

MEMORANDUM

Agenda Item No. 14(A)(11)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: July 16, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing Chairman Oliver G. Gilbert, III, and the Chairman's Commission staff to participate in settlement negotiations, in accordance with section 2-11.1(z) of the Code, on behalf of Miami-Dade County in the matter of City of Miami vs. Miami-Dade County in the Eleventh Judicial Circuit, Case No. 2023-028335, regarding County legislation involving the Rapid Transit Development Zone

Resolution No. R-711-24

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Oliver G. Gilbert, III.


Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: July 16, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 14(A)(11)

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)(11)
7-16-24

RESOLUTION NO. _____ R-711-24

RESOLUTION AUTHORIZING CHAIRMAN OLIVER G. GILBERT, III, AND THE CHAIRMAN'S COMMISSION STAFF TO PARTICIPATE IN SETTLEMENT NEGOTIATIONS, IN ACCORDANCE WITH SECTION 2-11.1(Z) OF THE CODE OF MIAMI-DADE COUNTY, ON BEHALF OF MIAMI-DADE COUNTY IN THE MATTER OF CITY OF MIAMI VS. MIAMI-DADE COUNTY IN THE ELEVENTH JUDICIAL CIRCUIT, CASE NO. 2023-028335, REGARDING COUNTY LEGISLATION INVOLVING THE RAPID TRANSIT DEVELOPMENT ZONE

WHEREAS, the City of Miami filed a lawsuit seeking damages, declaratory, and injunctive relief against Miami-Dade County on December 15, 2023, regarding the County's Rapid Transit Development Zone ("RTZ"), but the County was not served with said lawsuit until April 4, 2024; and

WHEREAS, pursuant to the Florida Governmental Conflict Resolution Act, codified in chapter 164, Florida Statutes, the City of Miami and Miami-Dade County held a joint public meeting on March 6, 2024; and

WHEREAS, in addition, also pursuant to the Florida Governmental Conflict Resolution Act, on April 19, 2024, the City of Miami filed an agreed motion to abate the lawsuit, and the lawsuit was abated by the court; and

WHEREAS, subsequent to the March 6, 2024, joint public meeting, staff of the Chair of the County Commission and staff of the Chair of the City Commission coordinated to set the date for an agreed upon second joint public meeting in accordance with the Florida Governmental Conflict Resolution Act; and

WHEREAS, after quorum from the County Commission had been confirmed for two dates for a second joint meeting, staff from the Chair of the County Commission was notified by staff from the Chair of the City Commission that the agreed upon dates were no longer feasible; and

WHEREAS, instead of proceeding further with a second joint public meeting or mediation, per the Florida Governmental Conflict Resolution Act, on July 11, 2024, the City of Miami unanimously adopted a resolution finding that that there was “an immediate danger to the health, safety, or welfare of the public” and “that significant legal rights will be compromised if a court proceeding does not take place”; and

WHEREAS, this Board was proceeding in good faith with the conflict resolution process, and this Board does not agree with the City’s findings; and

WHEREAS, section 2-11.1(z) of the Code of Miami-Dade County ("Code") provides that “[n]either the Mayor, a County Commissioner nor any member of their staff shall participate in settlement negotiations of claims or lawsuits, including but not limited to contract scope or compensation adjustments involving the County without prior approval of the Board of County Commissioners”; and

WHEREAS, pursuant to section 2-11.1(z) of the Code, this Board wishes to authorize Chairman Gilbert and the Chairman’s Commission staff to participate in any settlement negotiations in this matter,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes Chairman Oliver G. Gilbert, III, and the Chairman's Commission staff to participate in any settlement negotiations on behalf of Miami-Dade County, in accordance with section 2-11.1(z) of the Code of Miami-Dade County. Such participation does not waive any requirement that a potential settlement be presented to this Board for approval.

The Sponsor of the foregoing resolution is Chairman Oliver G. Gilbert, III. It was offered by Commissioner **Eileen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Marleine Bastien** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	absent
Kevin Marino Cabrera	absent	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 16th day of July, 2024. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

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

Lauren E. Morse