

MEMORANDUM

Agenda Item No. 11(A)(5)

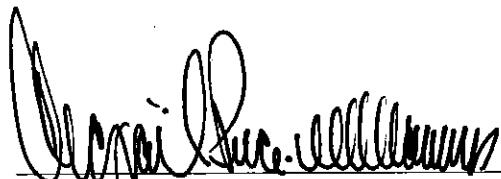
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: June 4, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to conduct a survey of properties which have been conveyed or leased by Miami-Dade County for development purposes to determine compliance with restrictions and potential for exercise of reverter or lease termination, to identify properties which are suitable for P3 Qualifying Projects and County needs for such projects; and requiring a report

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


Abigail Price-Williams
County Attorney

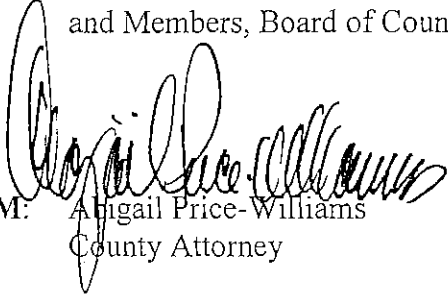
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MEMORANDUM
(Revised)

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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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)(5)

6-4-19

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CONDUCT A SURVEY OF PROPERTIES WHICH HAVE BEEN CONVEYED OR LEASED BY MIAMI-DADE COUNTY FOR DEVELOPMENT PURPOSES TO DETERMINE COMPLIANCE WITH RESTRICTIONS AND POTENTIAL FOR EXERCISE OF REVERTER OR LEASE TERMINATION, TO IDENTIFY PROPERTIES WHICH ARE SUITABLE FOR P3 QUALIFYING PROJECTS AND COUNTY NEEDS FOR SUCH PROJECTS; AND REQUIRING A REPORT

WHEREAS, on December 5, 2017, this Board adopted Ordinance No. 17-94, codified in section 2-8.6.5 of the Code of Miami-Dade County, Florida, to facilitate the solicitation and award of public-private partnership agreements in order to assist in the improvement and operations of County infrastructure and facilities; and

WHEREAS, the County's infrastructure and facilities from which public services are provided are vital and foundational elements for the proper functioning of the County and delivery of services to the community, which requires significant and ongoing improvements and upgrades; and

WHEREAS, public-private partnerships, if effectively used, can assist in meeting the County's facility and infrastructure needs, and thus provide benefits to the public; and

WHEREAS, it is in the County's best interests to identify existing or anticipated County needs for facilities or infrastructure and properties which may best be utilized in connection with P3 Qualifying Projects under Ordinance No. 17-94 to address those needs, and such properties should be identified so that such use can be prioritized; and

WHEREAS, in addition to County properties which are currently owned by the County, the County holds reversionary interests in other properties which may be suited for P3 Qualifying Projects; and

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

WHEREAS, it is the County's practice to include a lease termination in leases, and a reverter provision in conveyances, if the terms of the lease or conveyance are not met; and

WHEREAS, it is in the County's best interest to ensure that the terms of the conveyances or leases are being properly monitored, and that this Board is fully informed of circumstances where reverter provisions or lease termination have been triggered; and

WHEREAS, in the event of such non-compliance, it may be in the County's best interest to regain full ownership and control of such properties, in accordance with the original intent of this Board when approving such leases and conveyances; and

WHEREAS, in order to fully apprise this Board of the current status of such properties, this Board desires to have the County Mayor or County Mayor's designee survey properties which have been conveyed or leased for development purposes, document the status of compliance with any associated restrictions and requirements, identify those properties wherein the reverter provisions or lease termination have been triggered (the "Non-compliant Properties") and report the findings back to this Board; and

WHEREAS, this Board further desires to have the County Mayor or County Mayor's designee (1) identify existing or anticipated County needs for facilities or infrastructure which could be developed, financed, operated or maintained as P3 Qualifying Projects, (2) identify all other vacant, County-owned properties appropriate for such use, and (3) report the findings back to this Board; and

WHEREAS, it is in the best interest of this County to prioritize, where possible, the use of such properties, whether County-owned and vacant or Non-compliant Properties, that would be best suited for use in connection with P3 Qualifying Projects,

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. This Board directs the County Mayor or County Mayor's designee to: (a) identify the Non-compliant Properties, including the addresses, sizes and folio numbers of the Non-compliant Properties, and the persons or entities to whom such properties were conveyed or leased; (b) identify the provision of the deed or lease with which the grantee or lessee has not been in in compliance; (c) set forth any conditions or qualifications which must occur in order to effectuate the reverter or lease termination; and (d) identify the specific method and means by which the properties were analyzed for non-compliance.

Section 3. This Board further directs the County Mayor or County Mayor's designee to: (a) identify existing or anticipated County needs for facilities or infrastructure which could be developed, financed, operated or maintained as P3 Qualifying Projects; and (b) to identify all vacant, County-owned properties, including Non-compliant properties, appropriate for such use.

Section 4. This Board further directs the County Mayor or County Mayor's designee to prepare a report setting forth the information requested in sections 2 and 3 of this resolution, and to present the completed report to this Board within 90 days of the effective date of this resolution. Such completed report shall be placed on an agenda of this Board pursuant to Ordinance No. 14-65.

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:

Audrey M. Edmonson, Chairwoman	
Rebeca Sosa, Vice Chairwoman	
Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of June, 2019. 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.



Terrence A. Smith
Debra Herman