

# MEMORANDUM

Agenda Item No. 11(A)(25)

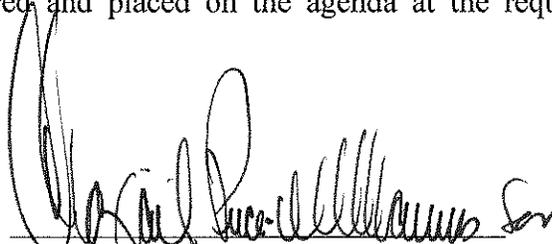
**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** September 4, 2013

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging the United States Department of Justice to dismiss the litigation it has filed seeking to block the merger of American Airlines and US Airways; urging the Department of Justice to revise its position to approve the merger of American Airlines and US Airways; urging the Florida Attorney General to revisit her support of the United States Department of Justice litigation seeking to block the merger of American Airlines and US Airways

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



R. A. Cuevas, Jr.  
County Attorney

RAC/lmp



**MEMORANDUM**  
(Revised)

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

**DATE:** September 4, 2013

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R. A. Cuevas, Jr.  
County Attorney

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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
- 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 \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) 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)(25)

9-4-13

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE UNITED STATES DEPARTMENT OF JUSTICE TO DISMISS THE LITIGATION IT HAS FILED SEEKING TO BLOCK THE MERGER OF AMERICAN AIRLINES AND US AIRWAYS; URGING THE DEPARTMENT OF JUSTICE TO REVISE ITS POSITION TO APPROVE THE MERGER OF AMERICAN AIRLINES AND US AIRWAYS; URGING THE FLORIDA ATTORNEY GENERAL TO REVISIT HER SUPPORT OF THE UNITED STATES DEPARTMENT OF JUSTICE LITIGATION SEEKING TO BLOCK THE MERGER OF AMERICAN AIRLINES AND US AIRWAYS

**WHEREAS**, Miami International Airport (MIA) is a global leader in international trade and commerce; and

**WHEREAS**, MIA competes with other airports, including but not limited to Atlanta and Houston, for passengers and cargo traffic; and

**WHEREAS**, MIA is the single largest economic force in Miami-Dade County, providing direct employment for over 35,000 people and generating hundreds of millions of dollars in direct and indirect revenue throughout the County; and

**WHEREAS**, American Airlines is the single largest carrier at MIA, and MIA is one of American Airlines' key hubs; and

**WHEREAS**, the proposed merger between American Airlines and US Airways will result in a stronger airline, and one which intends to continue to rely on MIA as a key hub; and

**WHEREAS**, Delta Airlines, which has a hub in Atlanta, and United Airlines, which has a hub in Houston, both merged with competitors in the past decade, creating larger, stronger airlines; and

**WHEREAS**, the United States Department of Justice approved those mergers as consistent with federal antitrust laws; and

**WHEREAS**, the Department of Justice, in this instance has filed suit to stop the merger of American Airlines and US Airways; and

**WHEREAS**, the Florida Attorney General along with six (6) other state attorneys general has joined the lawsuit filed by the United States Department of Justice to stop the merger of American Airlines and US Airways; and

**WHEREAS**, this litigation may stop or delay the merger of these two airlines; and

**WHEREAS**, this litigation could result in either a weaker airline hubbing through MIA than would have resulted through the merger, or will result in a period of prolonged uncertainty, which could impact growth, development, and investment at MIA; and

**WHEREAS**, those latter outcomes could potentially lead to job losses and direct economic hardship to the residents of Miami-Dade County,

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

**Section 1.** Urges the United States Department of Justice to dismiss the litigation it has filed seeking to block the merger of American Airlines and US Airways, and to approve the merger of American Airlines and US Airways.

**Section 2.** Urges the Florida Attorney General to revisit her position in support of the United States Department of Justice litigation seeking to block the merger of American Airlines and US Airways.

**Section 3.** Directs the Clerk of the Board to transmit a certified copy of this resolution to President Barack Obama, the members of the Florida Congressional Delegation, the

Attorney General of the United States, the United States Secretary of Transportation, the Governor of Florida, the Florida Attorney General and the Chair and Members of the Miami-Dade State Legislative Delegation.

**Section 4.** Directs the County's federal and state lobbyists to advocate for the action set forth in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2013 Federal and State Legislative Packages to include this item and to include this item in the 2014 Federal and State Legislative Packages when they are presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jean Monestime  
Sen. Javier D. Souto  
Juan C. Zapata

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of September, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Jess M. McCarty and David M. Murray