Memorandum

MIAMI-DADE COUNTY

Date: May 6, 2008

Agenda Item No. 8(C)(1)(E)

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

From: George M. Burgess
County Manager

Subject: A & E Express Crew Transport, Inc. application for a transfer of Passenger Motor Carrier Certificate of Transportation No. 124

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier Certificate of Transportation No. 124 from Exitours Co., Inc. to A & E Express Crew Transport, Inc.

SCOPE

This Passenger Motor Carrier (PMC) Certificate of Transportation is countywide, allowing the license holder to operate in unincorporated and incorporated areas of Miami-Dade County.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to the County.

TRACK RECORD/MONITOR

Applicant is a new service provider. The Consumer Services Department will be responsible for monitoring this company.

BACKGROUND

On February 17, 1981, the Board adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code. Section 31-103 (m) of the Code provides the procedures to be followed by the County in processing transfer applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment, or transfer has been approved by the Board. Based on those requirements, the Board may issue the certificate as applied for, or may issue the certificate with modifications or upon such terms and conditions as in its judgment the public interest may require. In reaching a determination, the Board shall consider the application, the County Manager's recommendation, and all matters presented during the public hearing held at the April 16, 2008 Economic Development and Human Services committee meeting.

Exitours Co., Inc. has filed an application to transfer PMC Certificate of Transportation No. 124 to A & E Express Crew Transport, Inc. PMC No. 124, originally issued on November 17, 1992 to Exitours, authorizes contract carrier services. This class of service is defined as any passenger motor carrier who is not a common carrier and who repeatedly or continuously transports persons for compensation under written contract with one or more persons. A & E Express Crew Transport, located at 4471 NW 36 Street, #229, Miami Springs, Florida 33166, seeks to continue providing this class of service.

The company is required to adhere to the terms of the resolution, which approved the initial certificate (R-1305-92, attached). A & E Express Crew Transport seeks to transport airline crew members, resident and tourist groups to and from various locations throughout the County.

Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

Five citations were issued to the applicant and its employees for operating without a certificate of transportation or chauffeur registrations. All citations have been satisfied. Applicant purchased PMC No. 124 in an attempt to become legal.

The management plan submitted by Mr. Franklin Ballou, President of A & E Express Crew Transport, Inc., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

As required by the Code, the applicant has provided disclosure of the terms and conditions regarding the transfer of the certificate. A Sales Agreement in the amount of $50,000 between Exitours and A & E Express Crew Transport establishes the acquisition by A & E Express Crew Transport of PMC Certificate of Transportation No. 124 and several contracts with major airlines. No price was assigned specifically to the PMC Certificate of Transportation.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: May 6, 2008

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

SUBJECT: Agenda Item No. 8(C)(1)(E)

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. 8(C)(1)(E)
5-6-08

RESOLUTION NO. _____

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 124 FROM EXITOURS CO., INC. TO A & E EXPRESS CREW TRANSPORT, INC., TO PROVIDE CONTRACT CARRIER SERVICES AS A PASSENGER MOTOR CARRIER

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying 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 in accordance with Chapter 31 of the Code, the transfer of Certificate of Transportation No. 124 from Exitours Co., Inc. to A & E Express Crew Transport, Inc. to provide contract carrier services which is defined as any passenger motor carrier who is not a common carrier and who repeatedly or continuously transports persons for compensation under written contract with one (1) or more persons.

The foregoing resolution 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 6th day of May, 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. GKS

Gerald K. Sanchez

BILL OF SALE

I Jorge Regueiro of Exitours Co. Inc. , County of Miami-Dade, State of Florida, in consideration of fifty thousand dollars ($50,000.00), to me paid by Franklin F. Ballou, of A&E Express Crew Transport Inc. the receipt of which is hereby acknowledged, do hereby grant, sell, transfer and deliver to A&E Express Crew Transport Inc. the following goods and chattels, namely,

1- Miami-Dade County PMC(Passenger Motor Carrier) permit # 30124

2- All contacts, information , goodwill and current outstanding balances with the following customers:

a) USairways Inc.
b) Northwest Airlines
c) Miami Air Inc.
d) America West Airlines
e) Comair
f) United Airlines
g) DHL Airways

To have and to hold the same to Franklin F. Ballou and his heirs, executors, administrators, successors and assigns, to their use forever.

And I hereby convenant with the grantee that I am the lawful owner of said goods; and that they are free from all encumbrances; that I have good right to sell the same as aforesaid; and that I will warrant and defend the same against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, I JORGE REGUEIRO, hereunto set my hand, this 15th day of November, 2007.

Jorge Regueiro (seller)

Notary Public State of Florida
Gregorio Abad
My Commission DD384115
Expires 01/05/2009

Franklin F. Ballou (purchaser)

A&E Express Rates

1- Miami Airport to Hotels in airport area	$20.00
2- Miami Airport to Coral Gables area	24.00
3- Miami Airport to Miami Lakes	27.00
4- Miami Airport to Downtown	30.00
5- Miami Airport to South Beach	35.00
6- Miami Airport to North Beach	40.00
7- Miami Airport to Ft. Lauderdale Airport	60.00
8- Miami Airport to Ft. Lauderdale Beach	65.00
9- Miami Airport to Dade County south of Kendall Drive	70.00

All rates are one way for a 15 passenger van.
Reservation must be made at least 24 hours in advance.

For Reservations please call (305) 871-1818

Agenda Item No. 2(s)
11-17-92

RESOLUTION NO. R-1305-92

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF TRANSPORTATION TO EXITOURS, CO., INC. TO PROVIDE CONTRACT SERVICE AS A PASSENGER MOTOR CARRIER

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, a Certificate of Transportation to provide contract carrier Passenger Motor Carrier Services to various points in Dade County, pursuant to written service contracts, as recommended by the County Manager, be issued to Exitours, Co., Inc.

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

Mary Collins	aye
Charles Dusseau	aye
Joseph M. Gersten	absent
Larry Hawkins	aye
Alexander Penelas	aye
Harvey Ruvin	aye
Arthur E. Teele, Jr.	absent
Sherman S. Winn	absent
Stephen P. Clark	absent

The Mayor thereupon declared the resolution duly passed and adopted this 17th day of November, 1992.

DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

MARSHALL ADER, CLERK

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

By: RAYMOND REED
Deputy Clerk

107 07-17A METRO DADE GSA MAT MGT

MEMORANDUM

Agenda Item No. 2(s)

TO: Honorable Mayor and Members
Board of County Commissioners

DATE: November 17, 1992

SUBJECT: Application for Issuance of a Certificate of Transportation

FROM: Joaquin G. Avino, P.E., P.L.S.
County Manager

RECOMMENDATION:

It is recommended that the Board, at the conclusion of the public hearing, consider the application of Exitours, Co., Inc., (d/b/a Exitours, Co., Inc.) and approve the certificate as requested.

BACKGROUND:

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the Passenger Motor Carrier Industry in Dade County under Chapter 31 of the Code of Metropolitan Dade County.

Section 31-103 of the Code provides the procedure to be followed by Metro Dade County in processing certificate applications. Based on these requirements, a public hearing has been scheduled before the Board of County Commissioners. At the conclusion of the public hearing the Board may issue or refuse to issue the certificate or issue it with such modifications or upon such terms and conditions as in its judgment the public interest may require. In reaching its determination, the Board shall consider the application, the County Manager's report and recommendation, all matters presented at the public hearing, and among others, the following criteria:

(1) That the applicant is fit, willing and able in accordance with the requirements of this section, to provide the transportation to be authorized by the certificate, and is able to comply with this article and regulation of the commission.

(2) That the transportation to be provided under the requested certificate is consistent with the public interest.

(3) That the proposed transportation service will improve the quality of transportation available to the public.

ANALYSIS:

Exitours, Co., Inc., d/b/a Exitours, Co., Inc., located at 537 N.W. 44 Avenue, Miami, Florida 33126, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide contract carrier service, prearranged and prepaid transportation to passengers throughout all of Dade County. This class of service is defined as any passenger motor carrier who is not a common carrier and who repeatedly or continuously transports persons for compensation under written contract with one or more persons. The company has established contracts to provide this type of transportation service with a minimum of 24 hours pre-arranged service. These services will be provided 365 days a year, 24 hours a day; using chauffeur-driven vehicles with a seating capacity of nine (9) or more, but less than 28 passengers, excluding the driver. The proposed rates are listed in the attached fare schedule.

The management plan submitted by the applicant indicates that the business facility includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation revealed no criminal record for the applicant or its corporate officers.

In accordance with Section 31-103(e) of the Code, a 20-day notice of application was provided to all affected municipalities within Dade County, all passenger motor carrier certificate holders, and interested parties. No protests were filed.

This item was reviewed and approved by the Community Affairs Committee at its October 9, 1992 meeting.

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

I, MARSHALL ADER, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. R-1305-92, adopted by the said Board of County Commissioners at its meeting held on November 17, 1992.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 20th day of November, A.D. 19 92.

MARSHALL ADER, Clerk
Board of County Commissioners
Dade County, Florida

By Linda J. Cone
Deputy Clerk

Board of County Commissioners
Dade County, Florida

ARTICLE III. PASSENGER MOTOR CARRIERS*

Sec. 31-101. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Miami-Dade County, the Commission, County Manager and County staff, in carrying out the duties and responsibilities prescribed in this article, shall consider the following as being in the public interest:

(1) Reliance on market forces and on actual and potential competition among all transportation modes, so as to provide transportation services at competitive prices.

(2) Coordination of regulatory decision-making with the transportation improvement plan, and the orderly development of an integrated transportation/transit system for Miami-Dade County so as to ensure the development and maintenance of a transportation/transit system responsive to the needs of the public, in which regulatory decisions are reached fairly and expeditiously, and with consideration of their costs and benefits.

(3) Improvement of motor vehicle safety.

(4) Achievement of County, national and State energy conservation goals.

(5) Reduced concentration of market power, and prevention of unfair, deceptive, predatory or anticompetitive practices.

(6) Reduction of restrictive regulatory barriers to entry into the industry and promotion of equal opportunities.

(7) Promotion of the safety and welfare of the residents and visitors of Miami-Dade County who use the services of passenger motor carriers to meet their transportation needs.

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*Editor's note—Ord. No. 81-17, adopted Feb. 17, 1981, did not specify manner of codification; therefore, inclusion of §§ 2—16 as Art. III, §§ 31-101—31-115, has been at the editor's discretion.

MIAMI-DADE COUNTY

PUBLIC NOTICE

THE ECONOMIC DEVELOPMENT AND HUMAN SERVICES COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Wednesday, April 16, 2008, at approximately 9:30 a.m. in the County Commission Chambers, Second Floor, Stephen P. Clark Center, 111 NW First Street, Miami, Florida to consider:

> Resolution approving transfer of Certificate of Transportation No. 124 to A & E Express Crew Transport, Inc., to provide contract carrier services as a passenger motor carrier.

A person who decides to appeal any decision made by the Economic Development and Human Services Committee of the Board of County Commissioners, with respect to any matter considered at its hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.