

The chairperson shall preside at all meetings. The vice-chairperson shall act as chairperson in the absence of the chairperson. In the absence of the chairperson and vice-chairperson, the SDAB, through a majority vote of appointed members, may select a member of the board to preside over meetings.

(c) *Staff support.* The Mayor or the Mayor's designee, County Attorney, and the Clerk of the Board shall provide appropriate support to the SDAB.

(i) The Mayor or Mayor's designee shall provide adequate staff and support services to the SDAB to enable it to carry out its duties and responsibilities. Among such other duties and responsibilities, the Mayor or Mayor's designee shall assign staff to:

- A. maintain and keep the records of the SDAB, including ensuring the SDAB's roster is current;
- B. prepare, in cooperation with the chairperson, the agenda for each meeting;
- C. be responsible for the preparation of such reports, documents, resolutions, or correspondences as the SDAB may direct;
- D. take minutes and make such minutes available on Miami-Dade County's website; and
- E. generally administer the business and affairs of the SDAB, subject to budgetary limitations.

The Mayor or the Mayor's designee shall have the power to appoint, employ, remove, and supervise staff as deemed necessary to provide appropriate staff and support to the SDAB, who shall serve at the will of the Mayor or Mayor's designee.

- (ii) The County Attorney shall provide legal counsel to the SDAB.
- (iii) The Clerk of the Board shall maintain a current roster of the SDAB's membership and maintain minutes of the SDAB's meetings.
- (d) *Quorum.* A quorum shall be required to transact any business or exercise any power vested in the SDAB. A quorum for the SDAB shall consist of a majority of those persons duly appointed to the board, provided that at least half of the full board membership has been appointed. The SDAB shall not transact business or exercise its powers unless a majority of the quorum in attendance votes in favor of the activity.
- (e) *Committees.* The SDAB may appoint committees and subcommittees to accomplish its tasks.

Sec. 2-434. **Meetings.**

The SDAB shall hold regular monthly meetings and such other meetings, as it deems necessary. The chairperson, or a minimum of three members of the SDAB, upon written request to the chairperson, may call for a special meeting. Further, the SDAB, at any duly noticed public meeting, may fix and call a meeting on a future date.

Sec. 2-435. **Duties; powers; responsibilities.**

The SDAB shall have the following duties, powers and responsibilities:

- (a) The SDAB shall provide this Board with information pertaining to the Black History Center and advise the Board on matters of interest to the Black communities in South Miami-Dade County.
- (b) The SDAB shall support the Black History Center in carrying out its purpose.

- (c) The SDAB shall assist in raising funds to support the administration and operation of the Black History Center and related efforts.
- (d) The SDAB shall develop policies, activities or programming related to collections, conservation, exhibitions, and education at the Black History Center.
- (e) Notwithstanding any provision in the Code to the contrary, the SDAB shall be authorized to accept and solicit gifts of money or services for the public purposes provided for in this article.
- (f) The SDAB shall expend funds for the purposes provided in this article. The SDAB shall only be authorized to expend funds deposited in the SDAB Trust Fund. The Mayor or the Mayor's designee shall, on a monthly basis, provide the SDAB with an accounting of available funds. All expenditures of the SDAB shall be subject to a county audit.
- (g) The SDAB shall assist in the solicitation and approval of grant agreements for the public purposes provided for in this article. All funds received pursuant to grant agreements shall be deposited in the SDAB Trust Fund. The SDAB shall only approve grant agreements distributing funds to a third-party to the extent that funds are currently available in the SDAB Trust Fund.
- (h) The SDAB shall act as an advisor to the Board on all other policy matters pertaining to Black History in South Miami-Dade County, as may be requested by the Board.
- (i) The SDAB shall report at least annually to the Board as to its activities, recommendations, and other relevant issues and shall appear as needed before the Board to present any matters pertinent to the SDAB. The completed reports required by this section shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

Sec. 2-436. Financial Support for the SDAB.

There is hereby created the South Dade Black History Center Advisory Board Trust Fund for the public purposes provided for in this article. The Finance Director is hereby authorized and directed to establish the South Dade Black History Center Advisory Board Trust Fund and disburse monies in accordance with the provisions of this article.

Sec. 2-437. Applicability of State and County rules and procedures.

The SDAB shall at all times operate under Florida's open government laws, including, but not limited to the Government in the Sunshine Law and the Citizens' Bill of Rights of the Miami-Dade County Home Rule Charter as well as other laws applicable to public advisory board membership. Additionally, the SDAB shall be deemed an "agency" for the purposes of the state's public records laws and shall be governed by all state and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, as may be amended, including, but not limited to, section 2-11.1 of the Code of Miami-Dade County.

The SDAB shall also provide members of the public a reasonable opportunity to be heard, consistent with section 286.0114, Florida Statutes. Accordingly, rule 6.06 of the Board's Rules of Procedure is incorporated herein.

Sec. 2-438 – 2-470. Reserved.

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:

June 2, 2021

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Shanika A. Graves

Prime Sponsor: Commissioner Kionne L. McGhee