

**OFFICIAL FILE COPY  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA**

# MEMORANDUM

Agenda Item No. 5(F)

**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** (Public Hearing: 10-17-23)

October 3, 2023

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Ordinance relating to Building Better Communities Citizens' Advisory Committee ("Bond Committee"); amending section 2-1803 of the Code; providing that the Board may waive, by a two-thirds vote of Board members present, the requirement that the Bond Committee consider and advise the Board on the use of surplus funds or unspent allocations from the Building Better Communities General Obligation Bond Program ("Bond Program"); making technical amendments; approving, following public hearing, deletion of Bond Program Project No. 329 – "Improvements to the Florida Grand Opera Theater" and addition of new Bond Program Project No. 388 – "North Dade Cultural Arts Center" using \$5,000,000.00 of surplus funds from deleted Project No. 329; waiving, by a two-thirds vote of Board members present, Bond Committee review to approve new Project No. 388

Ordinance No. 23-92

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Oliver G. Gilbert, III.

  
Geri Bonzon-Keenan  
County Attorney

GBK/uw

MDC001

# Memorandum



**Date:** October 17, 2023

**To:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava   
Mayor

**Subject:** Fiscal Impact Statement for Ordinance Relating to Building Better  
Communities General Obligation Bond Program

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The proposed Ordinance seeks to amend Section 2-1803 of the Code of Miami Dade County relating to the Building Better Communities Citizens' Advisory Committee ("Bond Committee"), providing that the Board of County Commissioners ("Board") may waive, by a two-thirds vote of Board members present, the requirement that the Bond Committee consider and advise the Board on the use of surplus funds or unspent allocations from the Building Better Communities General Obligation Bond Program ("Bond Program").

The proposed Ordinance further amends the Bond Program by deleting Bond Program Project No. 329 – "Improvements to the Florida Grand Opera Theatre" from Appendix A to Resolution No. R-919-04, creating the new Bond Program Project No. 388 – "North Dade Cultural Arts Center" and reallocating \$5,000,000.00 of recaptured surplus funds from the deletion of Bond Program Project No. 329 to Bond Program Project No. 388.

If implemented, the approval of this ordinance will have no fiscal impact to the County as the funds transferred from Project No. 329 to newly created Project No. 388 total \$ 5,000,000.00 and the modification does not exceed the original allocations that were approved by the voters on November 2, 2004.

A blue ink signature of Carladenise Edwards, consisting of a stylized "C" followed by several loops.

Carladenise Edwards  
Chief Administrative Officer

# Memorandum



**Date:** October 17, 2023

**To:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava   
Mayor

**Subject:** Social Equity Statement for Ordinance Relating to Building Better  
Communities General Obligation Bond Program

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The proposed Ordinance seeks to amend Section 2-1803 of the Code of Miami Dade County relating to the Building Better Communities Citizens' Advisory Committee ("Bond Committee"), providing that the Board of County Commissioners ("Board") may waive, by a two-thirds vote of Board members present, the requirement that the Bond Committee consider and advise the Board on the use of surplus funds or unspent allocations from the Building Better Communities General Obligation Bond Program ("Bond Program").

The proposed Ordinance further amends the Bond Program by deleting Bond Program Project No. 329 – "Improvements to the Florida Grand Opera Theatre" from Appendix A to Resolution No. R-919-04, creating the new Bond Program Project No. 388 – "North Dade Cultural Arts Center" and reallocating \$5,000,000.00 of recaptured surplus funds from the deletion of Bond Program Project No. 329 to Bond Program Project No. 388.

If implemented, the approval of this Ordinance could provide a social benefit to the residents in the City of Miami Gardens and adjacent municipalities, via the construction of the North Dade Cultural Arts Center and the resulting cultural arts and performances it will provide to the residents of the North Dade community.

A blue ink signature of Carladenise Edwards, consisting of a stylized 'C' followed by several loops.

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Carladenise Edwards  
Chief Administrative Officer



## MEMORANDUM

(Revised)

**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** October 17, 2023

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 5(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. 5(F)  
10-17-23

ORDINANCE NO.                      23-92

ORDINANCE RELATING TO BUILDING BETTER COMMUNITIES CITIZENS' ADVISORY COMMITTEE ("BOND COMMITTEE"); AMENDING SECTION 2-1803 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING THAT THE BOARD MAY WAIVE, BY A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT, THE REQUIREMENT THAT THE BOND COMMITTEE CONSIDER AND ADVISE THE BOARD ON THE USE OF SURPLUS FUNDS OR UNSPENT ALLOCATIONS FROM THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM ("BOND PROGRAM"); MAKING TECHNICAL AMENDMENTS; APPROVING, FOLLOWING PUBLIC HEARING, DELETION OF BOND PROGRAM PROJECT NO. 329 – "IMPROVEMENTS TO THE FLORIDA GRAND OPERA THEATER" AND ADDITION OF NEW BOND PROGRAM PROJECT NO. 388 – "NORTH DADE CULTURAL ARTS CENTER" USING \$5,000,000.00 OF SURPLUS FUNDS FROM DELETED PROJECT NO. 329; WAIVING, BY A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT, BOND COMMITTEE REVIEW TO APPROVE NEW PROJECT NO. 388; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, on November 2, 2004, the voters of Miami-Dade County approved, through eight referendum questions, the issuance of \$2,900,000,000.00 for the Building Better Communities General Obligation Bond Program ("Bond Program") to allow the County to issue long-term bonds to fund more than 300 neighborhood and regional capital projects; and

**WHEREAS**, shortly thereafter, in 2005, this Board established, pursuant to Ordinance No. 05-70, the Building Better Communities Citizens' Advisory Committee ("Bond Committee") for the purpose of advising the Mayor and the Board of County Commissioners regarding the Bond Program; and

**WHEREAS**, among the duties of the Bond Committee is to advise on the use of any surplus bond project funds and unspent allocations derived from those projects specifically identified in the Bond Program's eight authorizing resolutions; and

**WHEREAS**, before the Board may consider and approve the allocation and use of surplus funds and unspent project allocations, the Bond Committee must consider and provide advice on such proposed allocation and use; and

**WHEREAS**, through the adoption of Ordinance No. O-18-133, the Board of County Commissioners amended the meeting requirements for the Bond Committee from no less than four times per year to only those meetings deemed necessary; and

**WHEREAS**, while this Code of Miami-Dade County, Florida ("County Code") change may have eliminated a burdensome meeting requirement, there may be instances where it is necessary for this Board to move expeditiously on the allocation and use of surplus funds and unspent project allocations from the Bond Program and it is not in the best interest of the County to wait to convene a meeting of the Bond Committee before an item may be presented to this Board regarding the use and allocation of surplus funds and unspent project allocations; and

**WHEREAS**, this Board desires to amend the requirements of the County Code to allow the Board to waive, by a two-thirds vote of Board members present, the requirement that the Bond Committee consider and provide advice on the use of surplus funds and unspent project allocations prior to the Board taking action on same; and

**WHEREAS**, pursuant to the most recent Quarterly Report provided by the Bond Committee in conjunction with the Office of Management and Budget, there are currently projects in six of the eight Bond Program's authorizing resolutions that have yet to expend funds for their dedicated purposes; and

**WHEREAS**, since the adoption of the Bond Program’s authorizing resolutions in 2004, the demographics and priorities of this community have evolved as evidenced by various significant modifications, deletions and additions to projects that have occurred since the adoption of the authorizing resolutions; and

**WHEREAS**, one of the referendum questions in the Bond Program approved by voters pursuant to Resolution No. R-919-04 (the “Cultural Resolution”) was for the issuance of \$552,692,000.00 to construct and improve libraries, cultural facilities, and Head Start learning centers for pre-school children to offer multicultural educational opportunities and activities; and

**WHEREAS**, Appendix A to the Cultural Resolutions lists projects eligible for funding from the Bond Program by project number, municipal project location, County Commission district, project name, project description, street address and allocation; and

**WHEREAS**, one of the projects listed in the Cultural Resolution is Project No. 329 – “Improvements to the Florida Grand Opera Theatre,” (“Project No. 329”) with an original allocation of \$5,000,000.00, a project address of NE 14<sup>th</sup> Street and NE 2<sup>nd</sup> Avenue, a municipal location of “countywide,” and a project description that provides: “GOB funds complement other funding to construct and equip a 485-seat state-of-the-art theater as a component of the Anderson Opera Center on N.E. 14<sup>th</sup> Street and N.E. 2<sup>nd</sup> Avenue in the new downtown arts and entertainment district”; and

**WHEREAS**, the original project address noted above has been developed to be a residential tower adjacent to the completed Adrienne Arsht Center for the Performing Arts of Miami-Dade County; and

**WHEREAS**, the Florida Grand Opera has since purchased and renovated space in Doral and relocated from downtown Miami, and has not sought to enter into a contract with the County for the construction and equipping of a 485-seat theater as contemplated by Project No. 329; and

**WHEREAS**, accordingly, this Board desires to approve the deletion of Project No. 329 from Appendix A to the Cultural Resolution thereby resulting in \$5,000,000.00 of surplus Bond Program funds; and

**WHEREAS**, the Miami Gardens Community Redevelopment Agency (the “Agency”) seeks to construct a North Dade Cultural Arts Center to serve the North Dade community with world-class productions and performances; and

**WHEREAS**, accordingly, this Board desires to create a new Bond Program project to allocate the \$5,000,000.00 of surplus Bond Program funds available from the deletion of Project No. 329 to the new project; and

**WHEREAS**, specifically, this Board desires to create new Bond Program Project No. 388 titled “North Dade Cultural Arts Center,” with a municipal project location of “Miami Gardens,” located in Commission District 1, a street address of “To be Determined,” an allocation of \$5,000,000.00 and a project description that provides as follows: “Bond funds will complement other funding to design and construct the North Dade Cultural Arts Center”; and

**WHEREAS**, the recipient of the \$5,000,000.00 allocation from the new project will be the Agency,

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

**Section 1.** Section 2-1803 of the Code of Miami-Dade County, Florida (“County Code”), is hereby amended as follows:<sup>1</sup>

**Sec. 2-1803. – Duties of the Advisory Committee.**

The Advisory Committee shall have the following duties, responsibilities and functions.

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<sup>1</sup> 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.

- (1) To review and monitor performance and program achievements related to the Bond Program.
- (2) To periodically advise the Mayor, >>and<< the County Commission ~~[[and—County—Manager]]~~, and assist in informing the community regarding the Building Better Communities General Obligation Bond Program's accomplishments on projects as approved by the electorate on November 2, 2004.
- (3) To assist in the preparation of quarterly reports to the Mayor and the County Commission, and annual written report to the community describing the progress of the Building Better Communities General Obligation Bond Program. The Advisory Committee may also periodically provide advice, by either a written resolution or oral presentation, as may be requested by the County Commission, at regularly scheduled Commission meetings in accordance with the terms of this Ordinance.
- (4) >>Unless waived by a two-thirds vote of the County Commissioners then present, to<< ~~[[To]]~~ advise on the use of any surplus bond project funds or unspent allocations derived from those projects specifically identified in Resolution Numbers R-912-04, R-913-04, R-914-04, R-915-04, R-916-04, R-917-04, R-918-04, and R-919-04, and set forth in informational pamphlets and media releases distributed by the County to the public prior to said election.
- (5) To participate, along with County staff, in citizen outreach efforts relating to the Bond Program.
- (6) To promulgate rules consistent with this Ordinance for the conduct of its meetings and the discharge of its responsibilities.
- (7) To 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 keeping of records including the preservation of all audit rights.
- (8) Any member shall be automatically removed if, in a given calendar year; (i) he/she is absent from three (3) consecutive meetings or, (ii) he/she is absent from more than 50% of all the committee meetings held during a year. A member shall be deemed absent when he/she is not present at the meeting for at least 75% of its duration.

**Section 2.** This Board approves, following a public hearing, the deletion of Bond Program Project No. 329.

**Section 3.** This Board waives, by a two-thirds vote of Board members present, the requirements of Bond Committee review of the use of surplus funds to approve, and does hereby approve, following a public hearing, the addition of new Bond Program Project No. 388 – “North Dade Cultural Arts Center,” with a municipal project location of “Miami Gardens,” located in Commission District 1, a street address of “To Be Determined,” an allocation of \$5,000,000.00 and a project description that provides as follows: “Bond funds will complement other funding to design and construct the North Dade Cultural Arts Center.”

**Section 4.** 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 5.** It is the intention of the Board of County Commissioners, and it is hereby ordained that: (a) the provisions of section 1 of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida; (b) the provisions of sections 2 and 3 of this ordinance shall be excluded from the County Code; and (c) the provisions of sections 2 and 3 of this ordinance may be amended, repealed, deleted, revised or supplemented by resolution of the Board. 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 6.** 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:

October 17, 2023

Approved by County Attorney as  
to form and legal sufficiency:

GKS for GBK

Prepared by:

MRP

Monica Rizo Perez

Prime Sponsor: Chairman Oliver G. Gilbert, III