MEMORANDUM

Agenda Item No. 14(A)(3)

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

DATE: March 17, 2015

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

SUBJECT: Resolution directing the County Mayor to include requirement in all aviation leases that sub-lessees at aviation facilities purchase insurance in favor of the County and original lessee at the same level as is required of the original lessee and to require sublesees provide such insurance as a condition of approval of sublease or sublease renewal

---

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

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

MEMORANDUM
(Revised)

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

DATE: March 17, 2015

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

SUBJECT: Agenda Item No. 14(A)(3)

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. 14(A)(3)

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO INCLUDE REQUIREMENT IN ALL AVIATION LEASES THAT SUB-LESSEES AT AVIATION FACILITIES PURCHASE INSURANCE IN FAVOR OF THE COUNTY AND ORIGINAL LESSEE AT THE SAME LEVEL AS IS REQUIRED OF THE ORIGINAL LESSEE AND TO REQUIRE SUBLESEES PROVIDE SUCH INSURANCE AS A CONDITION OF APPROVAL OF SUBLEASE OR SUBLEASE RENEWAL

WHEREAS, the County leases space at aviation facilities to entities who conduct business on County property; and

WHEREAS, the County requires lessees of space at aviation facilities to purchase insurance in favor of the County for the lessee's operations on County property; and

WHEREAS, some lessees of space at aviation facilities sub-lease the space to third parties who do not provide the same insurance coverage to the County; and

WHEREAS, the lack of insurance coverage by sub-lessees exposes the County to increased risk of loss and creates a competitive imbalance between sub-lessees and lessees of space at aviation facilities; and

WHEREAS, this Board desires to increase the County's coverage by additionally requiring sub-lessees at aviation facilities to also purchase insurance in favor of both the lessee and the County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the County Mayor or County Mayor's designee is directed to include in all new aviation leases or as a condition of

renewal of all existing aviation leases a requirement that sub-lessees provide insurance in favor of the lessee and the County in the same amount and type as is required by the County of the original lessee. The County Mayor or County Mayor's designee is further directed that, unless otherwise prohibited by the lease agreement, the County shall not approve any sub-lease agreement or the renewal of a sub-lease agreement between any aviation lessee and any prospective sub-lessee if such sub-lessee does not provide insurance in favor of the lessee and the County in the same amount and type as is required by the County of the original lessee.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata. 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 17th day of March, 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.

Oren Rosenthal