

ATTACHMENT 2 – EXHIBIT 1 of PEOPLE’S TRANSPORTATION PLAN

On November 5, 2002, Miami-Dade County voters approved a half-penny surtax to implement the PTP:
Shall the County implement the People’s Transportation Plan including: Plans to build rapid transit lines to West Dade, Kendall, Florida City, Miami Beach and North Dade; expanding bus service; adding 635 buses; improving traffic signalization to reduce traffic backups; improving major and neighborhood roads and highways, including drainage; and funding to municipalities for road and transportation projects by levying a ½ percent sales surtax whose proceeds will be overseen by the Citizens’ Independent Transportation Trust?

YEAR 2003–2008: BUS SERVICE IMPROVEMENTS (Capital Cost: \$90 million)

- Increases bus fleet from 700 to 1335.
- Increases current service miles from 27 million miles to 44 million miles.
- Increases operating hours from 1.9 million hours to 3.3 million hours.
- Utilizes minibuses on all new bus routes and in neighborhood/municipal circulator shuttle service.
- Adds mid-day, Saturday and Sunday services within 30 days of approval of a dedicated funding source using existing buses.
- Provides 15-minutes or better bus service during rush hour; 30-minutes or better during other periods; 24-hour service in certain major corridors.
- Replaces buses on a systematic basis to reduce operating cost and increase reliability.
- Constructs bus pull-out bays on major streets to expedite traffic flow
- Implements grid system for bus service (north-south and east-west) on major streets and avenues with circulator service feeding main line bus service and rapid transit lines.
- Expands the bus shelter program throughout the County.
- Enhances and expands transit bus stop signage countywide; incorporates information technology at bus stops and rail stations.
- Expands Transit’s public information program through enhanced marketing and advertising.
- Expands on successful municipal circulator program.

YEAR 2003-2031 RAPID TRANSIT IMPROVEMENTS

Construction of up to 88.9-miles of new Rapid Transit Lines. (Capital Cost: \$7 billion)

- Technology and Corridor Improvements: Two corridors, totaling 26.7 miles of rapid transit, have completed the planning phase and are ready to enter into final design and construction -- the North Corridor and East-West Corridor.
- The North Corridor is a 9.5-mile heavy rail alternative, running from the Dr. Martin Luther King, Jr. Metrorail Station, along NW 27th Avenue to NW 215th Street (Miami-Dade/Broward County line); with proposed stations at Northside Shopping Center, MDCC-North Campus, City of Opa-Locka, Palmetto Expressway, Carol City Shopping Center, Pro-Player Stadium and the Florida Turnpike. The North Corridor (part of the original Rapid Transit Plan) will receive top priority to go into the final design and construction phase (Cost: \$555 million).



- The East-West Corridor consists of two segments, one from the Florida Turnpike east to the Palmetto Expressway (SR 826) and from the Palmetto, through Miami International Airport, downtown Miami, and to the Port of Miami, 6 miles and 11.2 miles respectively. These sites have been identified as potential station locations: Florida Turnpike, NW 107th Avenue, NW 97th Avenue, NW 87th Avenue, Milam Dairy Road, Blue Lagoon area, Miami Intermodal Center, NW 27th Avenue, Orange Bowl, Government Center (downtown Miami), and the Port of Miami(Cost: \$2,789 million).
- The remaining 62.2 miles of rapid transit lines need to complete federal, state and local planning processes to determine feasibility, technology, and corridor alignment. These corridors include, but are not limited to, the following:
 - Earlington Heights/Airport Connector: A 3.1-mile extension from the Earlington Heights Metrorail Station to the Miami Intermodal Center, located on the east side of Miami International Airport. (Cost: \$207 million)
 - Baylink: A 5.1-mile corridor between downtown Miami and South Miami Beach. (Cost: \$510 million)
 - Kendall Corridor: A 15-mile corridor with both east-west and north-south segments. (Cost: \$877 million)
 - Northeast Corridor: A 13.6-mile corridor from Downtown Miami, through Little Haiti, to NE 215th Street, generally along the Biscayne Blvd. (U.S. 1) Corridor and Florida East Coast railroad right-of-way. (Cost: \$795 million)
 - Rail Extension to Florida City: A 21-mile rail extension along U.S.1 consisting of two segments, one from Dadeland South Metrorail Station to Cutler Ridge; a second segment from Cutler Ridge to Florida City. (Cost: \$946 million)
 - Douglas Road Extension: A 4.5-mile corridor from the Douglas Road Metrorail Station to the Miami Intermodal Center. (Cost: \$280 million)

YEAR 2003-2013: MAJOR HIGHWAY AND ROAD IMPROVEMENTS (Total Cost: \$309 million)

Includes the following countywide improvement

- Supplements funding to upgrade the County’s traffic signalization system.
- Constructs major ingress/egress improvements in Downtown Miami, from SW 8 Street to SW 1 Avenue.
- Funds the Preliminary Engineering and Design study of I-395.
- Accelerates approved safety enhancements and lane widening for Krome Avenue.
- Completes construction of NW 87 Avenue between NW 154 Street and Miami Gardens Drive (NW 183 Street).
- Creates viable reverse flow lanes on major thoroughfares.
- Funds grade separation of intersections where appropriate countywide.
- Supplements funding to widen NW 62 Avenue, from NW 105 street to NW 138 Street.

YEAR 2003-2013: NEIGHBORHOOD IMPROVEMENTS (Total Cost: \$167 million)

Neighborhood improvements include modification of intersections; resurfacing of local and arterial roads; installation/repairs of guardrails; installation of school flashing signals and enhancement of greenways and bikeways.

Such improvements also include replacement/repair of sidewalks, repair/installation of drainage and landscape beautification (including community image enhancements), roadway signage, roadway lighting, pavement markings, and traffic calming¹ related to the development, construction, operation or maintenance of roads and bridges in the County or to the expansion, operation or maintenance of bus and fixed guideway systems. Accelerate program to provide ADA accessibility to bus stops throughout the County.

- Accelerates program to provide ADA accessibility to bus stops throughout the County

MUNICIPAL IMPROVEMENTS (Cities to receive a pro rata share (determined by population) of 20% of total surtax revenues on an annual basis (currently estimated at \$62.6 million [one-percent] or \$31.3 million [one-half percent])

Cities will preserve the level of transportation funding currently in their FY2001-2002 budgets (i.e. their maintenance of effort dollars). Maintenance of efforts excludes special bond issues for infrastructure improvements.

The cities will dedicate 20% of their surtax funds to transit purposes. This would include circulators, bus shelters, bus pull out bays or other transit-related infrastructure. If such utilization is inappropriate, the County will be afforded the opportunity to undertake such projects with those funds or the funds will revert to the municipal pool for re-distribution.

Footnote:

1) As amended per Board of County Commissioners, R-507-04 (April 2004)

CURRENT ORDINANCE [December 2012 County Code]

Sec. 29-121. - Sales surtax levied.

There is hereby levied and imposed a one half of one percent discretionary sales surtax authorized by Section 212.055(1), Florida Statutes (2001) on all transactions occurring in Miami-Dade County which transactions are subject to the state tax imposed on sales, use, rentals, admissions and other transactions by Chapter 212, Florida Statutes (2001).

(Ord. No. 02-116, § 1, 7-9-02)

Sec. 29-122. - Surtax rate, limitations.

The surtax rate shall be one-half of one percent on the amount of taxable sales and taxable purchases representing such transactions. The limitations, conditions and provisions contained in Section 212.054, Florida Statutes (2001) as the same may be amended and supplemented from time to time are hereby incorporated herein.

(Ord. No. 02-116, § 1, 7-9-02)

Sec. 29-122.1. - Exemption from Sales Surtax.

All exemptions applicable to the discretionary sales surtax contained in Chapter 212, Florida Statutes are hereby incorporated herein as the same may be amended and supplemented from time to time including, but not limited to, the following:

- The sales amount above \$5,000 on any item of tangible personal property shall not be subject to the surtax. However, charges for prepaid calling arrangements, as defined in Section 212.05(1)(e)1.a. Fla. Stats., shall be subject to the surtax. For purposes of administering the \$5,000 limitation of an item of tangible personal property, if two or more taxable items of tangible personal property are sold to the same purchaser at the same time and, under generally accepted business practice or industry standards or usage, are normally sold in bulk or are items that, when assembled, comprise a working unit or part of a working unit, such items must be considered a single item for purposes of the \$5,000 limitation when supported by a charge ticket, sale slip, invoice, or other tangible evidence of a single sale or rental.



- (b) The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the sales surtax imposed by this article.
- (c) *Exemptions; General Groceries.*
- (a) Food products for human consumption are exempt from the sales surtax imposed by this article.
- (b) For the purpose of this article, as used in this subsection, the term "food products" means edible commodities, whether processed, cooked, raw, canned, or in any other form, which are generally regarded as food. This includes, but is not limited to, all of the following:
1. Cereals and cereal products, baked goods, oleomargarine, meat and meat products, fish and seafood products, frozen foods and dinners, poultry, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices, salt, sugar and sugar products, milk and dairy products, and products intended to be mixed with milk.
 2. Natural fruit or vegetable juices or their concentrates or reconstituted natural concentrated fruit or vegetable juices, whether frozen or unfrozen, dehydrated, powdered, granulated, sweetened or unsweetened, seasoned with salt or spice, or unseasoned; coffee, coffee substitutes, or cocoa; and tea, unless it is sold in a liquid form.
 3. Bakery products sold by bakeries, pastry shops, or like establishments that do not have eating facilities.
- (c) The exemption provided by this subsection does not apply:
1. When the food products are sold as meals for consumption on or off the premises of the dealer.
 2. When the food, products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware, whether provided by the dealer or by a person with whom the dealer contracts to furnish, prepare, or serve food products to others.
 3. When the food products are ordinarily sold for immediate consumption on the seller's premises or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "take out" or "to go" order and are actually packaged or wrapped and taken from the premises of the dealer.
 4. To sandwiches sold ready for immediate consumption on or off the seller's premises.
 5. When the food products are sold ready for immediate consumption within a place, the entrance to which is subject to an admission charge.
 6. When the food products are sold as hot prepared food products.
 7. To soft drinks, which include, but are not limited to, any nonalcoholic beverage, any preparation or beverage commonly referred to as a "soft drink," or any noncarbonated drink made from milk derivatives or tea, when sold in cans or similar containers.
 8. To ice cream, frozen yogurt, and similar frozen dairy or nondairy products in cones, small cups, or pints, popsicles, frozen fruit bars, or other novelty items, whether or not sold separately.
 9. To food prepared, whether on or off the premises, and sold for immediate consumption. This does not apply to food prepared off the premises and sold in the original sealed container, or the slicing of products into smaller portions.
 10. When the food products are sold through a vending machine, pushcart, motor vehicle, or any other form of vehicle.
 11. To candy and any similar product regarded as candy or confection, based on its normal use, as indicated on the label or advertising thereof.

12. To bakery products sold by bakeries, pastry shops, or like establishments that have eating facilities, except when sold for consumption off the seller's premises.
13. When food products are served, prepared, or sold in or by restaurants, lunch counters, cafeterias, hotels, taverns, or other like places of business.

(d) As used in this subsection (1), the term:

1. "For consumption off the seller's premises" means that the food or drink is intended by the customer to be consumed at a place away from the dealer's premises.
2. "For consumption on the seller's premises" means that the food or drink sold may be immediately consumed on the premises where the dealer conducts his or her business. In determining whether an item of food is sold for immediate consumption, there shall be considered the customary consumption practices prevailing at the selling facility.
3. "Premises" shall be construed broadly, and means, but is not limited to, the lobby, aisle, or auditorium of a theater; the seating, aisle, or parking area of an arena, rink, or stadium; or the parking area of a drive-in or outdoor theater. The premises of a caterer with respect to catered meals or beverages shall be the place where such meals or beverages are served.
4. "Hot prepared food products" means those products, items, or components which have been prepared for sale in a heated condition and which are sold at any temperature that is higher than the air temperature of the room or place where they are sold. "Hot prepared food products," for the purposes of this subsection, includes a combination of hot and cold food items or components where a single price has been established for the combination and the food products are sold in such combination, such as a hot meal, a hot specialty dish or serving, or a hot sandwich or hot pizza, including cold components or side items.

- (e)
1. Food or drinks not exempt under paragraphs (a), (b), (c), and (d) shall be exempt, notwithstanding those paragraphs, when purchased with food coupons or Special Supplemental Food Program for Women, Infants, and Children vouchers issued under authority of federal law.
 2. This paragraph (e) is effective only while federal law prohibits a state's participation in the federal food coupon program or Special Supplemental Food Program for Women, Infants, and Children if there is an official determination that state or local sales taxes are collected within that state on purchases of food or drinks with such coupons.
 3. This paragraph (e) shall not apply to any food or drinks on which federal law shall permit sales taxes without penalty, such as termination of the state's participation.

(2) *Exemptions medical.*

- (a) There shall be exempt from the sales surtax imposed by this article any medical products and supplies or medicine dispensed according to an individual prescription or prescriptions written by a prescriber authorized by law to prescribe medicinal drugs; hypodermic needles; hypodermic syringes; chemical compounds and test kits used for the diagnosis or treatment of human disease, illness, or injury; and common household remedies recommended and generally sold for internal and external use in the cure, mitigation, treatment, or prevention of illness or disease in human beings, but not including cosmetics or toilet articles, notwithstanding the presence of medicinal ingredients therein, according to a list prescribed and approved by the Department of Health, which list shall be certified to the Department of Revenue from time to time and included in the rules promulgated by the Department of Revenue. There shall also be exempt from the sales surtax imposed by this article artificial eyes and limbs; orthopedic shoes; prescription eyeglasses and items incidental thereto or which become a part thereof; dentures; hearing



aids; crutches; prosthetic and orthopedic appliances; and funerals. In addition, any items intended for one-time use which transfer essential optical characteristics to contact lenses shall be exempt from the sales surtax imposed by this article, however, this exemption shall apply only after \$100,000 of the sales surtax imposed by this article on such items has been paid in any calendar year by a taxpayer who claims the exemption in such year. Funeral directors shall pay tax on all tangible personal property used by them in their business.

(b) For the purposes of this subsection (2):

1. "Prosthetic and orthopedic appliances" means any apparatus, instrument, device, or equipment used to replace or substitute for any missing part of the body, to alleviate the malfunction of any part of the body, or to assist any disabled person in leading a normal life by facilitating such person's mobility. Such apparatus, instrument, device, or equipment shall be exempted according to an individual prescription or prescriptions written by a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466, Florida Statutes, or according to a list prescribed and approved by the Department of Health, which list shall be certified to the Department of Revenue from time to time and included in the rules promulgated by the Department of Revenue.
 2. "Cosmetics" means articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for cleaning, beautifying, promoting attractiveness, or altering the appearance and also means articles intended for use as a compound of any such articles, including, but not limited to, cold creams, suntan lotions, makeup, and body lotions.
 3. "Toilet articles" means any article advertised or held out for sale for grooming purposes and those articles that are customarily used for grooming purposes, regardless of the name by which they may be known, including, but not limited to, soap, toothpaste, hair spray, shaving products, colognes, perfumes, shampoo, deodorant, and mouthwash.
 4. "Prescription" includes any order for drugs or medicinal supplies written or transmitted by any means of communication by a duly licensed practitioner authorized by the laws of the state to prescribe such drugs or medicinal supplies and intended to be dispensed by a pharmacist. The term also includes an orally transmitted order by the lawfully designated agent of such practitioner. The term also includes an order written or transmitted by a practitioner licensed to practice in a jurisdiction other than this state, but only if the pharmacist called upon to dispense such order determines, in the exercise of his or her professional judgment, that the order is valid and necessary for the treatment of a chronic or recurrent illness. The term also includes a pharmacist's order for a product selected from the formulary created pursuant to Sec. 465.186 Fla. Stats. A prescription may be retained in written form, or the pharmacist may cause it to be recorded in a data processing system, provided that such order can be produced in printed form upon lawful request.
- (c) Chlorine shall not be exempt from the tax imposed by this article when used for the treatment of water in swimming pools.
- (d) Lithotripters are exempt.
- (e) Human organs are exempt.
- (f) Sales of drugs to or by physicians, dentists, veterinarians, and hospitals in connection with medical treatment are exempt.

- (g) Medical products and supplies used in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity which are temporarily or permanently incorporated into a patient or client by a practitioner of the healing arts licensed in the state are exempt.
- (h) The purchase by a veterinarian of commonly recognized substances possessing curative or remedial properties which are ordered and dispensed as treatment for a diagnosed health disorder by or on the prescription of a duly licensed veterinarian, and which are applied to or consumed by animals for alleviation of pain or the cure or prevention of sickness, disease, or suffering are exempt. Also exempt are the purchase by a veterinarian of antiseptics, absorbent cotton, gauze for bandages, lotions, vitamins, and worm remedies.
- (i) X-ray opaques, also known as opaque drugs and radiopaque, such as the various opaque dyes and barium sulphate, when used in connection with medical X rays for treatment of bodies of humans and animals, are exempt.
- (j) Parts, special attachments, special lettering, and other like items that are added to or attached to tangible personal property so that a handicapped person can use them are exempt when such items are purchased by a person pursuant to an individual prescription.
- (k) This subsection (2) shall be strictly construed and enforced.

(Ord. No. 02-116, § 1, 7-9-02)

Sec. 29-123. - Administration, collection and enforcement.

The Florida Department of Revenue shall administer, collect and enforce the surtax levied hereunder pursuant to the procedures specified in Sec. 212.054(4) Fla. Stats. (2001) as the same may be amended or renumbered from time to time.

(Ord. No. 02-116, § 1, 7-9-02)

Sec. 29-124. - Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust.

The surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be expended for the transportation and transit projects (including operation and maintenance thereof) set forth in Exhibit 1 to this article (including those projects referenced in the ballot question presented to the electors to approve this levy) and the adopted Five Year Implementation Plan, subject to any amendments thereto made in accordance with the MPO process or made in accordance with the procedures specified in subsection (d) of this Section.

Expenditure of surtax proceeds shall be subject to the following limitations:

- (a) Surtax proceeds shall be applied to expand the Golden Passport Program to all persons (regardless of income level who are over the age of 65 or are drawing Social Security benefits, and to provide fare-free public transportation service on Metromover, including extensions.
- (b) Surtax proceeds may only be expended for the transportation and transit purposes specified in Section 212.055(1)(d)1—4 Fla. Stats. (2010).
- (c) The County shall not expend more than five percent of the County's share of surtax proceeds on administrative costs, exclusive of project management and oversight for projects funded by the surtax.
- (d) The Trust shall in consultation with the Mayor recommend to the County Commission a Five Year Implementation Plan. The Five Year Implementation Plan shall include a detailed scope of work, schedule and budget, consistent with the federal requirements for the MPO TIP and Long Range Plan, for each project included in Exhibit 1 of the People's Transportation Plan, as amended, anticipated to be implemented in whole or in part



during the five year period. The Five Year Implementation Plan shall be approved by the County Commission in accordance with the procedures established in paragraph (f) of this section. The initial Five Year Implementation Plan shall be approved no later than January 1, 2011. The Five Year Implementation Plan shall be updated annually no later than thirty days from the commencement of Miami-Dade County's fiscal year. The Trust shall review and monitor projects included in the Five Year Implementation Plan and provide to the County Commission and post online an annual report no later than December 31 of each year. The annual report shall detail the progress on each project included in the Five Year Work Plan.

- (e) The County Commission shall not delete or materially change any County project contained in the list attached as Exhibit 1 to this article nor add any project to the list or delete, materially change or add any project to the Five Year Implementation Plan except in accordance with the procedures set forth in this subsection (e). The Five Year Implementation Plan and any proposed deletion, material change or addition of a County project shall be initially reviewed by the Citizens' Independent Transportation Trust ("Trust"), which shall forward a recommendation thereon to the County Commission. The County Commission may either accept or reject the Trust's recommendation. If the County Commission rejects the recommendation, the matter shall be referred back to the Trust for its reconsideration and issuance of a reconsidered recommendation to the County Commission. The County Commission may approve, change or reject the Trust's reconsidered recommendation. A two-thirds vote of the Commission membership shall be required to take action other than as contained in the reconsidered recommendation of the Trust. The foregoing notwithstanding, the list of County projects contained in Exhibit 1 and the Five Year Implementation Plan may be changed as a result of the MPO process as mandated by federal and state law.
- (f) No surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a two-thirds (2/3) vote of the Commission's membership. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or his designee filing his award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust. The Trust shall, in consultation with the County Mayor or his designee, schedule Trust meetings monthly so as to ensure that a Trust recommendation is provided to the Commission with the Commission's agenda package.
- (g) On a quarterly basis, the Executive Director of the CITT shall submit a written report to the Commission, the Mayor and the Manager of all expenditures made pursuant to Section 29-124 herein.
- (h) Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of November 5, 2002 that meet the following conditions:
 - (i) That continue to provide the same level of general fund support for transportation that is in their FY 2001-2002 budget in subsequent Fiscal Years. Any surtax proceeds received shall be applied to supplement, not replace a city's general fund support for transportation;
 - (ii) That apply 20 percent of any surtax proceeds received to transit uses in the nature of circulator buses, bus shelters, bus pullout bays, on-demand transportation services as defined in Section 212.055(1)(e), Florida Statutes (2010), or other transit-related infrastructure. The use of surtax proceeds for on-demand transportation services shall be limited to providing transportation to Miami-Dade County residents

whose household income do not exceed the standard threshold applied to determine eligibility for the low-income, senior citizen's additional homestead exemption outlined in Section 196.075, Florida Statutes (2010), as amended from time to time and meet at least one of the following two criteria: (1) are aged 65 years or older or (2) have a disability, as defined in the Americans with Disabilities Act of 1990 (ADA). Notwithstanding any provision to the contrary, on-demand transportation services as defined in Section 212.055(1)(e), Florida Statutes (2010), and used herein, shall require 24-hour pre-arranged service by recipients. No City may utilize surtax proceeds to provide on-demand transportation services, as defined herein, for individuals receiving County sponsored Special Transportation Services. Any city that cannot apply the 20 percent portion of surtax proceeds it receives as provided in this paragraph, may contract with the County for the County to apply such proceeds on a County project that enhances traffic mobility within that city and immediately adjacent areas. If the city cannot expend such proceeds in accordance with this paragraph and does not contract with the County as described in this paragraph, then such proceeds shall carry over and be added to the overall portion of surtax proceeds to be distributed to the cities in the ensuing year and shall be utilized solely for the transit uses enumerated in this subsection (ii); and

- (iii) Surtax proceeds distributed amongst the existing cities shall be distributed on a pro rata basis based on the ratio such city's population bears to the total population in all such cities (as adjusted annually in accordance with the Estimates of Population prepared by the Bureau of Economic and Business Research of the University of Florida) annually to those cities that continue to meet the foregoing conditions. For purposes of the foregoing, whenever an annexation occurs in an existing city, the number of persons residing in such annexed area at the time it is annexed shall be excluded from all calculations. Increases in population in areas annexed over and above the population in such area at the time of annexation which occur after annexation shall be included in subsequent years' calculations.
- (iv) That do not expend more than 5% of its municipal share of surtax proceeds on administrative costs, exclusive of project management and oversight for projects funded by the surtax. Administrative costs shall be defined as overhead expenses which are not readily attributable to any one particular project funded in whole or in part by transit surtax funds.

- (i) Newly incorporated municipalities shall have the right to negotiate with the County for a pro rata share of the sales surtax, taking into consideration the neighborhood and municipal projects identified in Exhibit 1, as amended, within the boundaries of the new municipalities. The preceding sentence shall not affect the twenty (20) percent share provided herein for municipalities existing on November 5, 2002.

(Ord. No. 02-116, § 1, 7-9-02; Ord. No. 06-138, § 1, 9-26-06; Ord. No. 07-56, § 1, 4-24-07; Ord. No. 10-53, § 2, 9-21-10; Ord. No. 11-13, § 2, 3-15-11)

Sec. 2-1421. - Citizens' Independent Transportation Trust created; powers over expenditure and use of proceeds of proposed Charter County Transit System Surtax

- (a) *Creation.* A Citizens' Independent Transportation Trust ("Trust") is hereby created. The Trust will have fifteen (15) members: one residing in each of Miami-Dade County's thirteen commission districts, one appointed by the Mayor without regard to such appointee's district of residence, and one appointed by the Miami-Dade League of Cities without regard to such appointee's district of residence. Members of the Trust shall be residents of Miami-Dade County who possess outstanding reputations for civic involvement, integrity, responsibility, and business and/or professional ability and experience or interest in the fields of transportation mobility improvements or operations, or land use planning. No person shall be eligible to serve as a member of the Trust who has any interest, direct or indirect, in a contract with the County or in any corporation, partnership or other entity that has a contract with the County, or who is a member of a community council. The Trust and the Nominating



Committee, as defined below, will be comprised of members who are representative of the geographic, ethnic, racial and gender make-up of the County.

- (b) *Initial members.* The initial members of the Trust shall be nominated and appointed in the manner set forth in this subsection. The Board of County Commissioners shall appoint a nominating committee (the "Nominating Committee") comprised of seventeen (17) members as set forth below who are representative of the geographical, ethnic, racial and gender make-up of the County:
- (1) The Executive Director of the Miami-Dade League of Cities or one of the League's officers shall serve as a member of the Nominating Committee;
 - (2) The Chairperson of the United Way or his or her designee shall serve as a member of the Nominating Committee;
 - (3) The Chairperson of the Greater Miami Visitors and Convention Bureau or his or her designee shall serve as a member of the Nominating Committee;
 - (4) The Chairperson of the Citizen's Transportation Advisory Committee or his or her designee shall serve as a member of the Nominating Committee;
 - (5) The Chairpersons of the Community Councils shall meet and shall, by majority vote, appoint one member of the Nominating Committee;
 - (6) The Chair of the Ethics Commission or his or her designee;
 - (7) The President or CEO of the Urban Environment League shall appoint one member of the Nominating Committee;
 - (8) The President or CEO of the local branch of the Urban League shall appoint one member of the Nominating Committee;
 - (9) The President or CEO of the Alliance for Aging shall appoint one member of the Nominating Committee;
 - (10) The President or CEO of the Miami-Dade Branch NAACP shall appoint one member of the Nominating Committee;
 - (11) The President or CEO of the Coalition of Chambers shall appoint one member of the Nominating Committee;
 - (12) The President or CEO of Florida International University shall appoint one member of the Nominating Committee;
 - (13) The President or CEO of Miami-Dade Community College shall appoint one member of the Nominating Committee;
 - (14) The President or CEO of People Acting for the Community Together (P.A.C.T.) shall appoint one member of the Nominating Committee;
 - (15) The President or CEO of Underrepresented People's Positive Action Council (UP-PAC) shall appoint one member of the Nominating Committee;
 - (16) The Executive Director of the local chapter of the League of Women Voters shall appoint one member of the Nominating Committee; and
 - (17) The Executive Director of the Haitian American Grass Roots Coalition shall appoint one member.

The Nominating Committee shall submit a slate of four (4) candidates from each Commission District to the Commissioner of each District for selection. The District Commissioner must select from the slate submitted by the Nominating Committee; however, the District Commissioner may request one additional slate of entirely new nominations. The Board of County Commissioners shall ratify each District Commissioner's selection. The Nominating Committee shall submit a slate of four (4) candidates without regard to district to the Miami-Dade League of Cities for selection. The Miami-Dade League of Cities must select from the slate submitted by the Nominating Committee; however, the League may request one additional slate of entirely new nominations. The Nominating Committee shall also submit a slate of four (4) candidates without regard to district to the Mayor for selection. The Mayor must select from the slate submitted by the Nominating Committee; however, the Mayor may request one additional slate of entirely new nominations.

- (c) *Term of initial members.* The initial members from Districts 1 to 5, inclusive, shall serve two-year terms; the initial members from Districts 6 to 9, inclusive, shall serve three-year terms; and, the initial members from Districts 10 to 13, inclusive, shall serve four-year terms. The selection of the Mayor shall serve an initial term of four years. The selection of the Miami-Dade League of Cities shall serve an initial term of two years. The foregoing notwithstanding, such initial terms shall be subject to automatic expiration as provided in subsection (c)

of [Section 2-11.38.2](#) of this Code provided however, a District Commissioner appointed Trust member may continue to serve until the appointment and ratification of the succeeding District Commissioner's selection.

- (d) *Subsequent membership and term.* Any vacancy on the Trust that occurs after appointment of the initial membership, as well as appointment of successors to those members whose terms have expired shall be filled directly by appointment of the Commissioner for the district for in which a vacancy occurs, or, in the case of a vacancy in a Miami-Dade League of Cities appointment shall be filled by appointment of the League, or, in the case of a vacancy in a mayoral appointment shall be filled by appointment of the Mayor. Such appointments shall be made from a slate submitted by the Nominating Committee in accordance with subsection (b) pertaining to initial members, and shall have the qualifications for Trust membership set forth in subsection (a) above. The foregoing notwithstanding, an incoming District Commissioner or Mayor may elect to re-appoint his or her predecessor's currently serving appointee, in which case there shall be no need for the Nominating Committee to submit a slate of candidates for such vacancy. The term of any Trust member appointed or re-appointed pursuant to this subsection after the initial terms set forth in (c) above shall be for a term of four years, and in the case of Commissioner or Mayor appointees shall be subject to automatic expiration as provided in subsection (c) of Section 2-11.38.2 of this Code provided however, a District Commissioner or Mayor appointed Trust member may continue to serve until the appointment and ratification of the succeeding District Commissioner's or Mayor's selection. Members may be re-appointed, however no member shall serve more than the maximum number of years provided in subsection (b) of Section 2-11.38.2 of this Code. If an appointment is not made by the District Commissioner (or the League or Mayor where applicable) within thirty (30) days from the date on which the Nominating Committee submits the required slate of candidates, the County Commission may appoint the successor.
- (e) *Leave of absence for CITT members on active military duty.* Any Trust member who as a result of being called into active duty of any of the branches of the United States Armed Services is unable to continue serving on the CITT may request a leave of absence from the CITT for a period not to exceed ninety (90) days. Said leave of absence may be renewed so long as the Trust member remains in active duty of the United Services Armed Services, but may only extend until the expiration of the term for that Trust member. Upon a Trust member's leave of absence, the applicable District Commissioner, Mayor, or League of Cities may directly appoint an interim Trust member who shall serve on the CITT until the expiration of the term of the Trust member on leave of absence or the return of the Trust member from leave of absence, whichever is sooner.
- (f) *Attendance and quorum requirements.* Any Trust or Nominating Committee member shall be automatically removed if, in a given fiscal year: (i) he or she is absent from two (2) consecutive meetings without an acceptable excuse; or, (ii) if he or she is absent from three (3) of the Trust's or Nominating Committee's meetings without an acceptable excuse. A member of the Trust or Nominating Committee shall be deemed absent from a meeting when he or she is not present at the meeting at least seventy-five (75) percent of the time. An "acceptable excuse" is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason which the Trust or Nominating Committee, by two-thirds (2/3) vote of its membership, deems appropriate. The requirements of this section may be waived by two-thirds (2/3) vote of the members of the full Board of County Commissioners. A quorum of the Trust or Nominating Committee shall consist of a majority of those persons duly appointed to the Trust or Nominating Committee, provided that at least one-half (1/2) of the full Trust or Nominating Committee membership has been appointed.
- (g) *Powers and duties.* The Trust shall have the following duties, functions, powers, responsibilities and jurisdiction with regard to use and expenditure of proceeds of any Charter County Transit System Surtax that is levied by the County under authority of Section 212.055(1), Florida Statutes:
- (1) To monitor, oversee, review, audit, and investigate implementation of the transportation and transit projects listed in any levy of the surtax, and all other projects funded in whole or in part with surtax proceeds;
 - (2) To assure compliance with any limitations imposed in the levy on the expenditure of surtax proceeds, including but not limited to:
 - a. Any limitation that surtax proceeds only be expended for the transportation and transit purposes specified in Section 212.055(1)(d)1—4, Florida Statutes (2010);
 - b. Any limitation that no more than five (5) percent of surtax proceeds be expended on administrative costs, exclusive of project management and oversight for projects funded by the surtax;



- c. The limitation that the County Commission may not delete or materially change any County project listed in the approved Five Year Implementation Plan or on Exhibit 1 attached to the ordinance levying the surtax nor add any project thereto except as provided in this subsection (c) and Section 29-124(d), (e). A proposed deletion, material change or addition of such a County project shall be initially reviewed by the Citizens' Independent Transportation Trust ("Trust"), which shall forward a recommendation thereon to the County Commission. The County Commission may either accept or reject the Trust's recommendation. If the County Commission rejects the recommendation, the matter shall be referred back to the Trust for its reconsideration and issuance of a reconsidered recommendation to the County Commission. The County Commission may approve, change or reject the Trust's reconsidered recommendation. A two-thirds (2/3) vote of the Commission membership shall be required to take action other than as contained in the reconsidered recommendation of the Trust. The foregoing notwithstanding, the list of County projects contained in said Exhibit 1 and the Five Year Implementation Plan may be changed as a result of the MPO process as mandated by federal and state law; and
- d. Any requirement with regard to maintenance of effort of general fund support for MDTA.
 - (3) To assure compliance with federal and state requirements applicable thereto;
 - (4) To require monthly reports from the Manager, County agencies and instrumentalities regarding the implementation of the projects funded by surtax proceeds (which reports shall be posted on-line, i.e., made publicly accessible on the Internet);
 - (5) To file a report, including any recommendations, with the Mayor and the County Commission on a quarterly basis regarding the implementation of the projects funded by surtax proceeds;
 - (6) To monitor, oversee and periodically report to the County Commission on the level of participation by CSBEs and CBEs in contracts funded in whole or in part with surtax proceeds, and to recommend ways to increase such participation; and
 - (7) Notwithstanding any provision to the contrary, to retain the services of consultants the Trust deems necessary to assist in its monitoring functions without the need for action by the County Commission, so long as the retaining of such consultants does not result in the budget for the Trust exceeding the amount approved by the County Commission during the annual budget approval process.
- (h) *Staff support.* The County Attorney shall serve as legal counsel to the Trust. The Trust may by a majority vote of its membership hire an Executive Director. The Executive Director shall provide to the Trust adequate staff and support services to enable the Trust to carry out its duties and responsibilities. The Executive Director is authorized to hire and/or remove staff in order to provide adequate support for the Trust. The Executive Director may be removed by a two-thirds (2/3) vote of the Trust members present.
- (i) Trust subject to Florida Open Government law, the Conflict of Interest and Code of Ethics Ordinance and the investigatory powers of the Inspector General. The Trust shall at all times operate under the Florida Open Government Laws, including the "Sunshine" and Public Records laws, and shall be governed by the Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 of this Code providing, among other things, a proscription on transacting business with the County and on oral communications with bidders or their representatives during the bid process, and a requirement for financial disclosure. The Trust and its actions shall be subject to the investigatory powers of the Inspector General provided in Section 2-1076 of this Code. Additionally, Trust members shall not lobby, directly or indirectly, the Mayor, any member of the County Commission or any member of County staff regarding a project funded in whole or in part by surtax proceeds, or regarding any person or business bidding for or under contract for a project funded in whole or in part with surtax proceeds. Trust members shall not have any interest, direct or indirect, in any contract with the County or in any corporation, partnership or other entity that has a contract with the County.
- (j) *Removal of Trust members.* A finding by the Ethics Commission that a person serving as a member of the Trust has in the course of his or her service willfully violated any provision of Section 2-11.1 of this Code (the Conflict of Interest and Code of Ethics Ordinance) shall constitute malfeasance in office and shall effect an automatic forfeiture of such person's position as a member of the Trust.

(Ord. No. 02-117, § 1, 7-9-02; Ord. No. 04-208, § 1, 12-2-04; Ord. No. 05-53, § 1, 3-15-05; Ord. No. 06-71, § 1, 5-9-06; Ord. No. 06-72, § 1, 5-9-06; Ord. No. 07-06, § 1, 1-25-07; Ord. No. 08-21, § 1, 2-7-08; Ord. No. 08-97, § 1, 9-2-08; Ord. No. 08-98, § 1, 9-2-08; Ord. No. 10-53, § 1, 9-21-10; Ord. No. 11-13, § 1, 3-15-11)