



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

19 West Flagler Street, Suite 820 · Miami, Florida 33130

Phone: (305) 579-2594 · Facsimile: (305) 579-0273

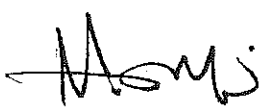
Website: [ethics.miamidade.gov](http://ethics.miamidade.gov)

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### MEMORANDUM

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**TO:** Honorable Carlos Gimenez  
Mayor of Miami-Dade County

**FROM:** Jose Arrojo  
Executive Director 

**SUBJECT:** INQ 19-108, Formula One Racing, Voting Conflict of Interest and Exploitation of Official Position; County Ethics Code at Sec. 2-11.1(d) and (g)

**DATE:** October 28, 2019

**CC:** All COE Legal Staff

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#### I. ISSUE

Whether Mayor Carlos Gimenez is prohibited from participating in any matters involving the proposal to bring Formula One racing to Hard Rock Stadium, including legislation, because his son, Carlos J. "C.J." Gimenez, represented Formula One parties in negotiations to bring racing to the City of Miami in 2018, when Mr. Gimenez no longer represents any interests involved in the current initiative.

#### II. BRIEF ANSWER

Sections 2-11.1(d) and (g) of the Ethics Code do not impose a prohibition on Mayor Gimenez's participation in matters involving the proposal to bring Formula One racing to Hard Rock Stadium, including legislation, because his son, Carlos J. "C.J." Gimenez, who represented Formula One parties in negotiations to bring racing to the City of Miami in 2018, no longer represents any interests involved in the current initiative.

### III. BACKGROUND

Carlos Gimenez is the elected Mayor of Miami-Dade County. While he is not a voting member of the Board of County Commissioners, he is empowered with significant authority as the County's chief executive officer and is afforded veto authority over legislation.<sup>1</sup>

Mayor Gimenez's son, Carlos J. "C.J." Gimenez, is a lobbyist, although he is not registered to lobby Miami-Dade County officials. In 2018, C.J. Gimenez was retained by parties seeking to bring Formula One racing to the City of Miami. In that role, Mr. Gimenez lobbied City of Miami officials.

The proposal to bring Formula One racing to the City of Miami implicated Miami-Dade County inasmuch as the event contemplated the use of PortMiami facilities.

Accordingly, in May 2018, Mayor Gimenez issued a memorandum wherein he noted that his son, C.J. Gimenez, was involved in negotiations with City of Miami officials related to Formula One racing in the City. Because Formula One sought to use County PortMiami facilities and his son was involved in the matter, the Mayor availed himself of Section 5.03 (D) of the Charter of Miami-Dade County and declared in writing that he was recusing himself from any involvement with the Formula One initiative.<sup>2</sup> By doing so, the Chairperson of the County Commission was given authority provided by the Charter to solicit, evaluate, award or recommend the award of such contract including, the authority to recommend a bid waiver in writing, as regards Formula One racing, if necessary.

More recently, those parties seeking to bring Formula One racing to Miami-Dade County have focused their efforts on hosting the event at Hard Rock Stadium in Miami Gardens. It is anticipated that a portion of the planned race route may be along county streets. The matter is being considered by the Board of County Commissioners and two pieces of legislation relating to the race have been

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<sup>1</sup> "The Mayor shall within ten days of final adoption by the Commission, have veto authority over any legislative, quasi-judicial, zoning, master plan or land use decision of the Commission, including the budget or any particular component contained therein which was approved by the Commission; provided, however, that (1) if any revenue item is vetoed, an expenditure item in the same or greater dollar amount must also be vetoed and (2) the Mayor may not veto the selection of the chairperson or vice-chairperson of the commission, the enactment of commission committee rules, the formation of commission committees, or the appointment of members to commission committees. The Commission may at its next regularly scheduled meeting after the veto occurs, override that veto by a two-thirds vote of the Commissioners present." *See Sec. 2.02 (D) County Charter.*

<sup>2</sup> "Notwithstanding any other provision of the Charter to the contrary, in circumstances where the Mayor informs the Chairperson of the Board of County Commissioners in writing that he or she has a conflict of interest in the solicitation, evaluation, award, or recommendation of award of a contract, the Chairperson of the Board of County Commissioners and not the Mayor shall have all authority provided by this Charter or the Board to solicit, evaluate, award or recommend the award of such contract including, but not limited to, the authority to recommend a bid waiver in writing." *See Section 5.03 (D) County Charter.*

introduced. The Mayor wishes to participate in the legislative process by providing memoranda to the Board relating to the legislation and continue to be involved going forward.

Neither Mayor Gimenez nor his son, C.J. Gimenez have *any* relationship with the parties seeking to bring Formula One racing to the Hard Rock Stadium or with any parties that might be affected by legislation relating to that initiative. C.J. Gimenez has not been involved with parties seeking to bring Formula One racing to the City of Miami or Miami-Dade County for a “significant amount of time” and he is currently not engaged by any parties relating to that initiative and is not registered to lobby Miami-Dade County officials.

#### IV. LEGAL ANALYSIS

The Conflict of Interest and Code of Ethics Ordinance (Ethics Code) at Sec. 2-11.1(d) states:

... [N]o [County Commissioner or Mayor] shall vote on or participate in any way in any matter presented to the Board of County Commissioners if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners: (i) *officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary*; or (ii) *stockholder, bondholder, debtor, or creditor*, if in any instance the transaction or matter would affect the person ... in a manner distinct from the manner in which it would affect the public generally.

Any [Commissioner or Mayor] who has any of the *above relationships or who would or might, directly or indirectly, profit or be enhanced by the action* of the Board of County Commissioners shall absent himself or herself from the commission meeting during the discussion of the subject item and shall not vote on or participate in any way in said matter.<sup>3</sup>

In previous opinions, the Ethics Commission, which is empowered to interpret the County Ethics Code, has acknowledged that this voting and participation conflict restriction is stricter than the state law standard codified in Section 112.3143 (1)(d), Florida Statutes, which provides that “No county, municipal or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss...” See INQ 14-86.

Given the enhanced voting and participation conflict prohibition contained in the Ethics Code, circumstances that do not meet the State standard for a voting conflict could still create a voting conflict under the County ordinance in instances where an official might, directly or indirectly, profit or be enhanced by a vote.

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<sup>3</sup> Miami-Dade County Code at Sec. 2-11.1 (d) (emphasis added).

In this informal opinion, we once again address adult family members of covered parties under Section (d) of the Ethics Code. Our prior opinions on the issue of a voting and participation conflict have narrowly considered whether some special benefit “might” flow from a vote to a close family member that has a prohibited relationship with the entity that will be affected by the vote. *See* RQO 19-02, INQ 19-19, INQ 19-18, INQ 19-001, INQ 18-256, INQ 13-211, INQ 11-85.

As noted in RQO 15-04, the word “might” in the analysis of Sec. 2-11.1(d) of the Ethics Code requires, at the very least, “a reasonable possibility of profit or enhancement.” The opinion notes that “the standard applied should require more than a remote or speculative possibility, it should cover a potential benefit that may be realistically expected to occur under known circumstances.”

The rationale underlying “family member” opinions focuses on the unique impact that the matter under consideration could have on the elected official’s family member and the corresponding possible enhancement, direct or indirect, on the voting official.<sup>4</sup>

Thus, in RQO 19-02, the Ethics Commission held that Section 2-11.1(d) of the Ethics Code did not impose a blanket prohibition on County Commissioner Esteban Bovo’s participation or voting on matters relating to a company simply because his adult step-son worked at a law firm that the company retained. However, if his step-son was assigned to work by the law firm on the company matter that was pending consideration by the Board, then Commissioner Bovo should not participate or vote on that specific matter.

In RQO 12-15, the Ethics Commission held that a Commissioner may participate in hearings and voting on a zoning application related to Florida Power & Light even though the Commissioner’s daughter was employed as a contract worker by FPL. The opinion not only stated the fact that the daughter was one of approximately 4000 workers employed by FPL, but more significantly, it noted that the Ethics Commission considered the relatively low-level employment held by the Commissioner’s daughter at FPL and the fact that there is no expectation that the daughter’s job would be enhanced or affected by the outcome of the pending zoning application.

Conversely in RQO 06-64, the Ethics Commission recommended that City of Coral Gables Commissioner Maria Anderson should abstain from voting on matters related to a company that

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<sup>4</sup> In other contexts, this agency has utilized a standard similar to that applied by the Florida Commission on Ethics in analyzing whether a board member is uniquely or directly affected by a vote depending on the size of the affected class<sup>4</sup> For instance, in RQO 10-20, Key Biscayne Councilman was allowed to vote on a rezoning resolution because he was one of 1,500 property owners affected, representing only 0.06% of all residents affected. The threshold of 1-2% of the size of class, generally finding conflicts where the individual’s interest exceeds that amount, is used as a guideline in analyzing conflict issues involving individuals with property interests within an affected class and is offered here only by analogy. Nonetheless, in RQO 15-04, the Ethics Commission noted the impact on Neiman Marcus of this zoning issue being far in excess of the 1-2% threshold, in its opinion that the Commissioner had a voting conflict on the zoning change.

was providing online lobbyist registration capabilities to the city. The prime company, oninelobbyist.com, had subcontracted with Trapezoid Technologies, LLC, an entity partially owned by Commissioner Anderson's spouse.<sup>5</sup>

RQO 15-04 also indicates that there is no language in Subsection 2-11.1 (d), or in any other opinion previously issued by this Commission, that specifies that, to be considered "affected," an entity must be the applicant or requester of the contemplated board action. The opinion goes on to state that a public official may have a voting conflict if the public official has significant ties to a private party that stands to reap substantial and material benefits or detriment from a vote taken by the board even if the party is not the subject of the legislation or matter considered by the elected body. *See* RQO 15-04.

Collectively, these opinions stand for the proposition that if the family member has a "significant" relationship with a party that will be affected by a vote as opposed to a "lesser" relationship, then a voting and participation conflict may arise for the elected official. Also, a conflict may arise under the Ethics Code even if the entity that the elected official or his family member is engaged with is not the subject of the matter but a "beneficiary" of the vote.

Significant in the instant case is the fact that neither Mayor Gimenez nor his son have *any* of the prohibited enumerated relationships with any Formula One entities that are the subject of the items under consideration by the BCC or that may benefit from the items, and neither of them will benefit from the official action.

Also, Section 2-11.1(g) of the Ethics Code, *Exploitation of Official Position*, prohibits an official from using his or her official position to secure special benefits and/or exemptions for himself or others, including his immediate family, except as permitted by law.

Under this section, exploitation could be found if the official's family member, while not employed by the company that would be affected by the vote, was engaged in lobbying, directly or indirectly, in support of a company that did not employ him. *See* INQ 11-133.

Accordingly, Commission staff previously provided an opinion to Mayor Gimenez when C.J. Gimenez was employed by Becker Poliakoff. As regards to the Mayor's son, the Mayor could exercise legal authority on matters where his son's employer, Becker Poliakoff, was retained by a party transacting with the County. However, if his son was directly involved or assigned by the law firm to lobby or advocate on the specific matter, then Section 2-11.1(g), would prevent his involvement.

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<sup>5</sup> *See* RQO 06-64, issued to Liz Hernandez, Coral Gables City Attorney, on behalf of Commissioner Maria Anderson.

Borrowing from our analysis in these prior opinions and applying them to the facts presented in this case, because neither Mayor Gimenez or his son C.J. Gimenez have any current relationship with any of the parties seeking to bring Formula One racing to Hard Rock Stadium nor do they have any relationships with parties that may benefit from a vote on the initiative, then neither Sections 2-11.1 (d) or (g) of the Ethics Code prohibit the Mayor from participating on matters related to Formula One racing.

That Mr. Gimenez was at one time engaged by Formula One parties seeking to bring racing to the City of Miami last year when he has not been engaged for a significant amount of time does not change that conclusion. The now terminated nexus between Mr. Gimenez and those parties, arising out of his work in the City of Miami in 2018, does not even create a remote or speculative possibility of enhancement at this time.

## V. CONCLUSION

Sections 2-11.1(d) and (g) of the Ethics Code do not impose a prohibition on Mayor Gimenez's participation on Formula One racing matters because his son C.J. Gimenez represented Formula One parties in negotiations to bring racing to the City of Miami in 2018, when Mr. Gimenez no longer represents any interests involved in the current initiative.

Further, please note that, the Conflict of Interest and Code of Ethics provides a minimum standard of conduct for public officials. It does not directly address "appearance of impropriety" issues that should guide the actions of all public servants, nor does it address the subjective mindset of an elected official who, for reasons outside of the Code, does not feel capable of being fair or objective in a particular matter, due to personal or family considerations. Any public servant under such circumstances must use his or her own judgment in determining the proper course of action.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.

## **Arrojo, Jose (COE)**

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**From:** Ferro, Alex (Office of the Mayor)  
**Sent:** Monday, October 28, 2019 10:19 AM  
**To:** Arrojo, Jose (COE)  
**Cc:** Sanchez, Gerald (CAO); Perez, Martha D. (COE)  
**Subject:** Re: INQ 19-108 , Formula One Racing, Voting Conflict of Interest and Exploitation of Official Position; See County Ethics Code at Sec. 2-11.1(d) and (g)

The fact pattern appears to be accurate based on my discussions with the parties involved.

Alex Ferro  
Chief of Staff

Office of Miami-Dade County Mayor Carlos A. Gimenez  
Phone: [305-375-1206](tel:305-375-1206)  
Mobile: [305-815-5999](tel:305-815-5999)  
E-mail: [aferro@miamidade.gov](mailto:aferro@miamidade.gov)

111 N.W. First Street, 29th Floor  
Miami, Florida 33128

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure. All E-mail sent and received is captured by our servers and kept as a public record.

On Oct 28, 2019, at 9:10 AM, Arrojo, Jose (COE) <[Jose.Arrojo@miamidade.gov](mailto:Jose.Arrojo@miamidade.gov)> wrote:

Gentlemen:

Please thank Mayor Gimenez for requesting ethics guidance on pending matters before the BCC regarding Formula One racing at Hard Rock Stadium and his son's former representation of Formula One racing parties last year in the City of Miami.

If you will please carefully review and confirm that the fact pattern on which our draft informal opinion is based is accurate, then the opinion will issue. I know that this is time sensitive.

In my absence, Martha Diaz Perez from our staff is available as she has worked on this opinion with me.

Best regards,

Jose

**Jose J. Arrojo**

Executive Director

Miami-Dade Commission on Ethics and Public Trust

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Miami, FL 33130

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<INQ 19- , Formula One Racing, Voting Conflict of Interest and Exploitation of Official Position; See County Ethics Code at Sec. 2-11.1(d) and (g) .docx>



## **Arrojo, Jose (COE)**

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**From:** Carlos A. Gimenez, County Mayor  
**Sent:** Sunday, October 27, 2019 3:36 PM  
**To:** Arrojo, Jose (COE)  
**Cc:** Price-Williams, Abigail (CAO); Bonzon-Keenan, Geri (CAO); Osterholt, Jack (Office of the Mayor)  
**Subject:** Conflict of Interest Question Regarding Formula One Racing  
**Attachments:** 10.27.19 Conflict of Interest Question Regarding Formula One Racing.PDF

Carlos A. Gimenez, **Mayor**  
**Miami-Dade County**  
(305) 375-1880

This mailbox does not accept incoming email messages.  
Please forward your questions, comments or concerns to: [mayor@miamidade.gov](mailto:mayor@miamidade.gov)



Attachments

c: Abigail Price-Williams, County Attorney

Geri Bonzon-Keenan, First Assistant County  
Attorney  
Jack Osterholt, Deputy Mayor, Office of the Mayor

## Memorandum



Date: May 14, 2018

To: Honorable Chairman Esteban L. Bovo, Jr., Board of County  
Commissioners

From: Carlos A. Gimene  
Mayor

A handwritten signature in dark ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Recusal from Decisions Related to Formula One Racing Events in Miami-Dade County

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On May 14, 2018, I became aware that my son C.J. Gimenez is involved in negotiations related to Formula One Racing for the City of Miami. Out of an abundance of caution, I will not be participating in any decisions regarding Formula One Racing Events in Miami-Dade County. My understanding is that Formula One has not requested financial assistance from the County at this time, but has requested use of PortMiami facilities.

Per Section 5.03(D) of the Miami-Dade Home Rule Charter, "in circumstances where the Mayor informs the Chairperson of the Board of County Commissioners in writing that he or she has a conflict of interest in the solicitation, evaluation, award or recommendation of award of contract," you, as Chairperson, "shall have all authority provided by this Charter or the Board to solicit, evaluate, "

# Memorandum



Date: October 27, 2019

To: Jose Arrojo  
Executive Director, Commission on Ethics and Public Trust

From: Carlos A. Gimenez  
Mayor

A handwritten signature in dark ink, appearing to read "Carlos A. Gimenez", written over a light blue horizontal line.

Subject: Conflict of Interest Question Regarding Formula One Racing  
Question Regarding Formula One Racing

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On May 14, 2018, out of an abundance of caution, I sent a memo to then-Chairman of the Board of County Commissioners (Board) Esteban L. Bovo, Jr. recusing myself from all decisions related to Formula One racing events in Miami-Dade County (see attached). By way of that recusal memo, I appointed Deputy Mayor Jack Osterholt as my administrative liaison to the Chair, and the rest of the Board, for all Formula One matters because my son C.J. Gimenez was involved in negotiations for the City of Miami and the use of PortMiami facilities was being contemplated for the race. Since that time, the planned location for Formula One has moved from the City of Miami to Hard Rock Stadium in Miami Gardens and my son has not served as a lobbyist on behalf of the City of Miami related to Formula One for a significant period of time, and is not currently lobbying on behalf of any interested party regarding this matter.

I am writing today to seek your opinion as to whether a conflict of interest exists regarding my personal involvement and participation in matters related to Formula One. The timing of this inquiry is critical because there are two pieces of legislation, which are attached hereto, related to Formula One coming before the Board on Tuesday, October 29, and I would like to send a memorandum to the Board to discuss these items and to be involved and participate in matters related to Formula One going forward.

award or recommend the award of such contract including, but limited to, the authority to recommend a bid waiver in writing. Deputy Mayor Jack Osterholt will be your liaison and will answer any questions you may have.

c: Abigail Price-Williams, County Attorney

Geri Bonzon-Keenan, First Assistant County Attorney

Joe Centorino, Executive Director, Commission on Ethics and Public Trust

Jack Osterholt, Deputy Mayor, Office of the Mayor

Edward Marquez, Deputy Mayor, Office of the Mayor

Tara C. Smith, Director, Internal Services Department Harvey

Rubin, Clerk of the Courts

Christopher Agrippa, Clerk of the Board

## MEMORANDUM

11(A)(7)

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

DATE: and

FROM: Abigail Price-Williams  
County Attorney  
October 29, 2019

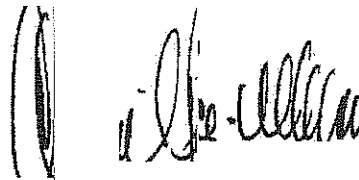
SUBJECT:

road closures for motor vehicle racing be accompanied by an application fee that is sufficient to cover the cost of a noise, air and traffic study analyzing the impacts to surrounding areas associated with the noise decibel levels, exhaust fumes and traffic; and (4) require County Mayor to undertake said noise, & air, and air study for any road closure application for a motor vehicle race and to submit the results of the study along with any application presented to the Board; directing the County Mayor to prepare and submit to the Board for its approval an implementing order setting forth the policies adopted herein and an application process and associated fees for road closures for motor vehicle races

Resolution establishing County policy regarding motor vehicle racing; establishing County policy to: (1) prohibit temporary or permanent road closures on County roadways that abut or traverse residentially zoned districts; (2) require applications to the County for temporary or permanent road closures for motor vehicle racing be presented to the Board of County Commissioners for its determination; (3) require all applications for temporary or permanent

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



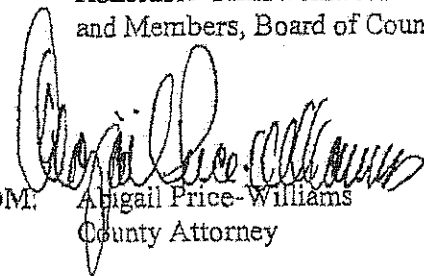
Williams ney

APW/uw

County

MEMORANDUM  
(Revised)

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



FROM: Abigail Price-Williams  
County Attorney

DATE: October 29, 2019  
and Members, Board of County Commissioners

SUBJECT: Agenda Item No. 11(A) ( 7 )

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 or (4)(c) , 2/3 vote requirement  
per or (4)(c) or CDMP 9 vote requirement per  
approve

Current information regarding funding source, index  
code and available balance, and available capacity  
(if debt is contemplated) required

Override  
\_\_\_\_\_

RESOLUTION NO.

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RESOLUTION ESTABLISHING COUNTY POLICY REGARDING  
MOTOR VEHICLE RACING; ESTABLISHING COUNTY  
POLICY TO: (1) PROHIBIT TENTORARY OR PERMANENT  
ROAD CLOSURES ON COUNTY ROADWAYS  
THAT ABUT OR TRAVERSE RESIDENTIALLY ZONED DISTRICTS; (2)  
                    REQUIRE APPLICATIONS TO COUNTY  
FOR TEMPORARY OR PERMANENT ROAD CLOSURES FOR  
MOTOR VEHICLE RACING BE PRESENTED TO THE BOARD  
OF COUNTY COMMISSIONERS FOR ITS  
DETERVINATION•, (3) REQUIRE ALL APPLICATIONS  
FOR TEMPORARY OR PERMANENT ROAD CLOSURES FOR  
MOTOR VEHICLE RACING BE ACCOMPANIED BY AN  
APPLICATION FEE THAT IS SUFFICIENT TO COVER THE  
COST OF A NOISE,  
. AIR AND TRAFFIC STUDY ANALYZING THE MPACTS TO .  
SURROUNDNG AREAS ASSOCIATED WITH THE NOISE  
DECIBEL LEVELS, EXHAUST FUMES AND TRAFFIC, AND  
(4) REQUIRE COUNTY MAYOR OR MAYOR'S DESIGNEE TO

Approved \_\_\_\_\_ Mayor

11 A

Veto

10-29-19 \_\_\_\_\_

UNDERTAKE SAID NOISE, TRAFFIC, AND AIR STUDY FOR  
ANY ROAD CLOSURE APPLICATION FOR A MOTOR  
VEHICLE RACE AND TO SUBMIT THE RESULTS OF THE  
STUDY ALONG WITH ANY APPLICATION PRESENTED TO  
THE BOARD, DIRECTING COUNTY MAYOR OR  
MAYOR'S DESIGNEE TO PREPARE AND SUBMIT TO THE  
BOARD FOR ITS APPROVAL AN IMPLEMENTING ORDER  
SETTING FORTH THE POLICIES ADOPTED HEREIN  
AND AN APPLICATION PROCESS AND ASSOCIATED FEES  
FOR  
ROAD CLOSURES FOR MOTOR VEHICLE RACES

WHEREAS, motor vehicle racing is an exciting and popular  
sporting event; and

WHEREAS, for certain events motor vehicle races are held within  
stadiums and facilities

and other motor vehicle races are held on public roads running  
through cities; and

WHEREAS, while motor vehicle races can have a positive impact on  
a community in the

form of increased publicity, tourism and economic development, such  
races can also have an

overriding detrimental impact on a community if the race course is  
held in whole or in part on public





roadways that abutting or traverse residential neighborhoods or bedroom communities, as the motor vehicles are very loud and may release exhaust fumes, and the duration of the race and closed roads may cause traffic congestion; and

WHEREAS, the closing of roadways associated with the hosting of motor vehicle races should therefore be closely and carefully analyzed to assess the noise, traffic and exhaust impacts; and

WHEREAS, more importantly, road closures for purposes of holding motor vehicle races on the County roadways that abut or traverse residentially zoned district should be barred and prohibited; and

WHEREAS, Section 2-95.1 of the Code of Miami-Dade County, Florida provides that the Department of Transportation and Public Works ("DTPW") is "empowered and shall have the duty and responsibility to perform, under the administrative direction and supervision of the County [Mayor], and in accordance with policies adopted by the Board of County Commissioners," certain traffic functions; and

WHEREAS, this Board desires to adopt policies pertaining to road closures for motor vehicle races and to have the County Mayor or Mayor's designee prepare and submit for this Board's approval an implanting order setting forth said policies and an application and fee process for temporary or permanent road closures for the hosting of motor vehicle races,

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

Section 1. The foregoing recitals are adopted as if fully set forth herein.

Section 2. This Board hereby adopts and establishes County policy pertaining to motor vehicle racing to: (1) prohibit temporary or permanent road closures on County roadways that abut

or traverse residentially zoned districts; (2) require applications to the County for temporary or permanent road closures for motor vehicle racing be presented to the Board of County Commissioners for its determination; (3) require all applications for temporary or permanent road closures for motor vehicle racing be accompanied by an application fee in an amount that is sufficient to cover the cost of a noise, air and traffic study analyzing the impacts to the surrounding areas likely to result from the motor vehicle race associated with the noise decibel levels, exhaust fumes and traffic; and (4) require the County Mayor or Mayor's designee to undertake said noise, traffic and air study for any road closure application to the County for a motor vehicle race and to submit the results of the study along with any application presented to this Board for its consideration.

Section 3. This Board directs the County Mayor or Mayor's designee to prepare and submit to the Board for its approval, within 60 days of the effective date of this resolution, an implementing order setting forth the policies adopted herein and setting forth an ~~application~~ process and associated fees for road closures for motor vehicle races, to include the cost of required noise, air and traffic studies. The implementing order prepared by the County Mayor or Mayor's designee for this Board's consideration shall require that DTPW conduct a noise, air and traffic study for each motor vehicle race that seeks a road closure and that prohibits temporary or permanent road closures for motor vehicle races where any part of the race course abuts or traverses a residentially zoned district.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman

Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr. Daniella Levine Cava Jose "Pepe" Diaz

Sally A. Heyman Eileen Higgins Barbara J. Jordan

Joe A. Martinez

Jean Monestime

Dennis C. Moss

Sen. Javier D, Souto

Xavier L. Suarez

The Chairperson thereupon declared this resolution duly passed and adopted this 29<sup>th</sup> day of October, 2019. 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 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: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as to form  
and legal sufficiency. Mov

Monica Rizo Perez

## MEMORANDUM

4(D)

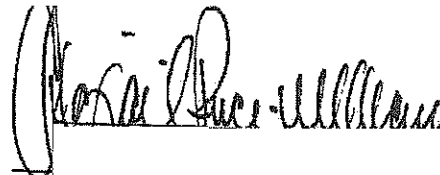
TO: Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

DATE: October 29, 2019

FROM: Abigail Price-Williams  
County Attorney

SUBJECT: Ordinance relating to zoning;  
amending section 33-452 and  
creating section 33452.5 of the  
Code; revising regulations  
relating to stadium district;  
requiring approval after public  
hearing for automotive races in  
stadium district

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor  
Commissioner Barbara J. Jordan.



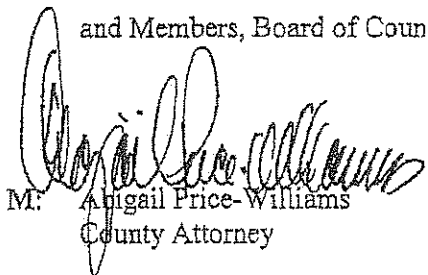
Abigail Price-Williams  
County Attorney

orney

APW/lmp

## MEMORANDUM

(Revised)



and Members, Board of Coun  
M: Abigail Price-Williams  
County Attorney

To: Honorable Chairwoman Audrey M. Edmonson DATE:  
October 29, 2019 and Members, Board of County  
Commissioners

FROM: Agenda Item No. 4(D)

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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

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Budget required

Statement of fiscal impact required

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Statement of social equity required

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Ordinance creating a new board requires detailed  
County Mayor's report for public hearing

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No committee review

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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 1-116.1(3)(h) or per 2-116.1(3)(h) or  
(4)(c) , 1-116.1(4)(c)(2) CDMP 2/3 vote requirement  
per or (4)(c) , or CDMP 9 vote requirement per  
\_) to approve

Current information regarding funding source,  
index code and available balance, and available  
capacity (if debt is contemplated) required

Approved  
Veto

\_\_\_\_\_  
Mayor

4 D

10-29-19 \_\_\_\_\_  
Override

ORDNANCE NO. \_\_\_\_\_

ORDINANCE RELATNG TO ZONING; AMENDING SECTION 33-452 AND  
CREATING SECTION 33-452.5 OF THE CODE OF  
MIAMI-DADE COUNTY, FLORIDA; REVISING  
REGULATIONS RELATING TO STADIUM DISTRICT;  
REQUIRING APPROVAL AFTER PUBLIC HEARING FOR  
AUTOMOTIVE RACES IN STADIUM DISTRICT; PROVIDING  
SEVERABILITY, INCLUSION CODE, AND AN  
EFFECTIVE DATE

WHEREAS, motor vehicle racing is an exciting and popular sporting event; and

WHEREAS, while motor vehicle races can have a positive impact on a community in the form of increased publicity, tourism and economic development, such races can also have an overriding detrimental impact on a community if the race course is held near residential neighborhoods or bedroom communities, as the motor vehicles are very loud and may release exhaust fumes, and the duration of the race and closed roads may cause traffic congestion and inconvenience to residents; and

WHEREAS, the Board adopted a stadium district ordinance after the City of Miami Gardens filed a lawsuit against the County with respect to certain regulatory jurisdiction over the stadium and certain surrounding properties, and after the County entered into a settlement agreement with the City and certain entities related to the Miami Dolphins; and **WHEREAS**, pursuant to 33-451 (1) of the Code of Miami-Dade County ("the Code"), the stadium district ordinance applies to the area bounded by N.W. 203 Street on the north, the Florida Turnpike on the east, N.W. 195<sup>th</sup> Street on the south, and N.W. 27<sup>th</sup> Avenue on the west, and the stadium district is also referred to as the "S District" in the ordinance, and

WHEREAS, there are residential neighborhoods or bedroom communities in the vicinity of the properties that are governed by the stadium district zoning regulations; and





WHEREAS, pursuant to the settlement agreement, the City also adopted the stadium district ordinance, and changes to the stadium district ordinance require approval by both the Board of County Commissioners and the City Commission; and

WHEREAS, in addition, as provided in section 33-462 of the Code, zoning applications and zoning inquiries for the stadium district must be submitted to the City and would be decided by the City, although appeals of certain City decisions may come before the Board of County Commissioners; and

WHEREAS, pursuant to section 33462(3) of the Code, "[i]f the City Council denies an application for zoning action by an owner or such authorized applicant after public hearing, or approves an application for zoning action after public hearing with conditions that are not agreed to by the owner or authorized applicant, the owner or authorized applicant shall have the right to appeal the City Council' s decision to the Board ofCounty Commissioners for its review after public hearing;" and

WHEREAS, the Stadium District ordinance currently includes automotive races in the list of allowable uses in section 33-452 of the Code; and

WHEREAS, this Board wishes to create a required public hearing process for automodve race-related uses, including automotive race special events, so that an applicant's site plan and proposals to mitigate noise and exhaust impacts to residential neighborhoods may be considered at the public hearing,

BE IT ORDAINED BY                      BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-452 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows: <sup>1</sup>

Sec. 33-452, - Uses permitted.

No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, occupied or maintained for any purpose in the S District except for one or more of the following uses, subject to the prohibited uses enumerated in subsection (18) below:

- (2) Automotive Uses. Sales of new and used automobiles (not including open lot car sales new or used); automotive shows, and exhibitions; and gas stations or other form of stations used for the powering/charging of automobile vehicles. Upon approval as a Special Exception by the City, pursuant to Section 34-48 of the City Code, the following uses may also be permitted: establishments specializing in the service or repair of automobiles; automobile fire sales and replacement; and automobile parts sales and installation. For auto service, auto repair or drive-throughs to be located within .25 miles of a premium transit corridor or premium transit station, administrative site plan approval shall be required to assure that the proposed site plan is conducive to public transit ridership. >>In addition, automotive race uses, including, but not limited to, automotive races and automotive racing special events, may only be approved as a special exception after public hearing, pursuant to section 33-452.5.<<

Section 2. \_\_\_\_\_ Section 33-452.5 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>~~Sec.~~33452.5. — Approval after public hearing required for automotive race uses.

Automotive race uses, including but not limited to, automotive races and automotive racing special events, may only be approved in the S District as a special after public hearing. In addition to demonstrating compliance with the standards applicable to special exceptions as set forth in section 33-311 of the County Code, an applicant for an automotive race use shall submit the following materials:

- (1) a site plan, which at a minimum shows:  
the proposed race track or route;

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1 Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged,

- b. safety features to confine accidents and other race impacts to the track itself and away from adjoining or adjacent properties; and

- c. distance of the race track and spectator areas from single-family residential properties, and  
(2) a plan for mitigating potential impacts to single-family residential properties from noise, odors, accidents, congregation of people, and other impacts different to spectator sports and automobile race uses, as determined by the Director.<<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 6. The provisions of this ordinance shall not be enforced unless and until the City Commission of the City of Miami Gardens has adopted the same amendment to the Stadium District.

PASSED AND ADOPTED:

Approved by County Attorney as to form  
and legal sufficiency:

Prepared by:  
Abbie Schwaderer-Raurell

APW  
ASR

Prime Sponsor:

Commissioner Barbara J. Jordan