

# MEMORANDUM

TC

Agenda Item No. 1(F)1

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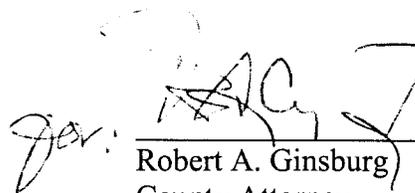
**TO:** Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners **DATE:** May 20, 2004

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance relating to  
Citizens' Independent  
Transportation Trust

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Dennis C. Moss.

*for:*   
\_\_\_\_\_  
Robert A. Ginsburg  
County Attorney

RAG/bw



# MEMORANDUM

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

**DATE:**

**FROM:** George M. Eustace  
County Manager

A handwritten signature in black ink, appearing to read "G. Eustace", written over the printed name of the County Manager.

**SUBJECT:** Ordinance relating to  
Citizen's Independent  
Transportation Trust

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This ordinance relating to Citizen's Independent Transportation Trust will have no fiscal impact on Miami-Dade County.

Fiscal/002704



# MEMORANDUM

(Revised)

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

DATE:

FROM: Robert A. Ginsburg  
County Attorney

SUBJECT: Agenda Item No.

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 \_\_\_\_\_

Agenda Item No.  
3-16-04

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING SECTIONS 2-1421 AND 29-124 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT THE COUNTY COMMISSION SHALL INITIATE ANY PROPOSED CHANGES TO OR ADDITIONS OF COUNTY PROJECTS TO THE PEOPLE'S TRANSPORTATION PLAN ("PTP") AND TO PROVIDE A TIME LIMIT FOR THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST ("TRUST") TO MAKE A RECOMMENDATION ON THE COUNTY COMMISSION'S AWARD OF CONTRACTS FUNDED BY CHARTER COUNTY TRANSIT SYSTEM SURTAX PROCEEDS AND TO MAKE A RECOMMENDATION ON THE COUNTY COMMISSION'S APPROVAL OF CHANGES TO THE PTP; PROVIDING SEVERABILITY, INCLUSION IN CODE AND EFFECTIVE DATE

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

Section 1. Sections 2-1421 and 29-124 of the Code of Miami-Dade County, Florida, as amended as follows:<sup>1</sup>

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

\* \* \*

(f) *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

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<sup>1</sup> 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

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 §§ 212.055(1)(d)1--3 Florida Statutes (2001);
  - (b) Any limitation that no more than five 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]] >>no<< County project listed on Exhibit 1 attached to the ordinance levying the surtax >>may be deleted or materially changed<< nor [[add]] >>may<< any >>County<< project >>be added thereto<< except as provided in this subsection (c). >>The County Commission must approve any such proposed change after public hearing and, after the Commission's approval has become final (either by expiration of ten days after such action without veto by the Mayor, or by Commission override of a veto), either: i) the Citizens' Independent Transportation Trust ("Trust") must recommend approval of same; or, ii) in response to the Trust's recommendation of disapproval, the County Commission must re-affirm its approval of the change by two-thirds (2/3) vote of the Commission's membership. The Trust shall be deemed to have recommended approval of the proposed change for purposes of this subsection if the Trust fails to adopt a recommendation of approval or disapproval within thirty (30) days from the date the Commission's action becomes final.<< [[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 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 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; and
- (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.

\* \* \*

**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), 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:

\* \* \*

- (d) ~~[[The County Commission shall not delete or materially change any]]~~ >>No<< County project contained in the list attached as Exhibit 1 to this article >>may be deleted or materially changed<< nor >>may any County project be<< add>>ed<< ~~[[any project]]~~ to the list except in accordance with the procedures set forth in this subsection (d). >>The County Commission must approve any such proposed change after public hearing and, after the Commission's approval has become final (either by expiration of ten days without veto by the Mayor, or by Commission override of a veto), either: i) the Citizens' Independent Transportation Trust ("Trust") must recommend approval of same; or, ii) in response to the Trust's recommendation of disapproval, the County Commission must re-affirm its approval of the change by two-thirds (2/3) vote of the Commission's membership. The Trust shall be deemed to have recommended approval of the proposed change for purposes of this subsection if the Trust fails to adopt a recommendation of approval or disapproval within thirty (30) days from the date the Commission's action becomes final.<< ~~[[A 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 may be changed as a result of the MPO process as mandated by federal and state law.
- (e) No surtax proceeds may be used to pay the costs of a contract awarded by action of the County Commission until such action has become final (either by expiration of ten days after such action without veto by the Mayor, or by Commission override of a veto) and either: i) the Trust has >>recommended<< approv~~[[ed]]~~>>al of<< same; or, ii) in response to the Trust's >>recommendation of<< disapproval, the County Commission re-affirms its award by two-thirds ( 2/3) vote of the Commission's membership. >>The Trust shall be deemed to have recommended approval of the award for purposes of this subsection if the Trust fails to adopt a

recommendation of approval or disapproval within thirty (30) days from the date the Commission's action becomes final.<< The bid documents for all County contracts funded in whole or in part with surtax proceeds shall provide that no award shall be effective and no contractual relationship shall arise with the County unless and until >>recommended for<< approv[[ed]]>>al<< by the Trust or re-affirmed by the County Commission as provided in this subsection.

\* \* \*

Section 2. 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 3. 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 4. 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:

Approved by County Attorney as to form and legal sufficiency:



Prepared by:

R. A. Cuevas, Jr.

Sponsored by Commissioner Dennis C. Moss