

MEMORANDUM

Amended
Agenda Item No. 11(A)(17)

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

DATE: November 15, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to perform all necessary due diligence and to convey or negotiate a lease agreement with the County, as landlord, and the United States of America, as tenant, for an approximately 32 acre portion of folio nos. 30-7901-000-0210, 30-7901-00-0220 and 30-7901-000-0090, located at the Homestead Air Reserve Base, commonly referred to as the "hole in the doughnut", for a 99 year term for nominal consideration for the public purpose of national security, and to place a resolution seeking Board approval of same, or alternatively, a status report, on this Board's agenda; and rescinding Resolution No. R-1043-20

Resolution No. R-1129-22

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Raquel A. Regalado and Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
County Attorney

GBK/ks



MEMORANDUM

(Revised)

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

DATE: November 15, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
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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)(17)
Override _____		11-15-22

RESOLUTION NO. R-1129-22

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO PERFORM ALL NECESSARY DUE DILIGENCE AND TO CONVEY OR NEGOTIATE A LEASE AGREEMENT WITH THE COUNTY, AS LANDLORD, AND THE UNITED STATES OF AMERICA, AS TENANT, FOR AN APPROXIMATELY 32 ACRE PORTION OF FOLIO NOS. 30-7901-000-0210, 30-7901-00-0220 AND 30-7901-000-0090, LOCATED AT THE HOMESTEAD AIR RESERVE BASE, COMMONLY REFERRED TO AS THE HOLE IN THE DOUGHNUT, FOR A 99 YEAR TERM FOR NOMINAL CONSIDERATION FOR THE PUBLIC PURPOSE OF NATIONAL SECURITY, AND TO PLACE A RESOLUTION SEEKING BOARD APPROVAL OF SAME, OR ALTERNATIVELY, A STATUS REPORT, ON THIS BOARD’S AGENDA; AND RESCINDING RESOLUTION NO. R-1043-20

WHEREAS, the United States of America, through the United States Air Force (“USAF”), owns and operates Homestead Air Reserve Base (“HARB”); and

WHEREAS, in 2004, pursuant to Resolution No. R-909-04, the County acquired 601 acres of former HARB property from USAF for economic development purposes, and some portions have been conveyed for the creation of jobs, to attract new businesses, and to promote economic development in South Dade, including a FedEx facility, an Amazon distribution center, and a micro steel mill; and

WHEREAS, the USAF, in deciding to offer the former HARB property to the County, stated in its Second Supplemental Record of Decision issued in 2001 that it would not allow construction of a commercial airport at the site and that private commercial use of the base would pose unacceptable adverse consequences; and

WHEREAS, since 2014, the administration has been engaged in negotiations with the USAF in an effort to identify a viable site on or adjacent to the HARB appropriate for development and use by a fixed based operator, including consideration of an exchange of property; and

WHEREAS, in 2020 this Board, pursuant to Resolution No. R-1043-20, directed the administration to negotiate a joint use agreement, finalize an exchange of property between the County and the United States of America so that the development of a fixed based operation could proceed, and place a proposed agreement on an agenda of the Board for approval; and

WHEREAS, to date, neither a joint use agreement nor an exchange of property between the County and the United States of America has moved forward; and

WHEREAS, environmental advocates have long opposed expanding commercial uses at the HARB due to potential impacts to wildlife and natural resources in and around Everglades National Park and Biscayne National Park; and

WHEREAS, despite this Board's limiting negotiations for development at the HARB to a fixed based operation for general aviation services, many different groups still contend that a fixed base operation facility is a gateway to future cargo uses tied to the mega distribution centers planned or underway in the vicinity; and

WHEREAS, as Senator Marco Rubio noted last year, the security of the military base should be paramount in any consideration of projects adjacent to the HARB; and

WHEREAS, Senator Rubio has expressed his objection to the proposed joint use agreement to the USAF, on the grounds that civil use of the HARB threatens the core mission of the base and potentially risks obstructing ongoing Everglades restoration; and

WHEREAS, one of the sites under consideration for development of the fixed based operation at the HARB includes a parcel of land owned by the County commonly referred to as

the “hole in the doughnut,” an approximately 32 acre portion of folio numbers 30-7901-000-0210, 30-7901-000-0220 and 30-7901-000-0090, as generally depicted in Exhibit “A” attached hereto and incorporated herein (the “hole in the doughnut property”); and

WHEREAS, military security concerns exist in connection with the development of the “hole in the doughnut” property, as the federal government owns or leases all of the surrounding properties, which are used or planned to be used for military purposes; and

WHEREAS, currently, the South Florida Regional Planning Council (“SFRPC”) is pursuing a South Florida Military Installation Resilience Review Project to evaluate potential climate threats to four military installations in South Florida including the HARB, and that 18-month study will identify risks, hazards, and vulnerabilities as it relates to the ability of the military to carry out its missions on the bases, and recommendations for how those concerns could be mitigated through investments and solutions outside of the fence line of the bases themselves; and

WHEREAS, the federal and state governments have funneled billions into Everglades restoration projects that will also benefit water quality and flood protection infrastructure for County residents; and

WHEREAS, this Board last year approved an agreement with the federal government to accept and match \$1,430,000.00 in funding for conservation easements on agricultural lands around the base to ensure protection of agricultural operations and limit possible encroachment within areas of concern for base operations; and

WHEREAS, allowing the issue of development of a fixed based operation at the HARB to remain unresolved has the potential to increase land speculation in the area, thus reducing the County’s ability to secure easements and protect its resilience interests; and

WHEREAS, this Board finds that its in the best interests of the County to negotiate a long term lease to the United States of America for the “hole in the doughnut” property located at the HARB, and to rescind Resolution No. R-1043-20, so that the County can work with its federal partners at the HARB to secure and implement a resilience strategy that protects military and environmental infrastructure interests while also forging a path for sustainable economic growth in South Dade,

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 rescinds Resolution No. R-1043-20.

Section 3. This Board directs the County Mayor or County Mayor’s designee to perform all necessary due diligence and to convey or negotiate and finalize a lease agreement with the United States of America for the “hole in the doughnut” property located at the HARB for a term of 99 years for a nominal annual rental amount, and to place a resolution, including the proposed lease agreement, on an agenda of this Board for consideration.

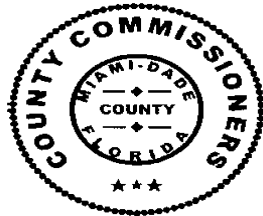
Section 4. No later than 90 days from the effective date of this resolution or upon a determination by the County Mayor or County Mayor’s designee that negotiations are at an impasse, this Board further directs the County Mayor or County Mayor’s designee to submit a status report to this Board by placement of same on the first available agenda of the full Board in accordance with Ordinance No. 22-134. Such report shall, at a minimum, (i) identify any legal or

other obstacles or impediments to the conveyance, (ii) describe the status of negotiations and any issues which have arisen, including but not limited to an estimate of additional time, if needed, to complete such negotiations; and (iii) provide recommendations for further action.

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

The Chairperson thereupon declared this resolution duly passed and adopted this 15th day of November, 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

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Cynji A. Lee

