# MEMORANDUM

Amended
Agenda Item No. 11(A)(13)

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|---|---|---|---|
| **TO:** | Honorable Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners | **DATE**: | October 8, 2020 |
| **FROM:** | Abigail Price-Williams County Attorney | **SUBJECT:** | Resolution directing the County Mayor to take all actions necessary to negotiate and finalize a joint use agreement with the United States of America for the creation of a fixed base operator development adjacent to the Homestead Air Reserve Base, to perform all necessary due diligence, to finalize the terms of a property exchange between the County and the United States of America, and to place a resolution seeking Board approval of same, or alternatively, a status report, directly on this Board's agenda without committee review pursuant to Ordinance No. 14-65 |

Resolution No. R-1043-20

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Dennis C. Moss and Commissioner Jose "Pepe" Diaz and Co-Sponsor Senator Javier D. Souto.

Abigail Price-Williams
County Attorney

APW/uw

# MEMORANDUM
**(Revised)**

**TO:** Honorable Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

**DATE:** October 8, 2020

**FROM:** Abigail Price-Williams
County Attorney

**SUBJECT:** Amended Agenda Item No. 11(A)(13)

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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**

_______ **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 __________

Amended
Agenda Item No. 11(A)(13)
10-8-20

RESOLUTION NO. **R-1043-20**

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO NEGOTIATE AND FINALIZE A JOINT USE AGREEMENT WITH THE UNITED STATES OF AMERICA FOR THE CREATION OF A FIXED BASE OPERATOR DEVELOPMENT ADJACENT TO THE HOMESTEAD AIR RESERVE BASE, TO PERFORM ALL NECESSARY DUE DILIGENCE, TO FINALIZE THE TERMS OF A PROPERTY EXCHANGE BETWEEN THE COUNTY AND THE UNITED STATES OF AMERICA, AND TO PLACE A RESOLUTION SEEKING BOARD APPROVAL OF SAME, OR ALTERNATIVELY, A STATUS REPORT, DIRECTLY ON THIS BOARD'S AGENDA WITHOUT COMMITTEE REVIEW PURSUANT TO ORDINANCE NO. 14-65

**WHEREAS**, the United States of America, through the United State Air Force, owns and operates Homestead Air Reserve Base ("HARB"), and controls the use of its runways, taxi-ways, aprons, and other infrastructure of the HARB; and

**WHEREAS**, since 2014, the County Mayor and County Mayor's designee have been engaged in negotiations with the United States Air Force in an effort to negotiate a joint use agreement and to identify a viable site appropriate for development and use by a fixed base operator at the HARB, to be utilized for general aviation operations and services; and

**WHEREAS**, substantial due diligence already has been conducted, and various alternatives have been reviewed and discussed, including but not limited to an exchange of land and improvements previously conveyed to the County pursuant to an economic development conveyance from the United States of America approved by this Board in Resolution No. R-909-04, in exchange for property currently owned by the United States of America; and

**WHEREAS**, the preferred alternative is currently located on the south side of the HARB's airfield as depicted in the sketch attached as Exhibit "A," and

**WHEREAS**, it is in the best interests of the County to expeditiously complete the due diligence, conclude negotiations, finalize the terms of the joint use agreement and finalize the exchange of property between the County and the United States of America so that the development of a fixed base operation adjacent to the HARB can proceed, which will provide valuable aeronautical services to the local general aviation community,

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

**Section 1.** This Board incorporates and approves the foregoing recitals as if fully set forth herein.

**Section 2.** This Board directs the County Mayor or County Mayor's designee to take all steps necessary to expeditiously effectuate a joint use agreement with the United States of America to allow for a fixed base operator development at the HARB, including: (i) limiting the allowable uses for the property to general aviation operations and services only; (ii) completing all necessary due diligence; (iii) identifying all costs related to same and legally available funding sources to the extent funding is required; (iv) negotiating and finalizing the agreement; (v) finalizing the exchange of property between the County and the United States of America; and (vi) placing a resolution, including the proposed agreement, directly on the first available full Board agenda for consideration by this Board without the necessity of committee review.

**Section 3.** No later than the earlier of 60 days from the effective date of this resolution, or upon determination by the County Mayor or County Mayor's designee that no funding source is available, legal or other impediments exist, or that negotiations are at an impasse, this Board further directs the County Mayor or County Mayor's designee to submit a status report to the Board, and to place such report directly on an agenda of this Board pursuant to Ordinance No. 14-65 without the necessity of committee review. Such report shall, at a minimum, (i) identify any legal or other obstacles to the conveyance, (ii) identify whether legally available funding sources were identified, (iii) describe the status of the negotiations and any issues which have arisen; and (iv) provide recommendations for further action.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Dennis C. Moss and Commissioner Jose "Pepe" Diaz and the Co-Sponsor is Senator Javier D. Souto. It was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman **aye**
Rebeca Sosa, Vice Chairwoman **aye**

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|---|---|---|---|
| Esteban L. Bovo, Jr. | **aye** | Daniella Levine Cava | **aye** |
| Jose "Pepe" Diaz | **aye** | Sally A. Heyman | **aye** |
| Eileen Higgins | **aye** | Barbara J. Jordan | **aye** |
| Joe A. Martinez | **aye** | Jean Monestime | **absent** |
| Dennis C. Moss | **aye** | Sen. Javier D. Souto | **aye** |
| Xavier L. Suarez | **aye** | | |

The Chairperson thereupon declared this resolution duly passed and adopted this 8th day of October, 2020. 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.

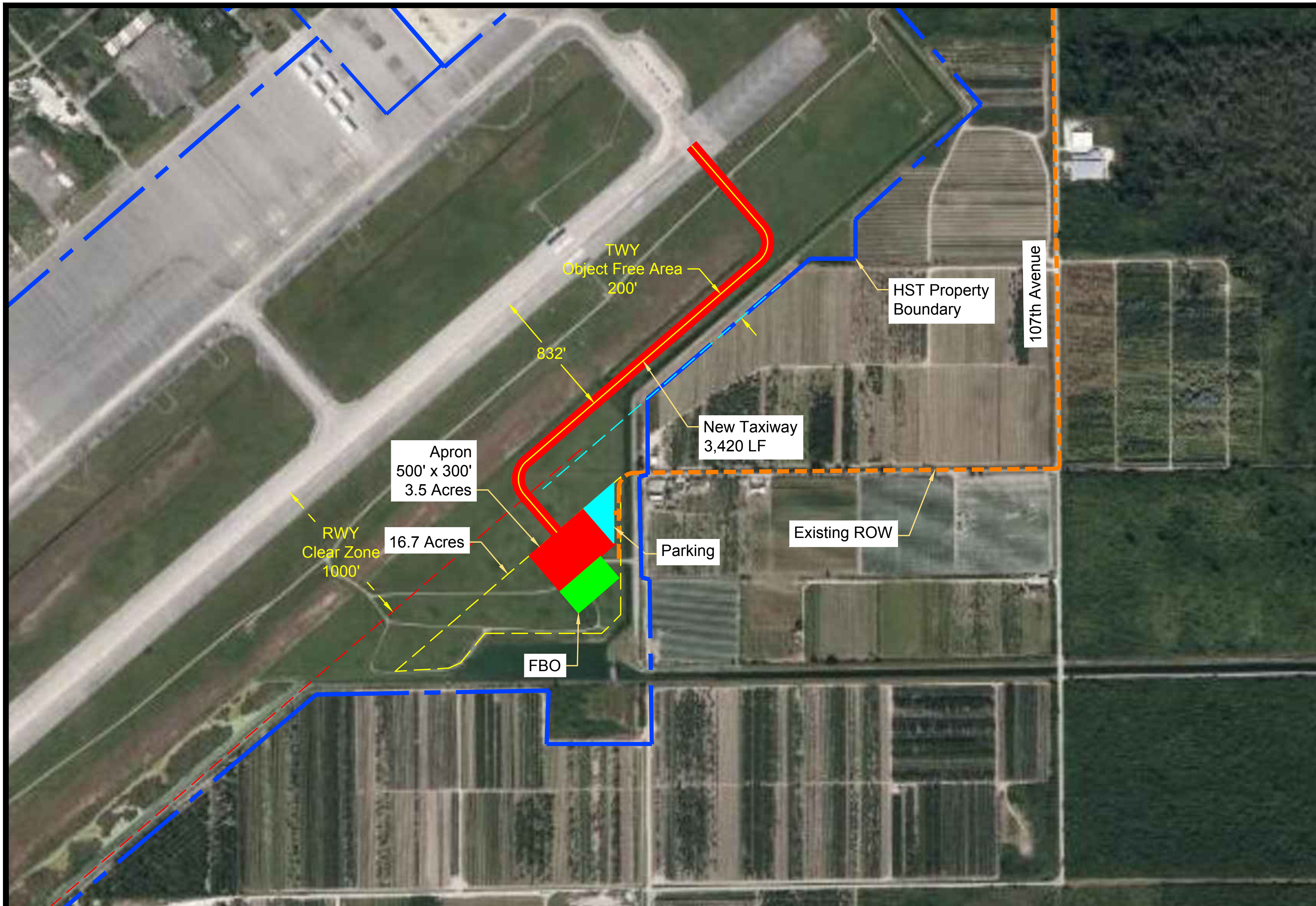
MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Debra Herman
Cynji A. Lee




MIAMI-DADE COUNTY
Aviation Planning Division

Exhibit A

Homestead Air Reserve Base

Scale: 1" = 800'

July 13, 2020



Drawing: D:\Aviation Planning\HARB\HARB - Proposed FBO Alternative 11 FBO Inside Airport.dwg_Layout: Exhibit A_Aug 26, 2020, 9:30am