

MEMORANDUM

Amended
Agenda Item No. 7(A)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

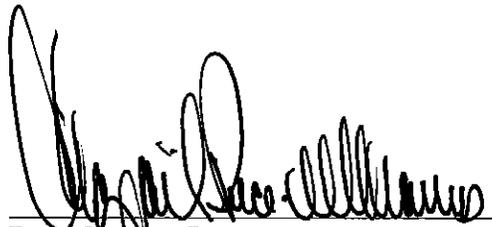
DATE: (Second Reading 11-17-15)
September 16, 2015

FROM: R.A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to road
impact fees; providing for use
of impact fees to pay for mass
transit projects that benefit
multiple impact fee districts;
amending section 33E-12 of
the Code

Ordinance No. 15-133

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz and Co-Sponsors Vice Chairman Esteban L. Bovo, Jr., Commissioner Daniella Levine Cava, Commissioner Audrey M. Edmonson and Commissioner Dennis C. Moss.



R.A. Cuevas, Jr.
County Attorney

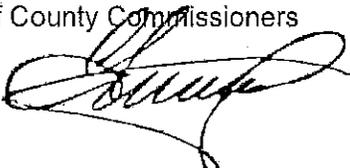
RAC/smm

Memorandum

MIAMI-DADE
COUNTY

Date: November 17, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Relating to Road Impact Fees; Providing For Use of Impact Fees to Pay
for Mass Transit Projects that Benefit Multiple Impact Fee Districts

The proposed ordinance relating to road impact fees amends Section 33E-12 of the Code of Miami-Dade County providing for use of impact fees to pay for mass transit projects that benefit multiple impact fee districts. The ordinance allows for road impact fees to be used for mass transit projects outside the Urban Infill Area and for road impact fee funding from one or more impact fee districts if the project provides a benefit to each of the impact fee districts contributing funds to the transit improvement. It also eliminates the requirement of a recommendation from the Mayor and any consultation from the Director of the Department of Public Works and Waste Management.

Implementation of this ordinance may have an impact on the approved capital budget in any given year. It allows the Board to add projects without recommendation from the administration. Because the impact fees are fully appropriated, should the Board add projects to the capital program, planned capital projects will need to be defunded.



Alina T. Hudak
Deputy Mayor

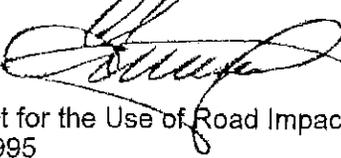
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Memorandum



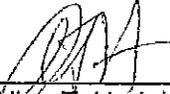
Date: November 17, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Social Equity Statement for the Use of Road Impact Fees to Pay for Mass Transit
Projects- Legistar 151995

In considering the social equity impact as described in Ordinance No. 15-83, the impact of the proposed ordinance on residents will depend on the Board of County Commission's decisions regarding particular transit projects, which will be considered under the process set forth in the ordinance. The true social equity will be determined as a result of how Road Impact Fees funds are allocated to prioritize public works and transit projects.



Alina T. Hudak
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: November 17, 2015

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Amended
Agenda Item No. 7(A)

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
- 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 _____, 3/5's _____, unanimous _____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor Amended
Veto _____ Agenda Item No. 7(A)
Override _____ 11-17-15

ORDINANCE NO. 15-133

ORDINANCE RELATING TO ROAD IMPACT FEES;
PROVIDING FOR USE OF IMPACT FEES TO PAY FOR MASS
TRANSIT PROJECTS THAT BENEFIT MULTIPLE IMPACT
FEE DISTRICTS; AMENDING SECTIONS 33E-5 AND 33E-12
OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA;
PROVIDING SEVERABILITY, INCLUSION IN THE CODE
AND AN EFFECTIVE DATE

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

Section 1. Section 33E-5 of the Code of Miami-Dade County, Florida, is hereby
amended to read as follows:¹

Sec. 33E-5. Definitions.

* * *

(23) *Select Transit Capital Improvement* means a specific transit
capital project ~~[[located inside the Urban Infill Area]]~~ that
has been determined by the Board of County
Commissioners to be of strategic value in providing
roadway capacity ~~[[inside the Urban Infill Area]]~~ pursuant
to Section 33E-12(d).

* * *

Section 2. Section 33E-12 of the Code of Miami-Dade County, Florida, is hereby
amended to read as follows:

Sec. 33E-12. Impact fee expenditures.

(a) Funds from the roadway trust funds, including any accrued
interest, shall be used only in accordance with Section 33E-

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.

11 for the purpose of financing roadway >>and select transit<< capacity improvements incorporated into the Miami-Dade County Metropolitan Planning Organization's adopted long range transportation plan or short range transportation improvement program.

- (b) Highest priority for roadway trust fund expenditures shall be for roadway >>and select transit<< capacity improvements deemed by the Miami-Dade County Metropolitan Planning Organization (MPO) as most needed to serve new development. Such determination by the MPO shall consider recommendation from the County Public Works and Waste Management Director. In preparation for said recommendation to the MPO, the Director shall solicit and consider recommendations from the various municipalities located in Miami-Dade County. The Director's recommendation is not limited to only County or State designated roadways, but may include municipal roads and select transit capital improvements pursuant to subsection 33E-12(d). Before funds can be allocated or expended for any capacity enhancement projects on local roads within any one Road Impact Fee District, funding for all programmed capacity needs for County arterial and collector roadways, and municipal collector roadways, within said District must have been identified and encumbered, as determined by the Miami-Dade County Public Works and Waste Management Director. Trust account funds shall be deemed expended in the order in which they are collected. Policies to be used in scheduling the expenditure of roadway trust funds through the long range transportation plan and short range transportation improvement program shall be set forth in the impact fee manual. The County may construct or provide any of the roadway improvement elements listed above or alternatively may contract with a municipality to construct or provide such elements with road way trust funds.
- (c) Roadway trust funds may be expended on roadway >>and select transit<< capacity improvements to the State road network within a benefit district provided that there must be vehicular access to the subject State road from within the benefit district. No roadway trust fund moneys shall be expended on limited access roads unless such expenditures are reimbursable. Where reimbursable by the State, payments shall be made pursuant to an interlocal agreement

between the State and County entered into pursuant to Section 163.01 Florida Statutes. Reimbursements shall be deposited into the appropriate benefit district trust account.

- (d) Roadway trust funds >>from one or more impact fee districts<< may be expended on select transit capital improvements provided that the Board of County Commissioners, after recommendation from the Mayor in consultation with the Public Works and Waste Management Director and after public hearing, determines that any such transit use of roadway trust funds would be effective as part of the county's strategy for providing roadway capacity >>and would provide a benefit to each of the impact fee districts contributing roadway trust funds to the transit improvement.<< [~~within the Urban Infill Area. Roadway trust funds may only be used for select transit capital improvements within the Urban Infill Area. Only impact fees generated from within the Urban Infill Area may be used for select transit capital projects.~~] Transit projects are to be selected for road way trust fund funding on the basis of their expected effectiveness as roadway capacity improvements >>, and road way trust funds shall not be used to address existing deficiencies<<.
- (e) Each year the County Public Works and Waste Management Director shall present to the Metropolitan Planning Organization pursuant to the Organization's procedures for their review and approval, the annual program for expenditure of roadway trust funds for roadway >>and select transit<< capacity improvements projects, to be included within the Transportation Improvements Program. After solicitation and consideration of comment from municipalities, the Public Works and Waste Management Director shall also recommend priorities for the expenditure of roadway trust fund monies. Trust fund monies, including any accrued interest not assigned in any fiscal year, shall be retained in the trust fund until the next fiscal year, except as provided by the refund provisions of this chapter pursuant to Section 33E-13.

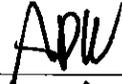
Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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.

PASSED AND ADOPTED: November 17, 2015

Approved by County Attorney as
to form and legal sufficiency:




Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Jose "Pepe" Diaz
Co-Sponsors: Vice Chairman Esteban L. Bovo, Jr.
Commissioner Daniella Levine Cava
Commissioner Audrey M. Edmonson
Commissioner Dennis C. Moss