



MEMORANDUM

Agenda Item No. 11(A)(3)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 6, 2011

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

SUBJECT: Resolution directing the County Mayor to identify County facilities available for lease to Community-Based Organizations, to develop a process for evaluating, selecting and monitoring Community-Based Organizations who will rent County facilities, and to develop a lease for approval by the Board of County Commissioners

Resolution R-1083-11

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

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County Attorney

SUBJECT: Agenda Item No. 11(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 Manager'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)(3)
12-6-11

RESOLUTION NO. R-1083-11

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO IDENTIFY COUNTY FACILITIES AVAILABLE FOR LEASE TO COMMUNITY-BASED ORGANIZATIONS, TO DEVELOP A PROCESS FOR EVALUATING, SELECTING AND MONITORING COMMUNITY-BASED ORGANIZATIONS WHO WILL RENT COUNTY FACILITIES, AND TO DEVELOP A LEASE FOR APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

WHEREAS, Community-Based Organizations (CBOs) provide much-needed services to the residents of Miami-Dade County and promote the community interest and welfare; and

WHEREAS, the budgets of many CBOs are decreasing in the present economic climate while the needs of the residents they serve are increasing; and

WHEREAS, the County incurs maintenance costs on properties it owns but does not occupy or use for County purposes; and

WHEREAS, the County could deflect some of these maintenance costs by leasing these properties to CBOs that need operating space to provide much-needed services; and

WHEREAS, the CBOs could potentially reduce their operating budgets or increase the level of services they provide by leasing space from the County at a nominal or reduced rental rate; and

WHEREAS, Florida Statutes Section 125.38 provides a mechanism by which to lease County-owned properties to non-profit organizations at a nominal or reduced rate,

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

Section 1. The County Mayor or Mayor's designee is directed to identify all vacant or unoccupied County-owned properties that may be appropriate for lease to CBOs.

Section 2. The County Mayor or Mayor's designee is directed to develop a process and selection criteria for selecting CBOs to lease the properties identified in Section 1 and for future leasing of said properties to CBOs. The process developed shall incorporate the requirements of Florida Statutes Section 125.38. The selection criteria shall take into consideration such factors as the significance of the services provided by the applicant CBO and whether the County has reduced the applicant CBO's funding as a result of County budget reductions. The County Mayor or Mayor's designee is further directed to develop a system of monitoring and rating the CBOs who ultimately execute leases with the County through this program in order to ensure that, as the program continues, the most worthy CBOs are leasing County facilities.

Section 3. The County Mayor or Mayor's designee is directed to develop a lease suitable for the purpose of leasing the properties identified in Section 1 to CBOs. The lease shall include the term of lease; options to renew; termination provisions, including but not limited to for non-performance of the services anticipated; rent at a nominal or reduced rate; and the division of responsibilities and liabilities, including but not limited to the payment of utilities and maintenance of the property.

Section 4. The County Mayor or Mayor's designee is directed to return to this Board within ninety (90) days with the information, process, selection criteria and lease required by this resolution.

The Prime Sponsor of the foregoing resolution is Chairman Joe A. Martinez. It was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Lynda Bell** and upon being put to a vote, the vote was as follows:

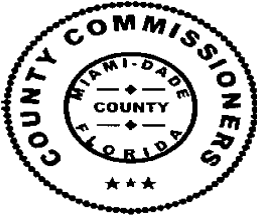
	Joe A. Martinez, Chairman	aye	
	Audrey M. Edmonson, Vice Chairwoman	aye	
Bruno A. Barreiro	aye	Lynda Bell	aye
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Jean Monestime	absent	Dennis C. Moss	aye
Rebeca Sosa	absent	Sen. Javier D. Souto	absent
Xavier L. Suarez	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of December, 2011. 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: **Christopher Agrippa**
Deputy Clerk



Approved by County Attorney as to form and legal sufficiency.

Brenda Kuhns Neuman