MEMORANDUM

Agenda Item No. 5(F)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: April 8, 2008

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

SUBJECT: Resolution approving amendment to the PTP; use of Surtax funds for projects other than those related to the Orange Line

The accompanying resolution was prepared and placed on the agenda at the request of Vice-Chairwoman Barbara J. Jordan, Commissioner Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Dorrin D. Rolle, and Commissioner Katy Sorenson.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: April 8, 2008

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

SUBJECT: Agenda Item No. 5(F)

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. 5(F)
4-8-08

RESOLUTION NO. _____

RESOLUTION APPROVING AN AMENDMENT TO THE PEOPLE'S TRANSPORTATION PLAN TO ALLOW FOR THE USE OF SURTAX FUNDS FOR PROJECTS OTHER THAN THOSE RELATED TO THE ORANGE LINE ONLY IF EACH FISCAL YEAR AN ANNUAL ALLOCATION IS MADE SPECIFICALLY TO PROJECTS RELATED TO THE ORANGE LINE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying Resolution of the Citizens' Independent Transportation Trust, 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 approves an amendment to the People's Transportation Plan to allow for the use of Surtax funds for projects other than those related to the Orange Line only if each fiscal year an annual allocation is made specifically to projects related to the Orange Line.

The foregoing was sponsored by Vice-Chairwoman Barbara J. Jordan, Commissioner Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Dorrin D. Rolle and Commissioner Katy Sorenson and 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:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of April, 2008. 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

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Bruce Libhaber

RESOLUTION NO. 08-012

RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) REQUESTING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC) AMEND THE PEOPLE'S TRANSPORTATION PLAN TO ALLOW FOR THE USE OF SURTAX FUNDS FOR PROJECTS OTHER THAN THOSE RELATED TO THE ORANGE LINE ONLY IF EACH FISCAL YEAR AN ANNUAL ALLOCATION IS MADE SPECIFICALLY TO PROJECTS RELATED TO THE ORANGE LINE **(CITT)**

WHEREAS, on November 5, 2002, the electors of Miami-Dade County voted to levy a ½ percent sales surtax to benefit transit and transportation projects throughout the County; and

WHEREAS, the ballot language, as approved by the voters, stated surtax proceeds "will be overseen by the Citizens' Independent Transportation Trust"; and

WHEREAS, on July 9, 2002, the BCC adopted Ordinance No. 02-117 which charged the CITT with the responsibility to monitor, oversee, review, audit, and investigate implementation of all transit and transportation projects funded in whole or in part with surtax proceeds; and

WHEREAS, the original Exhibit One to Ordinance 02-117 identified that the North Corridor was to receive top priority; and

WHEREAS, the East–West Corridor is included in the original Exhibit One and will serve as a major alternative to congestion along State Road 836 and/or S.W. 8th Street; and

WHEREAS, the MIC-Earlington Heights Connector will bring much needed Metrorail access to Miami International Airport; and

WHEREAS, annually requiring the priority allocation of a determined amount to be applied to the MIC-Earlington Heights, North Corridor, and East-West Corridor projects (collectively referred to as the "Orange Line") is the best means to ensure the financial viability of the entire Orange Line; and

WHEREAS, it is the intention and desire of the Trust that effective October 1, 2008 transit services and maintenance and operations should be funded after ensuring adequate funds have been allocated for the Orange Line and other senior obligations,

NOW, THEREFORE, BE IT RESOLVED BY THE CITT, that this Trust recommends that the PTP be amended to provide that effective October 1, 2008 projects to the Orange Line must receive a required annual allocation as a necessary condition for any other surtax funds being allocated to any other projects. The amount of the annual allocation for the Orange Line will be established via recommendation by the CITT and adoption by the Board of County Commissioners.

The foregoing resolution was offered by Hon. James A. Reeder, who moved its adoption. The motion was seconded by Jorge E. Cueto, Esq. and upon being put to vote, the vote was as follows:

Miles E. Moss, P.E., Chairperson – Aye
Hon. Linda Zilber, Vice-Chairperson – Absent

Harold Braynon, Jr. – Absent
LtCol Antonio Colmenares – Aye
Peter L. Forrest – Aye
Hon. Jorge Rodriguez-Chomat – Absent
Paul J. Schwiep, Esq. – Absent
Hon. Anna E. Ward, Ph.D. – Absent

Marc A. Buoniconti – Aye
Jorge E. Cueto, Esq. – Aye
Hon. James A. Reeder – Aye
Rodney Sanders – Aye
Marilyn Smith – Absent

The Chairman thereupon declared the resolution duly passed and adopted this 30th day of January 2008.

Approved by the County Attorney as to form and legal sufficiency

By: _____ for
Executive Director