

MEMORANDUM

Agenda Item No. 14(A)(1)

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

DATE: July 20, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution establishing as County policy a requirement of transparency and disclosure of the ownership interests of entities to or from whom the County conveys or leases real property in noncompetitive sale or lease transactions and in the donation of surplus County-owned personal property, with certain limited exceptions; and directing the County Mayor to obtain the necessary ownership disclosures from the entities with whom the County transacts, to include such information in all items sponsored by the Mayor and to provide such information to the County Attorney's Office for inclusion in Commissioner-sponsored items, for consideration by this Board

Resolution No. R-758-21

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Chairman Jose "Pepe" Diaz and Commissioner Sally A. Heyman and Co-Sponsor Commissioner Rebeca Sosa.


Geri Bonzon-Keenan
County Attorney

GBK/smm



MEMORANDUM

(Revised)

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

DATE: July 20, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 14(A)(1)

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. 14(A)(1)
7-20-21

RESOLUTION NO. R-758-21

RESOLUTION ESTABLISHING AS COUNTY POLICY A REQUIREMENT OF TRANSPARENCY AND DISCLOSURE OF THE OWNERSHIP INTERESTS OF ENTITIES TO OR FROM WHOM THE COUNTY CONVEYS OR LEASES REAL PROPERTY IN NONCOMPETITIVE SALE OR LEASE TRANSACTIONS AND IN THE DONATION OF SURPLUS COUNTY-OWNED PERSONAL PROPERTY, WITH CERTAIN LIMITED EXCEPTIONS; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO OBTAIN THE NECESSARY OWNERSHIP DISCLOSURES FROM THE ENTITIES WITH WHOM THE COUNTY TRANSACTS, TO INCLUDE SUCH INFORMATION IN ALL ITEMS SPONSORED BY THE MAYOR AND TO PROVIDE SUCH INFORMATION TO THE COUNTY ATTORNEY'S OFFICE FOR INCLUSION IN COMMISSIONER-SPONSORED ITEMS, FOR CONSIDERATION BY THIS BOARD

WHEREAS, the County is authorized to sell or lease County-owned property directly to individuals or entities without utilizing a competitive bidding process, including selling or leasing property to not-for-profit entities for community interest and welfare purposes, affordable housing, economic development activities, and by an exchange or swap of property, pursuant to sections 125.38, 125.379, 125.045, and 125.37, Florida Statutes; and

WHEREAS, the County is authorized to buy or lease real property from willing sellers for public purposes pursuant to section 125.355, Florida Statutes; and

WHEREAS, the County may also donate surplus personal property to individuals and entities in accordance with sections 274.05 and 274.06, Florida Statutes, and section 2-11.2.1 of the Code of Miami-Dade County, Florida; and

WHEREAS, section 2-8.6.5 of the Code of Miami-Dade County requires that prior to the County entering into a contract, agreement, or lease of real property by, to, or from the County, individuals and legal entities with any interest of any kind in the property at issue must first provide the County with a document identifying the extent of their ownership interest; and

WHEREAS, section 286.23, Florida Statutes, likewise requires a written disclosure of ownership interests when property is conveyed or leased to a nongovernmental unit, with the exception of entities holding less than five percent of an interest or publicly traded entities registered with the Federal Securities and Exchange Commission; and

WHEREAS, although such disclosures are required, there is no requirement that such disclosures be presented to this Board when considering the sale or lease of real or personal property; and

WHEREAS, the approval of the noncompetitive lease or sale of real property to or from the County, and the donation of surplus personal property, rests within the discretion of the County, and that discretion is exercised to promote the best interests of the County; and

WHEREAS, consequently, prior to exercising that discretion, and to promote further transparency, this Board should know the identity and extent of the ownership interests of all individuals and nongovernmental entities involved in such transactions,

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. This Board establishes as County policy a requirement of transparency and disclosure of the ownership interests of entities to or from whom the County conveys or leases real property in noncompetitive sale or lease transactions and in the donation of surplus County-owned

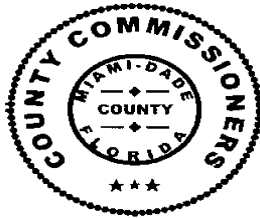
personal property, with the exception of governmental entities, ownership interests which do not exceed five percent, and publicly traded companies (“ownership disclosures of transacting entities”).

Section 3. In furtherance of this policy, this Board directs the County Mayor or County Mayor’s designee: (1) to obtain the ownership disclosures of transacting entities, including the names and extent or percentage of ownership interest of all individuals or entities with an ownership interest in the transacting entity in excess of five percent; (2) to include the information contained in the ownership disclosures in all items sponsored by the Mayor that are presented to this Board; and (3) to provide such information to the County Attorney’s Office for inclusion in Commissioner-sponsored items that are presented to this Board.

The Co-Prime Sponsors of the foregoing resolution are Chairman Jose "Pepe" Diaz and Commissioner Sally A. Heyman and the Co-Sponsor is Commissioner Rebeca Sosa. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** 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	aye
Sally A. Heyman	aye
Eileen Higgins	aye
Kionne L. McGhee	aye
Raquel A. Regalado	aye
Sen. Javier D. Souto	aye
Keon Hardemon	aye
Danielle Cohen Higgins	aye
Joe A. Martinez	aye
Jean Monestime	aye
Rebeca Sosa	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of July, 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

By: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "Debra Herman", is written over a horizontal line.

Debra Herman
Christopher J. Wahl