MEMORANDUM

Agenda Item No. 11(A)(2)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	October 7, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution directing the Mayor to prepare updated reports regarding County conveyances of property over the past ten years

This item was amended at the 8-28-14 Land Use & Development Committee to include an additional exclusion from the requirements set forth in the item, for any proposed conveyances that are currently the subject of continuous and ongoing negotiations.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

MEMORANDUM

(Revised)

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

DATE: October 7, 2014

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

SUBJECT: Agenda Item No. 11(A)(2)

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)(2)
10-7-14

RESOLUTION NO. _____

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO PREPARE UPDATED REPORTS REGARDING COUNTY CONVEYANCES OF PROPERTY OVER THE PAST TEN YEARS AND IDENTIFYING COUNTY-OWNED OR LEASED BUILDINGS THAT ARE VACANT OR NOT OTHERWISE BEING USED; TEMPORARILY PROHIBITING THE SALE OR LEASE OF COUNTY-OWNED PROPERTY FOR LESS THAN MARKET VALUE, UNTIL THIRTY DAYS AFTER THE TRANSMITTAL OF SUCH REPORTS

WHEREAS, over the past ten years, the County has conveyed or leased property to different entities for the purposes of economic development, promoting community interest and welfare, and for affordable housing; and

WHEREAS, certain conveyances of County-owned property have been made at values below the assessed value of that property, for lease payments that are less than market rental, or for nominal value; and

WHEREAS, the conveyance of real property owned by the County has the potential to generate additional revenue for the County; and

WHEREAS, Miami-Dade County currently owns a number of vacant properties or properties with buildings that are not currently occupied or otherwise being used; and

WHEREAS, pursuant to Resolution No. R-239-14, in March 2014, a report of vacant space in County-owned or leased buildings was provided to this Board; and

WHEREAS, pursuant to Resolution No. R-253-13, in July 2013, a report identifying conveyances of developable property worth in excess of $15,000.00 which were made to specific entities over the past ten years, but excluding governmental agencies, was provided to this Board; and

WHEREAS, it would be in the County's best interests for the Board to review the current inventory of County-owned developable real property, as well as to study past conveyances of County-owned real property for below market value, including conveyances to governmental entities, in order to assess the potential for future revenue generation opportunities; and

WHEREAS, an updated report to the Board identifying County-owned properties which have been conveyed or leased for less than market value, inclusive of conveyances to governmental entities, as well as an updated report of all existing properties which can be used or developed for use, would provide a global perspective to the Board; and

WHEREAS, in order to analyze past and potential future conveyances and to determine which conveyances would best maximize the County's resources, it would be in the best interest of the County to temporarily suspend the conveyance of County-owned property for less than market value, until thirty days following the transmittal of a report to the Board,

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

Section 1. This Board ratifies and adopts the matters set forth in the foregoing recitals.

Section 2. This Board directs the Mayor or Mayor's designee a) to update its report provided in March, 2014, identifying space in County-owned or leased properties that is either vacant or otherwise not being occupied or used and b) to update and supplement its report provided in July, 2013, identifying conveyances of County-owned properties over the past ten years, including long-term leases (over twenty years) and conveyances of properties, to include conveyances to governmental entities, but excluding short term leases (less than twenty years),

easements and conveyances via competitive bidding. For each particular conveyance, the report shall address:

i. The street address of the property (or the street location if there is no formal address);

ii. The folio number;

iii. The amount the County received for compensation, or receives in the form of lease payments, if any;

iv. The status of the construction on the conveyed property;

v. The status of the commitments made on the property regarding development, including whether the entity is currently in compliance with any and all requirements of the conveyance; and

vi. The length of time left on any long-term lease.

Section 3. This Board directs the Mayor or Mayor's designee to present the updated reports to this Board within sixty (60) days of the effective date of this resolution and shall place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 4. Commencing on the effective date of this resolution and continuing until (30) thirty days after the presentation of the updated reports to this Board, absent a showing of good cause for the necessity and urgency of the conveyance, no conveyances shall be made of County-owned property, via sale or lease, for less than market value. This section shall not apply to a) the proposed conveyance of property which already has been submitted for review by this Board or any Committee; b) conveyances for the construction of County infrastructure; [[~~or~~]] c) conveyances made pursuant to Florida Statute §125.35 >>or d) proposed conveyances that are currently the subject of continuous and ongoing negotiations<<.[1]

[1] Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. 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	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of October, 2014. 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.

Debra Herman
Sabrina Levin