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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 8(J)(1)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	March 17, 2015
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution retroactively approving and authorizing the prior issuance of certain new County Stevedoring Licenses previously issued administratively by prior Seaport Directors without County Commission approval Resolution No. R-253-15

The accompanying resolution was prepared by Port of Miami Department and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: March 17, 2015

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

From: Honorable Carlos A. Gimenez,
Mayor

Subject: Resolution Retroactively Approving Prior Administrative Issuance of Certain New County Stevedoring Licenses

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RECOMMENDATION

It is recommended that the Board approve the accompanying resolution authorizing and approving the prior issuance of new stevedoring licenses, which were issued administratively without Board of County Commissioners approval.

SCOPE

PortMiami is located within District 5, which is represented by Commissioner Bruno A. Barreiro. The impact of this agenda item is countywide as PortMiami ("Port") is a regional asset and generates employment for residents throughout Miami-Dade County.

FISCAL IMPACT/FUNDING SOURCE

This proposed resolution will have no fiscal impact on PortMiami.

TRACK RECORD/MONITOR

The Port staff members responsible for monitoring this proposed resolution are Kevin Lynskey, Deputy Port Director, and Alissa Escobar-Penaloza, Principal Planner.

BACKGROUND

Pursuant to Chapter 28A-6 of the Code of Miami-Dade County, requests for new County stevedoring licenses are reviewed and issued by the Board of County Commissioners upon recommendation by the Mayor and subsequent to screening by the Miami-Dade Police Department, the Port Director and Port staff. Currently, under Chapter 28A-6.6 of the Code of Miami-Dade County, existing stevedoring licenses and Port stevedoring permits may be renewed by the Port Director without being presented to the Board when applicable requirements of Chapter 28A-6 of the Code and the Port Tariff are met.

The overwhelming majority of stevedoring license requests received by the Port each year are for renewals of existing licenses. For example, in 2014, the Port received approximately 20 requests for renewals of existing licenses, but only a single request for the issuance of a new license.

The Port went through an eight (8) year period (2001-2008) where it did not receive any applications for new licenses. The last new stevedoring licenses issued by the Board occurred in 2000. As part of the review process for recently proposed changes to Section 28A-6 of the County Code, the Port discovered that since 2009 thirteen (13) prior requests for new stevedoring licenses were processed like requests for license renewals and issued administratively, without approval from the Board. Although these administratively issued new licenses were not presented to the Board for approval, past Seaport administrative practices complied with all other Code requirements for new licenses. These requirements included conducting Miami-Dade Police Department criminal background checks of applicants, insurance requirement reviews by Port permitting staff, obtaining personal character and qualification information through Port-required personal character inquiry forms and Port stevedoring questionnaires. Once the

above mentioned requirements were met, the licenses would either be approved or denied by the Port Director.

As the administrative issuance of new licenses occurred in error, it is requested that the Board retroactively approve the 13 administratively issued new stevedoring licenses listed below:

1. 2009 new County stevedoring license issued to Christopher C. Arocha.
2. 2009 new County stevedoring license issued to James R. Callaham.
3. 2009 new County stevedoring license issued to Stefano Borzone.
4. 2009 new County stevedoring license issued to Charles Towsley.
5. 2010 new County stevedoring license issued to Jeff White.
6. 2010 new County stevedoring license issued to John David Morgan.
7. 2010 new County stevedoring license issued to John Ballestero.
8. 2010 new County stevedoring license issued to Lars Jakob Ljoen.
9. 2011 new County stevedoring license issued to John C. Gorman, Jr.
10. 2011 new County stevedoring license issued to Dusko Pesic.
11. 2012 new County stevedoring license issued to Albert Smalls, Jr.
12. 2013 new County stevedoring license issued to Bruno Ramos.
13. 2014 new County stevedoring license issued to Sherif Assal.

DELEGATED AUTHORITY

In accordance with Section 2-8.3 of the Code of Miami-Dade County requiring disclosure of delegations of Board authority contained in the body of contracts recommended for competitive award, this item contains no such delegations.

Jack Osterholt, Deputy Mayor

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. 8(J)(1)

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. 8(J)(1)
3-17-15

RESOLUTION NO. R-253-15

RESOLUTION RETROACTIVELY APPROVING AND AUTHORIZING THE PRIOR ISSUANCE OF CERTAIN NEW COUNTY STEVEDORING LICENSES PREVIOUSLY ISSUED ADMINISTRATIVELY BY PRIOR SEAPORT DIRECTORS WITHOUT COUNTY COMMISSION APPROVAL

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board retroactively approves and authorizes the prior issuance of the below-listed new (as opposed to renewal) County stevedoring licenses, which licenses were issued administratively by prior Seaport Directors, after examination by Seaport staff, without obtaining approval of this Board:

1. 2009 new County stevedoring license issued to Christopher C. Arocha;
2. 2009 new County stevedoring license issued to James R. Callaham;
3. 2009 new County stevedoring license issued to Stefano Borzone;
4. 2009 new County stevedoring license issued to Charles Towsley;
5. 2010 new County stevedoring license issued to Jeff White;
6. 2010 new County stevedoring license issued to John David Morgan;
7. 2010 new County stevedoring license issued to John Ballestero;
8. 2010 new County stevedoring license issued to Lars Jakob Ljoen;
9. 2011 new County stevedoring license issued to John C. Gorman, Jr.;
10. 2011 new County stevedoring license issued to Dusko Pesic;

11. 2012 new County stevedoring license issued to Albert Smalls, Jr.;

12. 2013 new County stevedoring license issued to Bruno Ramos; and

13. 2014 new County stevedoring license issued to Sherif Assal.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, 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:

Jean Monestime, Chairman			**aye**
Esteban L. Bovo, Jr., Vice Chairman			**aye**
Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

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: *Christopher Agrippa*
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. RJ for SBB

Steven B. Bass