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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(10)

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

DATE: September 1, 2015

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

SUBJECT: Resolution directing County Mayor to identify county-owned properties that have received prior or potential interest in being used or rented on a short-term basis to conduct private business; prepare and submit to the Board for its approval a recommended fee schedule or competitive bidding procedure based on an assessment of fair market rental value or another specifically identified valuation method for the use or rental of said properties to conduct private business; outline procedure for fee reductions and waivers subject to board approval

Resolution No. R-737-15

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/lmp

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MEMORANDUM

(Revised)

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

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SUBJECT: Agenda Item No. 11(A)(10)

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)(10)
9-1-15

RESOLUTION NO. R-737-15

RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO IDENTIFY COUNTY-OWNED PROPERTIES THAT HAVE RECEIVED PRIOR OR POTENTIAL INTEREST IN BEING USED OR RENTED ON SHORT–TERM BASIS TO CONDUCT PRIVATE BUSINESS; PREPARE AND SUBMIT TO THE BOARD FOR ITS APPROVAL A RECOMMENDED FEE SCHEDULE OR COMPETITIVE BIDDING PROCEDURE BASED ON AN ASSESSMENT OF FAIR MARKET RENTAL VALUE OR ANOTHER SPECIFICALLY IDENTIFIED VALUATION METHOD FOR THE USE OR RENTAL OF SAID PROPERTIES TO CONDUCT PRIVATE BUSINESS; OUTLINE PROCEDURE FOR FEE REDUCTIONS AND WAIVERS SUBJECT TO BOARD APPROVAL

WHEREAS, Section 21-29.1 of the Miami-Dade County Code makes it unlawful for any person, firm, corporation or other legal entity to engage in any private business, commercial activity, or to undertake to provide any service for compensation, or to advertise or display merchandise, or to transact any business for profit, or to solicit business, on any property or facilities owned or operated by Miami-Dade County without first obtaining a permit, concession, lease, or other authorization in writing approved or authorized by the Board of County Commissioners; and

WHEREAS, Administrative Order 8-5 provides for a specific administrative process whereby permits to conduct private business on County property may be applied for and approved for short term (not to exceed one year, with up to one year renewal period) rental; and

WHEREAS, Administrative Order 8-5 also states that it is the County's policy to recover all costs associated with the private use of County property; and

WHEREAS, this Board desires to maximize the financial return on the use of County-owned property to conduct private business,

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. The County Mayor or the Mayor's designee is directed to (1) identify County-owned properties that have received prior or potential interest in being used or rented on a short term basis to conduct private business and are not subject to an existing fee schedule approved by this Board, and (2) prepare and submit for this Board's consideration and approval a proposed fee schedule or competitive bidding procedure for use of the identified County properties for purposes of conducting private business on a short-term basis not to exceed on year in duration within 90 days from the effective date of this resolution. For each identified County-owned property, the Mayor or the Mayor's designee shall determine whether a fee schedule or competitive bidding procedure is more appropriate based upon the type of private business use that has been conducted or proposed on the property and which method would yield the higher financial return to the County. If a fee schedule is proposed, it shall be based upon an assessment of the property's fair market rental value (or another specifically identified valuation method) as determined by existing appraisals when available, and if not available, then by comparable market rates or any other criteria that is deemed to provide a reasonable assessment of the property's rental value. In addition, the fee schedule shall outline a procedure whereby fee reductions and fee waivers for the use of the identified County properties for (1) private business purposes, (2) fundraising activities organized to promote community interest and welfare, or (3)

events held by other governmental organizations, state political subdivisions, non-profit organizations, or Community-Based Organizations can be submitted to the Board for approval.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata. It was offered by Commissioner **Xavier L. Suarez**, who moved its adoption. The motion was seconded by Commissioner **Daniella Levine Cava** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of September, 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. MBV

Michael B. Valdes