

## MEMORANDUM

Agenda Item No. 11(A)(7)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** October 7, 2014

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

**SUBJECT:** Resolution rescinding R-1071-92  
limiting subtenant rental rates  
at County's General Aviation  
Airports and replacing it with  
the airport tenant's obligation  
to comply with federal  
requirements as to subtenant  
rates

Resolution No. R-913-14

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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/smm

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**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

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County Attorney

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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
- 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)(7)  
10-7-14

RESOLUTION NO. R-913-14

RESOLUTION RESCINDING R-1071-92 LIMITING  
SUBTENANT RENTAL RATES AT COUNTY'S GENERAL  
AVIATION AIRPORTS AND REPLACING IT WITH THE  
AIRPORT TENANT'S OBLIGATION TO COMPLY WITH  
FEDERAL REQUIREMENTS AS TO SUBTENANT RATES

**WHEREAS**, pursuant to Resolution No. R-1071-92, this Board established the policy that airport subtenant rental rates that airport tenants are allowed to charge or receive as consideration for any commercial sublease, usage or operating agreement are limited to an amount not to exceed ten percent (10%) of the rental rate established by this Board, and paid by the tenant, for such premises; and

**WHEREAS**, this policy was implemented at the General Aviation Airports after Hurricane Andrew in 1992 in an effort to prevent gouging subtenants for diminished airport facility capacity as a result of hurricane damage; and

**WHEREAS**, today there is sufficient capacity of airport facilities to meet the demands of airport tenants and new facilities are scheduled to become available within the next twenty-four months. Therefore, the market should compensate to keep fair and reasonable subtenant rental rates at General Aviation Airport facilities; and

**WHEREAS**, this policy negatively impacts airport tenants' abilities to provide their subtenants services that are customary at General Aviation Airports; and

**WHEREAS**, rescinding this policy is in the best interest of the County as it will positively increase revenues and encourage economic development, benefitting both the County and the airport tenants; and

**WHEREAS**, this Board desires to modify the policy with regard to airport subtenant rental rates and replace it with the requirement that airport tenants must comply with federal requirements as to subtenant rates,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board hereby rescinds Resolution No. R-1071-92 and declares it to be the policy of Miami-Dade County that, in connection with the subleasing of property at the County's General Aviation Airports, aviation tenants must comply with the federal requirement that aviation sublease rates must be fair, reasonable and not unjustly discriminatory.

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> day of October, 2014. 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.

A handwritten signature in black ink, appearing to be "RAL", is written over a horizontal line.

Cynji A. Lee

A handwritten note in black ink that reads "date for CAL".