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

MEMORANDUM

Agenda Item No. 11(A)(15)

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

DATE: January 20, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution establishing County policy requiring the County to take measures when entering into leases of County-owned property to allow the County to re-take possession of the property in emergency situations

Resolution No. R-64-16

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

Abigail Price-Williams
County Attorney

APW/smm

MEMORANDUM

(Revised)

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

DATE: January 20, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(15)

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 ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

2

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(15)
1-20-16

RESOLUTION NO. R-64-16

RESOLUTION ESTABLISHING COUNTY POLICY REQUIRING THE COUNTY TO TAKE MEASURES WHEN ENTERING INTO LEASES OF COUNTY-OWNED PROPERTY TO ALLOW THE COUNTY TO RE-TAKE POSSESSION OF THE PROPERTY IN EMERGENCY SITUATIONS, AND DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO INCLUDE PROVISIONS IN ALL LEASES, TO THE EXTENT PRACTICABLE, FOR TERMINATION OR SUSPENSION OF LEASES WHEN NEEDED BY THE COUNTY ON AN EMERGENCY BASIS FOR A PUBLIC PURPOSE

WHEREAS, the County leases County-owned property to various persons and entities throughout Miami-Dade County on both short and long term bases; and

WHEREAS, unforeseen events may occur during the term of a lease necessitating the termination or suspension of such lease for a public purpose in the event that an emergency situation arises; and

WHEREAS, it is in the best interest of the County to include lease termination or suspension provisions in the event that the property is needed by the County in an emergency situation for a public purpose, to the extent practicable, as determined on a case by case basis,

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. It shall be the policy of this Board, when leasing County-owned property, to include a termination or suspension provision in the lease in the event that an emergency situation arises wherein the property is needed by the County for an emergency public purpose.

2

The County Mayor or Mayor's designee shall include such provisions in all leases to the extent practicable, as determined by the County Mayor or Mayor's designee on a case specific basis.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It 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	**nay**		
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 20th day of January, 2016. 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.

Debra Herman