

MEMORANDUM

Agenda Item No. 11(A)(6)

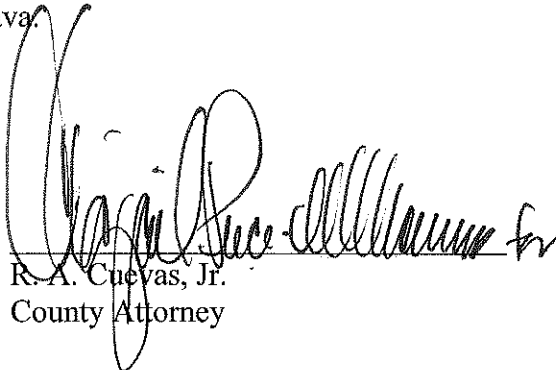
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: April 21, 2015

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

SUBJECT: Resolution establishing County policy to require disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.



R. A. Cuevas, Jr.
County Attorney


RAC/lmp



MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: April 21, 2015

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

SUBJECT: Agenda Item No. 11(A) (6)

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)(6)
4-21-15

RESOLUTION NO. _____

RESOLUTION ESTABLISHING COUNTY POLICY TO
REQUIRE DISCLOSURE OF MARKET VALUE OR MARKET
RENTAL IN LEGISLATIVE ITEMS AUTHORIZING THE
CONVEYANCE OR LEASE OF COUNTY-OWNED
PROPERTY TO PROMOTE PUBLIC DISCLOSURE AND
FISCAL RESPONSIBILITY

WHEREAS, over the past years, the County has conveyed or leased County-owned property to different entities for various purposes; and

WHEREAS, depending upon the type of conveyance or lease contemplated, such transactions may either be at market value or at a below market value; and

WHEREAS, the disclosure of the market value or market rental would promote fiscal responsibility, transparency, and allow the public to be fully aware of the circumstances surrounding the subject conveyance or lease; and

WHEREAS, the disclosure of the market value or market rental would be in the best interest of those not-for-profit entities which are the recipients of County conveyances or leases because this information could be used by not-for-profit entities to leverage additional support from other public or private entities; and

WHEREAS, the disclosure would help not-for-profit entities meet their financial reporting requirements with the Internal Revenue Service and the State of Florida Department of Agriculture and Consumer Services by providing the not-for-profits with the in-kind donation information that the federal and state governments require; and

WHEREAS, in evaluating the proposed conveyance or lease of County-owned property, it would assist this Board in such evaluation if the market value or market rental for the property was disclosed in the proposed legislative item or the accompanying Mayor's memorandum; and

WHEREAS, pursuant to County Code Section 2-10.4.2, prior to the sale or lease of real estate by the County, two appraisals must be performed if the value of the property is in excess of \$5 million; and

WHEREAS, market value disclosed to the Board can be that set forth in any appraisals which have been performed, or if no appraisal has been conducted, the market value which is set forth on the County Property Appraiser's website may be disclosed; and

WHEREAS, when leasing County property, County administration already conducts an in-house survey of the rental values in the area of the subject property in order to determine appropriate market rent in connection with the negotiation and execution of various proposed leases, and this Board desires to have the market rental disclosed to this Board in connection with the proposed lease of any County property; and

WHEREAS, providing the market rental rate for any County property would extend a practice which is currently in place for certain leases, and providing such information would not place an unreasonable burden on County staff,

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

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. It shall be the policy of this Board, when conveying County-owned property, that the market value of the property which is the subject of any proposed conveyance be disclosed to this Board. If an appraisal has been conducted, then any limiting assumptions or

conditions contained in the appraisal which affect the conclusion of market value shall also be disclosed to this Board. If no appraisal has been conducted, then the market value set forth in the Property Appraiser's website shall be disclosed. The Mayor or the Mayor's designee is directed to take all necessary actions to provide the market value of the subject property in connection with such required disclosure, on items sponsored by either a Commissioner or the administration. Disclosure of the market value shall be made in the Mayor's memorandum, or if none exists, in the body of the resolution.

Section 3. It shall be the policy of this Board when leasing County-owned property, that the market rental of the property which is the subject of any proposed lease be disclosed to this Board. The Mayor or the Mayor's designee is directed to take all necessary actions to provide the market rental in connection with such required disclosure, on items sponsored by either a Commissioner or the administration. In the event that circumstances exist preventing the determination of market rental with respect to a proposed County lease, such as lack of comparable rental properties or time sensitivity of the transaction, then such circumstances shall be disclosed in the resolution, and the market value in the Property Appraiser's website for the subject property shall be disclosed. Disclosure of the market rental or market value shall be made in the Mayor's memorandum, or if none exists, in the body of the resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. 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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

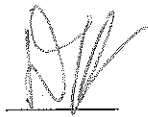
The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of April, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Debra Herman