

MEMORANDUM

Agenda Item No. 11(A)(12)

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

DATE: October 5, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution creating the Miami-Dade Advisory Group on the sharing economy to review the local economic impact of peer-to-peer companies; providing for membership, organization and procedures; and setting forth purpose, function, responsibility, and sunset provision

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



Abigail Price-Williams *for*
County Attorney

APW/smm



MEMORANDUM

(Revised)

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

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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
- 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 _____, 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

Agenda Item No. 11(A)(12)

Veto _____

10-5-16

Override _____

RESOLUTION NO. _____

RESOLUTION CREATING THE MIAMI-DADE ADVISORY GROUP ON THE SHARING ECONOMY TO REVIEW THE LOCAL ECONOMIC IMPACT OF PEER-TO-PEER COMPANIES; PROVIDING FOR MEMBERSHIP, ORGANIZATION AND PROCEDURES; AND SETTING FORTH PURPOSE, FUNCTION, RESPONSIBILITY, AND SUNSET PROVISION

WHEREAS, modern commerce is increasingly impacted by the emergence and growth of peer-to-peer companies, such as Uber, Lyft, and Airbnb; and

WHEREAS, these companies have been collectively described as the “sharing economy” for their use of technology and social media to promote the sharing and re-use of underutilized assets such as cars, bicycles, tools, rooms, spaces, skills and other goods; and

WHEREAS, as described in a recent article in TechCrunch, the “sharing economy” has created a society where “Uber, the world’s largest taxi company, owns no vehicles, Facebook, the world’s most popular media owner, creates no content, Alibaba, the most valuable retailer, has no inventory, and Airbnb, the world’s largest accommodation provider, owns no real estate;” and

WHEREAS, the “sharing economy” presents both the immense promise of innovative job creation and also the considerable challenge of determining how to apply or alter current policies and regulations that never envisioned today’s technology; and

WHEREAS, there is a pressing need to analyze the impact that the “sharing economy” is having and will have on Miami-Dade County with all possible stakeholders to best ensure that Miami-Dade County can chart a path forward that will maximize the potential benefits to the local community; and

WHEREAS, other cities and local communities have taken measures to study this issue;
and

WHEREAS, the City of San Francisco, for example, created the Sharing Economy Working Group, which brought together city departments, neighborhood and community stakeholders, and representatives from “sharing economy” companies to assess how the city’s current land-use, planning, tax, and other laws impacted the “sharing economy” and to offer recommendations for policy alternatives to address those impacts; and

WHEREAS, this Board believes that Miami-Dade County can benefit from the creation of a similar working group,

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

Section 1. *Creation.* There is hereby created the Miami-Dade Advisory Group on the Sharing Economy (“Advisory Group”).

Section 2. *Purpose.* The purpose of the Advisory Group is to review the impact of peer-to-peer companies on the local economy of Miami-Dade County, consult with relevant government officials and local stakeholders, and provide detailed reports on a quarterly basis recommending the best way for Miami-Dade County to address or capitalize upon this impact.

Section 3. *Limitations on Authority.* The Advisory Group is advisory only and shall not have the power or authority to commit Miami-Dade County or any of its agencies or instrumentalities to any policies, incur any financial obligations or to create any liability, contractual or otherwise, on behalf of Miami-Dade County or any of its agencies or instrumentalities.

Section 4. *Membership.* The County Mayor or County Mayor's designee shall determine the membership for the Advisory Group, including a chairperson and vice-chairperson. The members shall have reputations for integrity and community service. The County Mayor or County Mayor's designee shall ensure that membership of the Advisory Group provides a representative sample of relevant stakeholders including, but not limited to, County and municipal government officials, neighborhood and community stakeholders, and representatives from "sharing economy" companies.

Section 5. *Organization and procedures at meetings.* The Advisory Group may establish, adopt, and amend bylaws, rules, and regulations for its own governance. The chairperson shall preside at all meetings at which he or she is present. The vice-chairperson shall act as chairperson in the absence of the chairperson. In order to transact any business or to exercise any power vested in the Advisory Group, a quorum consisting of a majority of those persons duly appointed shall be present. The members of the Advisory Group shall serve without compensation.

Section 6. *Regulations.* All proceedings of the Advisory Group shall be conducted in accordance with the Government in the Sunshine Law (section 286.011, Florida Statutes) and the Citizens Bill of Rights of the Miami-Dade County Home Rule Charter. The Advisory Group shall be deemed an "agency" for purposes of the Public Records Law. The Advisory Group shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, section 2-11.1 the Code of Miami-Dade County. All meetings of the Advisory Group shall be held at the discretion of the County Mayor or County Mayor's designee.

Section 7. *Reports.* The Advisory Group shall provide quarterly reports setting forth its findings and recommendations to the Board. The reports shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65 for consideration by the Board. The Board may then request such further work of the Advisory Group as may be in the public interest.

Section 8. *Staff.* The Advisory Group shall be provided adequate staff and support services by the County Mayor or County Mayor's designee. The staff shall maintain and keep records of the Advisory Group; prepared in cooperation with the chairperson, the agenda for each meeting; be responsible for the preparation of such reports, minutes, documents, or correspondence as the Advisory Group may direct; and, generally administer the business and affairs of the Advisory Group, subject to budgetary limitations. The Advisory Group may request that the Board provide such other specialized consulting expertise as it may determine to be necessary from time to time. The County Attorney's Office shall provide legal counsel, as needed, to the Advisory Group.

Section 9. *Sunset.* The Advisory Group shall sunset and stand dissolved on the 364th day from the effective date of this resolution unless the Board extends the term of service by majority vote.

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:

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Jean Monestime, Chairman

Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Dennis C. Moss

Sen. Javier D. Souto

Juan C. Zapata

Daniella Levine Cava

Audrey M. Edmonson

Barbara J. Jordan

Rebeca Sosa

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of October, 2016. 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.

MBV

Michael B. Valdes