

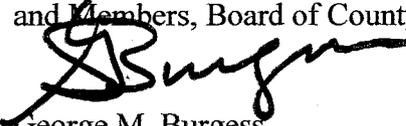


M E M O R A N D U M
OFFICE OF THE COUNTY MANAGER

Agenda Item No. 11(A)(4)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: February 3, 2004

FROM: 
George M. Burgess
County Manager

SUBJECT: PTP Surtax
Municipal Component

RECOMMENDATION

It is recommended that the Board authorize the County Manager to withhold the distribution of Charter County Transit System Surtax Proceeds (Surtax) funds to those municipalities, eligible to receive a portion of the twenty percent Municipal Share of the Surtax proceeds that have failed to meet the certification requirements of the Interlocal Agreement between Miami-Dade County and eligible municipalities.

BACKGROUND

In accordance with Miami-Dade County Ordinance No. 02-116 Section 29-124 (f), twenty percent of the Surtax proceeds shall be distributed annually to those municipalities that meet the specified conditions, as identified in the Ordinance, and that were in existence as of November 5, 2002. On May 20, 2003, by Resolution No. 555-03, the Board approved an Interlocal Agreement for the Distribution of Surtax Proceeds for those municipalities eligible for Surtax funding. The Interlocal Agreement requires that, in order to receive their twenty percent share of the proceeds each year, the eligible municipalities must provide the County with certification of their transportation maintenance of effort, a certified copy of its current fiscal year budget, and a list of projects on which the current year's portion of the municipal share received is being expended. The Interlocal Agreement further specifies that if cities fail to meet the certification requirements, after being given a reasonable opportunity to correct any deficiencies, the amount equal to the pro rata portion of the municipal share the city is to receive in the ensuing year shall not be distributed to the city and shall be distributed among the remaining eligible cities. The Interlocal Agreement established an annual June 1 deadline for submission of the certifications. The County Attorney's Office has opined that the initial distribution of Municipal Surtax Funds was not conditioned on the submission of these required certifications/documents (memorandum attached). The certifications and documentations are required as a condition of continuing to receive Surtax proceeds for FY-2003-2004.

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At its October 29, 2003, meeting, the Citizens' Independent Transportation Trust (CITT) passed a Resolution encouraging all municipalities to comply with the Interlocal Agreements by submitting their respective Transportation Plans by December 31, 2003, and recommending to the Board of County Commissioners that they consider withholding the distribution of additional Surtax funds to those municipalities that fail to provide the required information.

In an effort to assist municipalities to comply with the provisions of the Interlocal Agreements, so that all eligible municipalities could continue to receive their respective portion of Surtax proceeds without interruption, the CITT organized and hosted a Municipal Transportation Workshop on November 12, 2003, to provide assistance with the development of their transportation plans. Additionally, municipalities requesting further assistance have been referred by the CITT to the Center for Urban Transportation Research (CUTR) and South Florida Commuter Services (SFCS) for technical assistance.

Based on the foregoing, the municipalities have been given a reasonable notice to correct any deficiencies in their certification and documentation requirements for eligibility to continue receiving Surtax proceeds for FY 2003-2004.

As of December 17, 2003, only eight municipalities have provided all the required documentation. Pursuant to Ordinance No. 02-117, the CITT must "monitor, oversee, audit, and investigate" the implementation of any project funded in whole or in part with Surtax proceeds, and to ensure compliance with limitations on the use of the Surtax proceeds, including the limitation that proceeds can only be used, as specified in § 212.055 (1) (d) 1-3, Florida Statutes (2001). The information required in the Board-approved Interlocal Agreement provides information necessary to assure the Surtax proceeds are expended in accordance with state law and for the CITT to fulfill its oversight duties.

FISCAL IMPACT

There is no fiscal impact to the County. Pursuant to the Interlocal Agreement approved by Resolution No. 555-03, any municipal funds withheld for failing to meet the certification requirements shall be distributed among the remaining eligible cities.



Surface Transportation Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: February 3, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 11(A)(4)

Please note any items checked.

- _____ **"4-Day Rule" ("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**
- _____ **Bid waiver requiring County Manager's written recommendation**
- _____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**
- _____ **Housekeeping item (no policy decision required)**
- _____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO WITHHOLD THE DISTRIBUTION OF SURTAX FUNDS TO THOSE MUNICIPALITIES, ELIGIBLE TO RECEIVE A PORTION OF THE TWENTY PERCENT MUNICIPAL SHARE OF THE CHARTER COUNTY TRANSIT SYSTEM SURTAX PROCEEDS (SURTAX), THAT FAIL TO MEET THE CERTIFICATION REQUIREMENTS, AS OUTLINED IN THE INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND ELIGIBLE MUNICIPALITIES

WHEREAS, this Board desires to accomplish the purpose outlined in the accompanying County Manager’s memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorize the County Manager to withhold the distribution of Surtax funds to those municipalities, eligible to receive a portion of the twenty percent Municipal Share of the Charter County Transit System Surtax Proceeds (Surtax), that fail to meet the certification requirements, as outlined in the Interlocal Agreement between Miami-Dade County and eligible municipalities.

The foregoing resolution was offered by Commissioner who moved its adoption. The motion was seconded by Commissioner and upon being put to vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson

Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro

Betty T. Ferguson

Joe A. Martinez

Dennis C. Moss

Natacha Seijas

Sen. Javier D. Souto

Jose "Pepe" Diaz

Sally A. Heyman

Jimmy L. Morales

Dorrian D. Rolle

Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of February, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

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

By: _____
Deputy Clerk

R.A. Cuevas, Jr.

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MIAMI-DADE COUNTY INTEROFFICE MEMO

To: Honorable Betty T. Ferguson
County Commissioner

From: Robert A. Ginsburg
County Attorney

Re: Distribution of transit surtax

Date: December 17, 2003

During the discussion of Item 11(B)5 at yesterday's meeting, a question was raised regarding distribution of the municipalities' portion of the charter county transit system surtax proceeds.

The County and the affected municipalities have entered into an Interlocal Agreement for distribution of these proceeds. The Interlocal Agreement does not condition the initial distribution of surtax proceeds on the municipalities making the certifications discussed yesterday. The certifications are required as a condition of continuing to receive proceeds in successive fiscal years.


Robert A. Ginsburg

RAG/mlm

cc: Mayor and Board of County Commissioners
George Burgess, County Manager
Carlos Bonzon, Assistant County Manager
David Morris, Budget Director
Hilda Fernandez, OCITT

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