

MEMORANDUM

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

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

DATE: March 16, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution establishing Board policy that the payment received from the settlement agreement between Miami-Dade County, the City of Miami, Miami Marlins LP, and Marlins Teamco, LLC to resolve claims pertaining to the Non-Relocation Agreement's equity payment be divided equally among all County Commission Districts to be used, subject to prior Board approval, for certain specified purposes, as allocated by the County Commissioners for their respective districts; and directing County Mayor to prepare the mid-year or end-of-year budget amendment to be consistent with this policy

Resolution No. R-226-21

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM
(Revised)

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

DATE: March 16, 2021

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Gen Bonzon-Keenan
County Attorney

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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 Amended
Veto _____ Agenda Item No. 11(A)(13)
Override _____ 3-16-21

RESOLUTION NO. R-226-21

RESOLUTION ESTABLISHING BOARD POLICY THAT THE PAYMENT RECEIVED FROM THE SETTLEMENT AGREEMENT BETWEEN MIAMI-DADE COUNTY, THE CITY OF MIAMI, MIAMI MARLINS LP, AND MARLINS TEAMCO, LLC TO RESOLVE CLAIMS PERTAINING TO THE NON-RELOCATION AGREEMENT’S EQUITY PAYMENT BE DIVIDED EQUALLY AMONG ALL COUNTY COMMISSION DISTRICTS TO BE USED, SUBJECT TO PRIOR BOARD APPROVAL, FOR CERTAIN SPECIFIED PURPOSES, AS ALLOCATED BY THE COUNTY COMMISSIONERS FOR THEIR RESPECTIVE DISTRICTS; AND DIRECTING COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO PREPARE THE MID-YEAR OR END-OF-YEAR BUDGET AMENDMENT TO BE CONSISTENT WITH THIS POLICY

WHEREAS, at the February 17, 2021 Board of County Commissioners meeting, this Board approved a settlement agreement between Miami-Dade County, the City of Miami (“City”), Miami Marlins, LP, and Marlins TeamCo, LLC (“settlement agreement”) to resolve the County’s and City’s claims pertaining to the Non-Relocation Agreement’s equity payment; and

WHEREAS, the County’s share of the equity payment resulting from the settlement agreement is \$4,763,000.00 (“settlement funds”) and are unrestricted, general funds; and

WHEREAS, the coronavirus disease 2019 (“COVID-19”) is an infectious disease caused by severe acute respiratory syndrome coronavirus 2, a novel coronavirus that was first identified in December 2019; and

WHEREAS, the disease has spread globally, and on March 11, 2020, the World Health Organization officially declared COVID-19 a pandemic; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order No. 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, on March 11, 2020, Mayor Carlos A. Gimenez declared a state of emergency for Miami-Dade County; and

WHEREAS, these orders have since been extended; and

WHEREAS, as of March 2, 2021, the total number of confirmed cases of COVID-19 worldwide is nearly 115 million, with approximately 28 million cases in the United States, approximately 2.1 million cases in the State of Florida, and approximately 453,000 cases in Miami-Dade County; and

WHEREAS, this Board finds that it would be in the best interest of the County to use the settlement funds for COVID-19 relief efforts here in Miami-Dade County; and

WHEREAS, alternatively, as other funds may soon become available to assist the County with COVID-19 relief efforts, this Board also finds that it would be in the best interest of the County to use the settlement funds for capital projects, for the needs of the Miami-Dade Police Department, or for the needs of the Miami-Dade Corrections Department; and

WHEREAS, accordingly, this Board desires that the settlement funds be divided equally among all County Commission Districts (representing \$366,384.61 per Commission District) to be used, subject to prior Board approval, for COVID-relief efforts, capital projects, the needs of the Miami-Dade Police Department, or the needs of the Miami-Dade Corrections Department, as allocated by each of the County Commissioners for their respective districts, and to direct the County Mayor or County Mayor's designee to prepare the mid-year or the end-of-year budget amendment to be consistent with this policy,

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

Section 1. The above recitals are incorporated herein by reference and are approved.

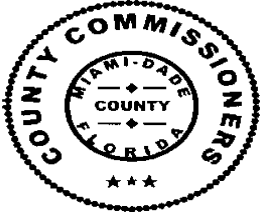
Section 2. It is the policy of this Board that the settlement funds be divided equally among all County Commission Districts (representing \$366,384.61 per Commission District) to be used, subject to prior Board approval, for COVID-relief efforts , capital projects, the needs of the Miami-Dade Police Department, or the needs of the Miami-Dade Corrections Department, as allocated by each of the County Commissioners for their respective districts. For purposes of this resolution, “capital projects” means the repair, improvement, construction or purchase of land, buildings, facilities and infrastructure, and the purchase of furniture, fixture and equipment, all of which are used or will be used by the public at large or in support of an accepted public purpose.

Section 3. This Board directs the County Mayor or County Mayor’s designee to prepare the mid-year or the end-of-year budget amendment to be consistent with the Board policy set forth in section 2 of this resolution and to reflect the settlement funds being placed into the Future Services Reserve in the Countywide Non-Departmental General Fund Budget.

The Prime Sponsor of the foregoing resolution is Commissioner Kionne L. McGhee. It was offered by Commissioner **Kionne L. McGhee** , 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:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 16th day of March, 2021. 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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Monica Rizo Perez
Jorge Martinez-Esteve
Ryan Zagare