

MEMORANDUM

Agenda Item No. 11(A)(12)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: May 3, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to negotiate a six-year extension term for Communitel, Inc.'s baggage checkroom storage facility at Miami International Airport for long-term financial relief to offset the impacts of the coronavirus disease 2019; delegating to the County Mayor the authority to negotiate and enter into such agreement subject to the County Mayor filing with the Clerk of the Board a waiver of formal bid procedures pursuant to section 5.03(d) of the Home Rule Charter and non-competitive bid waiver provisions of section 2-8.1(b) of the Code, and compliance with the requirements of the Federal Aviation Administration, Airport Amended and Restated Trust Agreement, and bond covenants; finding the waiver of competitive bids to be in the best interests of Miami-Dade County and approving such waiver by a two-thirds vote of the Board members present; authorizing the County Mayor to execute the financial relief amendments; and directing the County Mayor to provide a report

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



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: May 3, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(12)

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 present , 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)(12)
5-3-22

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR TO NEGOTIATE A SIX-YEAR EXTENSION TERM FOR COMMUNITEL, INC.'S BAGGAGE CHECKROOM STORAGE FACILITY AT MIAMI INTERNATIONAL AIRPORT FOR LONG-TERM FINANCIAL RELIEF TO OFFSET THE IMPACTS OF THE CORONAVIRUS DISEASE 2019 (COVID-19); DELEGATING TO THE COUNTY MAYOR THE AUTHORITY TO NEGOTIATE AND ENTER INTO SUCH AGREEMENT SUBJECT TO THE COUNTY MAYOR FILING WITH THE CLERK OF THE BOARD A WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND NON-COMPETITIVE BID WAIVER PROVISIONS OF SECTION 2-8.1(B) OF THE CODE OF MIAMI-DADE COUNTY, AND COMPLIANCE WITH THE REQUIREMENTS OF THE FEDERAL AVIATION ADMINISTRATION, AIRPORT AMENDED AND RESTATED TRUST AGREEMENT, AND BOND COVENANTS; FINDING THE WAIVER OF COMPETITIVE BIDS TO BE IN THE BEST INTERESTS OF MIAMI-DADE COUNTY AND APPROVING SUCH WAIVER BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING THE COUNTY MAYOR TO EXECUTE THE FINANCIAL RELIEF AMENDMENTS; AND DIRECTING THE COUNTY MAYOR TO PROVIDE A REPORT

WHEREAS, on December 1, 2021, this Board approved Resolution No. R. 1149-21, which approved certain relief for concessionaires at Miami International Airport (MIA) to offset the impacts of coronavirus disease 2019; and

WHEREAS, this relief contemplated extensions of the lease term for up to six years for certain concessionaires which primarily served international passengers; and

WHEREAS, Communitel, Inc. operates a concession to provide a baggage checkroom facility on-site at MIA; and

WHEREAS, this service is nearly exclusively used by international passengers as MIA does not serve as a domestic hub for any airline, but does serve as an international hub for multiple airlines; and

WHEREAS, Communitel Inc.'s baggage checkroom concession was inadvertently not granted a six-year extension by this Board on December 1, 2021; and

WHEREAS, the reasons which supported a six-year extension for other concessions serving primarily international travelers apply with equal force to the baggage checkroom concession operated by Communitel, Inc.,

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

Section 1. Directs the County Mayor to negotiate a six-year extension term for Communitel, Inc. at MIA, but solely with respect to its baggage checkroom concession.

Section 2. Delegates to the County Mayor the authority to negotiate and enter into such financial relief amendments subject to: (a) the County Mayor filing with the Clerk of the Board a waiver of formal bid procedures pursuant to section 5.03(d) of the Home Rule Charter and non-competitive bid waiver provisions of section 2-8.1(b) of the Code; and (b) compliance with the requirements of the Federal Aviation Administration, Airport Amended and Restated Trust Agreement, and bond covenants.

Section 3. Finds the waiver of competitive bids to be in the best interests of Miami-Dade County for the reasons proffered and discussed at the meeting of the Miami-Dade County Board of County Commissioners on December 1, 2021 and approves the waiver of competitive bids by a two-thirds vote of the Board members present.

Section 4. Authorizes the County Mayor to execute the financial relief amendment without need for subsequent approval of the Board of County Commissioners.

Section 5. Directs the County Mayor to provide a report to this Board within 30 days of approval of this resolution if the County Mayor does not file the bid waiver within such time. The County Mayor shall provide the report to this Board place the completed report on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65.

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

- | | |
|----------------------|---------------------------------------|
| | Jose "Pepe" Diaz, Chairman |
| | Oliver G. Gilbert, III, Vice-Chairman |
| Sen. René García | Keon Hardemon |
| Sally A. Heyman | Danielle Cohen Higgins |
| Eileen Higgins | Joe A. Martinez |
| Kionne L. McGhee | Jean Monestime |
| Raquel A. Regalado | Rebeca Sosa |
| Sen. Javier D. Souto | |

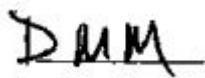
The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of May, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



David M. Murray