

MEMORANDUM

Agenda Item No. 8(H)(1)

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

DATE: May 4, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing Miami-Dade County to process a Land And Water Conservation Fund Sponsorship Change with the Florida Department of Environmental Protection for Rolling Oaks Park from the Miami-Dade County Parks, Recreation and Open Spaces Department to the City of Miami Gardens (City); authorizing a Memorandum of Understanding (MOU) for the Sponsorship Change with the city; and authorizing the County Mayor to execute the MOU and other documents as required

Resolution No. R-421-21

The accompanying resolution was prepared by the Parks, Recreation and Open Spaces Department and placed on the agenda at the request of Prime Sponsor Vice-Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Date: May 4, 2021

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

From: Daniella Levine Cava
Mayor 

Subject: Resolution Authorizing a Land and Water Conservation Fund Sponsorship Change with the Florida Department of Environmental Protection, Transferring Rolling Oaks Park from the Miami-Dade County Parks, Recreation and Open Spaces Department to the City of Miami Gardens, and Entering into a Memorandum of Understanding with the City

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the Land and Water Conservation Fund Rolling Oaks Park Sponsorship Change from the Miami-Dade County Parks, Recreation and Open Spaces Department to the City of Miami Gardens. The resolution further requests authorization for the County Mayor or County Mayor’s designee to enter into a Memorandum of Understanding and other documents required to process the sponsorship change between Miami-Dade County and the City of Miami Gardens, as required by the Florida Department of Environmental Protection and National Park Service (NPS), upon review and final approval of the County Attorney’s Office for legal sufficiency.

Scope

Rolling Oaks Park is located at 18701 NW 17 Avenue, Miami Gardens, FL, 33169 within County Commission District 1, which is represented by Vice-Chairman Oliver G. Gilbert, III.

Delegation of Authority

The Board authorizes the County Mayor or County Mayor’s Designee to: process the Land and Water Conservation Fund (LWCF) Sponsorship Change with the Florida Department of Environmental Protection; execute and exercise any documents required by the State to finalize the LWCF sponsorship change upon review and final approval of the County Attorney’s Office for legal sufficiency; and enter into a Memorandum of Understanding (MOU) with the City of Miami Gardens, in substantially the form in Attachment A.

Fiscal Impact/Funding Source

Processing the LWCF sponsorship change and entering into the MOU with the City will not cause a fiscal impact to Miami-Dade County.

Track Record/Monitor

The LWCF sponsorship change will be administered by the Parks, Recreation and Open Spaces Department’s (PROS) Grants Supervisor, Dorothy Mills-Mayers.

Background

In 1978 the County was awarded a \$300,000 grant by the State of Florida with LWCF funds for land acquisition for a public park, Rolling Oaks Park. Entering into the grant agreement with the State

Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners
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required PROS to manage the property according to administrative procedures and requirements for LWCF federal assistance by the NPS. To remain compliant with federal restrictions PROS must formally process the LWCF sponsorship change of Rolling Oaks Park from the County to the City. The City of Miami Gardens incorporated in 2003. As part of its incorporation, PROS’ neighborhood and community parks located within the municipal boundaries, including Rolling Oaks Park, were conveyed to the City in accordance with then Article 6 (now Article 7) of the Miami-Dade County Home Rule Charter. The transfer of the park to the City was authorized by an interlocal agreement approved by Board Resolution No. R-982-04. On September 29, 2004 PROS officially conveyed the Rolling Oaks Park property deed to the City, however, the sponsorship change was not included as part of interlocal agreement transferring the park to the City, and this MOU is required to formally process and complete the sponsorship change to the City. The City approved signing the MOU at their May 27, 2020 City council meeting.

The purpose of the MOU (Attachment A) is to provide confirmation that the City is aware that Rolling Oaks Park was acquired by the County with federal assistance from the LWCF and that the City agrees to maintain the Rolling Oaks Park property in public inventory and use for outdoor recreation purposes in perpetuity. The MOU will transfer LWCF sponsorship of the Rolling Oaks Park (Project No. 12-00138) to the City, and records that the City understands and will continue to uphold its role, as the property owner, in adhering to administrative procedures and requirements for LWCF federal assistance (Catalog of Federal Domestic Assistance #15.916) to the State of Florida by the Department of the Interior, NPS.

Attachment



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: May 4, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(H)(1)

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. 8(H)(1)
5-4-21

RESOLUTION NO. R-421-21

RESOLUTION AUTHORIZING MIAMI-DADE COUNTY TO PROCESS A LAND AND WATER CONSERVATION FUND SPONSORSHIP CHANGE WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR ROLLING OAKS PARK FROM THE MIAMI-DADE COUNTY PARKS, RECREATION AND OPEN SPACES DEPARTMENT TO THE CITY OF MIAMI GARDENS (CITY); AUTHORIZING A MEMORANDUM OF UNDERSTANDING (MOU) FOR THE SPONSORSHIP CHANGE WITH THE CITY; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE MOU AND OTHER DOCUMENTS AS REQUIRED

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. The Board of County Commissioners of Miami-Dade County hereby authorizes the County Mayor or County Mayor's designee to process the Land and Water Conservation Fund ("LWCF") Sponsorship Change with the Florida Department of Environmental Protection. The Board further authorizes the County Mayor or designee to execute and exercise any documents required by the State to finalize the LWCF Sponsorship Change upon review and final approval of the County Attorney's Office for legal sufficiency.

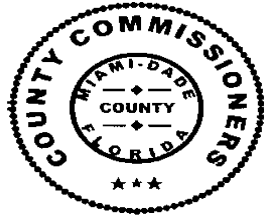
Section 2. The Board of County Commissioners of Miami-Dade County hereby authorizes the County Mayor or County Mayor's designee to enter into a Memorandum of Understanding with the City of Miami Gardens, in substantially the form attached hereto as

Attachment A and made a part hereof, recording that the City will continue to uphold its role, as the property owner, in adhering to administrative procedures and requirements for LWCF federal assistance (Catalog of Federal Domestic Assistance #15.916) to the State of Florida by the Department of the Interior, National Park Service.

The foregoing resolution was offered by Commissioner **Sally A. Heyman** , who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

	Jose “Pepe” Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	aye	
Sen. René García	aye	Keon Hardemon	absent
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of May, 2021. 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.

mjs

Melanie J. Spencer

ATTACHMENT A

MEMORANDUM OF UNDERSTANDING (MOU)

Between

Miami-Dade County

and the

City of Miami Gardens

This is a binding agreement between "Miami-Dade County", hereinafter called the **County** and the "City of Miami Gardens", hereinafter called the **City**, in reference to the "Land and Water Conservation Fund", hereinafter called LWCF, 6(f)(3) restriction at Rolling Oaks Park.

I. PURPOSE & SCOPE

The purpose of this MOU is to provide confirmation that the City acknowledges and is aware that Rolling Oaks Park, 18701 NW 17 Court, Miami Gardens, FL, 33056, was acquired by the County with federal assistance from the LWCF. As part of the County's conveyance of the Rolling Oaks Park property to the City, the County will transfer LWCF sponsorship of the "Rolling Oaks Park" (Project No. 12-00138) to the City. This document records that the City understands and will continue to uphold its role, as the property owner, in adhering to administrative procedures and requirements for LWCF federal assistance (Catalog of Federal Domestic Assistance #15.916) to the State of Florida by the Department of the Interior, National Park Service (NPS). The City additionally acknowledges that it has received the most recent edition of the NPS LWCF State Assistance Program – Financial Assistance Manual, Volume 69 (2008) as a guide to assure compliance with program requirements for ongoing administration of the site.

II. LWCF BACKGROUND

The LWCF State Assistance Program was established by the LWCF Act of 1965 (Section 6, Land and Water Conservation Fund Act of 1965, as amended; Public Law 88-578; 16 U.S.C. 4601-4 et seq.) to stimulate a nationwide action program to assist in preserving, developing, and assuring to all citizens of the United States of present and future generations such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation. The program provides matching grants to States and through States to local units of government, for the acquisition and development of public outdoor recreation sites and facilities. Grant funds are also available, to States only, for fulfilling the statewide comprehensive outdoor recreation planning requirements of the program.

The LWCF program was administered by the Bureau of Outdoor Recreation from its beginning in 1965 to 1978 when the Heritage Conservation and Recreation Service (HCRS) was created. HCRS then administered the program until 1981 when the LWCF was transferred to the NPS.

Since the origin of the program in 1965, more than 40,000 projects have been approved to assist state and local efforts to acquire land and develop facilities for public outdoor recreation purposes. The federal investment has been matched by state and local contributions for a total LWCF grant investment of over \$7.4 billion. A LWCF-assisted park is located in over 98 percent of counties in the United States.

III. ROLLING OAKS PARK BACKGROUND

The County's Parks, Recreation and Open Spaces Department prepared the "Rolling Oaks Park" application, requesting federal financial assistance from the LWCF to aid the County in the land acquisition of 30.08 acres for development into a public park. In 1978, the County was awarded acquisition funds for "Rolling Oaks Park" (Project No. 12-00138) and entered into a grant agreement with the State of Florida, solidifying its obligation to manage the property according to the administrative procedures and requirements for LWCF federal assistance, by the Department of the Interior, NPS.

The City of Miami Gardens incorporated in 2003. As part of its incorporation, the County owned neighborhood and community parks located within the municipal boundaries, including Rolling Oaks Park, were conveyed to the City in accordance with Article 6 of the County Home Rule Charter. The transfer of the park to the City was authorized and approved by County Resolution No. R-982-04. On September 29, 2004, the County officially conveyed the Rolling Oaks Park property deed to the City.

IV. COUNTY's RESPONSIBILITIES UNDER THIS MOU

The County intends to undertake the following activities:

1. Process a Sponsorship Change from the County to the City with the State of Florida's State Liaison Officer.

Upon completion of the Sponsorship Change, the County intends to provide the following:

1. Provide County records of Rolling Oaks LWCF application and correspondence to the City.

V. THE CITY's RESPONSIBILITIES UNDER THIS MOU

The City intends to undertake the following activities:

1. Operate and maintain by acceptable standards the LWCF acquired land, Rolling Oaks Park (Project No. 12-00138), for the purpose of public outdoor recreation for perpetuity.
2. Adhere to the administrative procedures and requirements for LWCF federal assistance according to the guidelines detailed in the NPS LWCF State Assistance Program – Financial Assistance Manual, Volume 69 (2008).

VI. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

1. The County and the City, the "PARTIES" agree to the transfer of LWCF Sponsorship for "Rolling Oaks Park" (Project No. 12-00138) from the County to the City as part of the park's conveyance.

2. The PARTIES agree that any request for changes to this MOU must be made in writing and all changes requires approval of each Party's authorized official.

3. The Authorized Officials are as follows:

The County: Miami-Dade County, 111 NW 1 Street, 29th Floor, Miami FL 33128
~~111 NW 1 Street, Suite 625, Miami, FL 33128~~
Attn: Michael Spring, Senior Advisor, Office of the Mayor
Ph. (305) 375-5049; Email: Michael.Spring@miamidade.gov
Attn: Jimmy Morales, Chief Operations Officer, Office of Mayor Daniella Levine Cava
Ph. (305) 375-2531; Email: Jimmy.Morales2@miamidade.gov

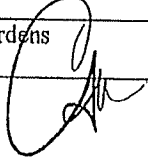
The City: Miami Gardens
18605 NW 27 Avenue, Miami Gardens, FL 33056
Attn: Cameron D. Benson
Ph. (305) 622-8080; Email: cbenson@miamigardens-fl.gov

VII. EFFECTIVE DATE AND SIGNATURE

This MOU shall be effective upon the signature of the County and the City authorized officials. It shall be in force from _____ to perpetuity.

Both Parties indicate agreement with this MOU by their signatures.

Signatures and Dates

Miami-Dade County	City of Miami Gardens
(signature)	(signature) 
Michael Spring, Senior Advisor, Office of the Mayor	Cameron Benson, City Manager
(printed name and title)	(printed name and title)
(date)	(date) 8/13/2020