

MEMORANDUM

Agenda Item No. 7(F)

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

DATE: (Second Reading: 2-1-22)
November 16, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance creating the
Westchester Cultural Arts
Center Advisory Board; creating
article XXXIIIC of chapter 2 of
the Code; providing for purpose,
composition and duties of the
Board and other related matters

Ordinance No. 22-16

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.


Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: February 1, 2022

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 Ordinance Relating to the Westchester Cultural Arts Center
Advisory Board – File No. 212758

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County. Existing staff in the Cultural Affairs Department will assist with oversight of the work for the Westchester Cultural Arts Center Advisory Board.

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

Morris Copeland
Chief Community Services Officer

Memorandum



Date: February 1, 2022

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

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to the Westchester Cultural Arts
Center Advisory Board - File No. 212758

The Westchester Cultural Arts Center Advisory Board will provide a social benefit as it is intended to provide guidance regarding the best uses and programming to serve residents and visitors to a cultural facility in an area of the County that has been underserved regarding opportunities to experience and learn about the arts. Existing County staff can help oversee the work of the Westchester Cultural Arts Center Advisory Board and the commitment of their time and resources is commensurate to the benefits from the performances and events that will be available to residents and visitors, regardless of their demographics or income level.



Morris Copeland
Chief Community Services Officer

Memorandum



Date: February 1, 2022

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: Report on the Creation of the Westchester Cultural Arts Center Advisory Board – File No. 212758

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.

1. The Westchester Cultural Arts Center Advisory Board (WCACAB) shall serve as a liaison with the County Mayor, the department overseeing the operations of the Westchester Cultural Arts Center (Center), and the sitting Commissioner of the district where the Center is located and shall support the Center in carrying out its purpose, including public programming. The department overseeing the operations of the Center is the Department of Cultural Affairs and the Center is located in District 10 at the entrance of Tropical Park.
2. The WCACAB will advise the County Mayor, the Department of Cultural Affairs and the Commissioner of District 10 on the Center's operations, performances and other policy matters pertaining to the Center and will assist with raising funds for the administration and operation of the Center including, but not limited to, the provision of scholarships to children for participation in programming provided at the Center. While there are no other County boards that have these specific responsibilities, the County has an operating and management agreement with Roxy Theatre Group (Roxy) and Roxy is a nonprofit cultural organization with a board of directors responsible for its operations, programming, and fundraising. In addition, the Cultural Affairs Council is the County advisory board for the Department of Cultural Affairs which oversees the operations of the Center and is responsible on behalf of the County for the operating and management agreement with Roxy.
3. The WCACAB will consist of 7 board members, all appointed by the sitting District 10 County Commissioner. The Commissioner also will appoint the WCACAB Chairperson.
4. Staff from the Department of Cultural Affairs can support the WCACAB, including responsibilities for: maintaining its records; preparing agendas, reports, documents, resolutions, correspondence for quarterly and other meetings deemed necessary by the WCACAB; taking minutes; and administering the business and affairs of the WCACAB, subject to budgetary limitations. It is anticipated that Roxy will interact with the WCACAB to ensure that efforts are coordinated and complementary.
5. The WCACAB will provide an annual report to the County Mayor, the Commissioner of District 10, and the Department of Cultural Affairs.

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

Morris Copeland
Chief Community Services Officer



MEMORANDUM

(Revised)

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

DATE: February 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(F)

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(F)
2-1-22

ORDINANCE NO. 22-16

ORDINANCE CREATING THE WESTCHESTER CULTURAL ARTS CENTER ADVISORY BOARD; CREATING ARTICLE XXXIIIC OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR PURPOSE, COMPOSITION AND DUTIES OF THE BOARD AND OTHER RELATED MATTERS; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in 2004, the voters of Miami-Dade County approved funding for the Westchester Cultural Arts Center (the “Center”) through the Building Better Communities General Obligation Bond Program; and

WHEREAS, on June 17, 2008, this Board, after determining that Tropical Park was the most appropriate location for the Center and that the construction of the Center will benefit the community and add to the quality of life of the residents of Miami-Dade County, approved a resolution to present a referendum ballot question to voters countywide to permit the construction of the Center in Tropical Park under Article 7 of the Miami-Dade County Home Rule Charter (“County Charter”); and

WHEREAS, on August 26, 2008, a special election was held and the referendum question was approved by a majority vote of voters for the construction of the Center at Tropical Park; and

WHEREAS, in July 2015, this Board awarded a professional service contract for architectural, engineering and specialty consultants to design the Center and in February 2020, this Board awarded a construction contract for the construction of the Center; and

WHEREAS, on June 2, 2021, this Board approved Resolution No. R-537-21 to approve a change order to allow for the construction of the east park as the entrance to the Center; and

WHEREAS, the construction of the Center is complete and the results are stunning; and

WHEREAS, the Center is a state-of-the-art performing and cultural arts center prominently and centrally located at the entrance to Tropical Park facing Bird Road, right off of the Palmetto Expressway; and

WHEREAS, the east park is still under construction and, when completed, will serve as an additional amenity for the Center and for recreation at Tropical Park; and

WHEREAS, the Center is expected to host children's theater productions, musical performances for the community, cultural exhibitions, and a variety of other programs and events year-round as well as outdoor activities and performances such as movie nights, "noches tropicales," recreational programs, and food festivals; and

WHEREAS, on July 8, 2021, this Board approved an operating and management agreement for the operations and management of the Center; and

WHEREAS, this Board desires to establish an advisory board to advise the County Mayor, the administrative County department overseeing the operations of the Center, and the sitting County Commissioner of the district where the Center is located on the best uses of the Center and desirable programming at the Center to help guide management of the Center,

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

Section 1. Article XXXIIIC of Chapter 2 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

ARTICLE XXXIIIC

WESTCHESTER CULTURAL ARTS CENTER ADVISORY BOARD

Sec. 2-307. Creation and Purpose; Applicability of State and County Rules and Procedures.

- (a) *Creation.* The Westchester Cultural Arts Center Advisory Board (“WCAC Board”) is hereby created.
- (b) *Purpose.* The purpose of the WCAC Board is: (a) to advise the County Mayor, the administrative County department overseeing the operations of the Center (as defined below), and the sitting County Commissioner of the district where the Center is located (the “Commissioner”) regarding the best uses of the Westchester Cultural Arts Center located at 7930 SW 40th Street in Tropical Park (the “Center”) and desirable programming at the Center; and (b) serve as a resource to the County for matters related to the Center. The County Mayor, Mayor’s designee or the administrative County department overseeing the operations of the Center may use the information and advice provided by the WCAC Board to advise the operator of the Center regarding programming and other matters related to the Center.
- (c) *Applicability of Laws.* The WCAC Board 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 WCAC Board 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 WCAC Board 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. 2-308. Composition; membership.

- (a) *Composition.* The WCAC Board shall be comprised of a total of seven voting members. Each member of the WCAC Board shall be appointed by the Commissioner.
- (b) *Qualifications.* Each member of the WCAC Board shall be a permanent resident and duly qualified elector of Miami-Dade County and shall have knowledge of and interest in any established area of the arts, including but not limited to, performing arts, visual arts, and musical arts.

- (c) *Compensation.* WCAC Board members shall serve without compensation.
- (d) *Vacancies.* Vacancies shall be filled in the same manner by which original members were appointed.
- (e) *Tenure and Removal.* All WCAC Board members shall serve at the will of the Commissioner. The Commissioner may, at any time, with or without cause, remove said board members from the WCAC Board by notifying said members in writing 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. 2-309. Organization; Meetings.

- (a) *Bylaws, Rules, and Regulations.* The WCAC Board shall establish, adopt, and amend bylaws, rules, and regulations for its own governance.
- (b) *WCAC Board Chairperson.* The Commissioner shall appoint the WCAC Board chairperson. The chairperson shall serve at the will of the Commissioner and may be removed from being chairperson at any time with or without cause. The chairperson shall preside at all meetings. In the absence of the chairperson, the WCAC Board, through a majority vote of appointed members, may select a member of the WCAC Board to preside over meetings.
- (c) *Staff support.* The Mayor or the Mayor's designee and the staff of the Commissioner shall provide appropriate support to the WCAC Board to enable it to carry out its duties and responsibilities. The County Attorney shall provide legal counsel to the WCAC Board. Among its duties and responsibilities, the Mayor or Mayor's designee shall assign staff to:
 - A. maintain and keep the records of the WCAC Board, including ensuring the WCAC Board'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 WCAC Board 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 WCAC Board, 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 WCAC Board, who shall serve at the will of the Mayor or Mayor's designee.

- (d) *Quorum.* A quorum shall be required to transact any business or exercise any power vested in the WCAC Board. A quorum for the WCAC Board shall consist of a majority of those persons duly appointed to the WCAC Board, provided that at least half of the full board membership has been appointed. The WCAC Board shall not transact business or exercise its powers unless a majority of the quorum in attendance votes in favor of the activity.
- (e) *Meetings.* The WCAC Board shall hold quarterly meetings and such other meetings, as it deems necessary.

Sec. 2-310. Duties; powers; responsibilities.

The WCAC Board shall have the following duties, powers and responsibilities:

- (a) The WCAC Board shall provide the County Mayor, the Commissioner and the administrative County department overseeing the operations of the Center with information pertaining to the Center including but not limited to, the operations thereof, and performances showcased therein.
- (b) The WCAC Board shall assist in raising funds to support the administration and operation of the Center, including but not limited to, for the provision of scholarships to children desiring to participate in the programming provided at the Center.
- (c) The WCAC Board shall research "best practices" policies, as well as activities and programming related to performances, exhibitions, education and programing at the Center.
- (d) The WCAC Board shall act as an advisor to the County Mayor, the Commissioner and the administrative County department overseeing the operations of the Center on all other policy matters pertaining to the Center.

- (e) The WCAC Board shall report at least annually to the County Mayor, the Commissioner and the administrative County department overseeing the operations of the Center as to its activities, recommendations, and other relevant issues and shall appear as needed before the Board to present any matters pertinent to the Center. The completed reports required by this section shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

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:

February 1, 2022

Approved by County Attorney as
to form and legal sufficiency:

GKS for GBK
MRP

Prepared by:

Monica Rizo Perez

Prime Sponsor: Senator Javier D. Souto