



MEMORANDUM

Agenda Item No. 11(A)(18)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 3, 2009

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

SUBJECT: Resolution urging Governor Crist
to keep the Port of Miami Tunnel
Project fully funded and on schedule

This resolution was amended by the Airport and Seaport Committee to delete the words stricken through and to add the words underlined, as indicated in the item.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

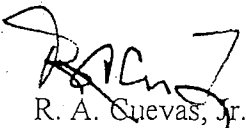


MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 3, 2009

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R. A. Cuevas, Jr.
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SUBJECT: Agenda Item No. 11(A)(18)

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 Mayor'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

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Approved _____ Mayor

Agenda Item No. 11(A)(18)

Veto _____

3-3-09

Override _____

RESOLUTION NO. _____

RESOLUTION URGING GOVERNOR CHARLIE CRIST AND THE FLORIDA LEGISLATURE TO KEEP THE PORT OF MIAMI TUNNEL PROJECT FULLY FUNDED AND ON SCHEDULE; FURTHER URGING THE GOVERNOR AND HIS ADMINISTRATION TO CONTINUE THE EVALUATION AND NEGOTIATION PROCESS RELATED TO THE PORT TUNNEL PROJECT PURSUANT TO THE GOVERNOR'S COMMITMENT; IDENTIFYING THE PORT TUNNEL PROJECT AS A CRITICAL PRIORITY FOR THE 2009 STATE LEGISLATIVE SESSION

WHEREAS, the Port of Miami and Miami International Airport are the engines that drive the Miami-Dade County economy; and

WHEREAS, the Port of Miami currently generates 180,000 jobs and over \$17 billion to our local economy; and

WHEREAS, it is imperative that we are proactive to ensure that the Port of Miami remains a globally competitive cargo destination as it competes with other ports both within and outside the U.S.; and

WHEREAS, one of the challenges the Port of Miami faces is access to the Port through downtown Miami; and

WHEREAS, it was long ago determined that the Port Tunnel was the best way to alleviate Port access concerns; and

WHEREAS, many years of effort have gone into the Port Tunnel Project by the State of Florida, Miami-Dade County and the City of Miami; and

WHEREAS, on July 24, 2007, this Board adopted Resolution No. 889-07 approving a Master Agreement among the Florida Department of Transportation (FDOT), Miami-Dade

County and the City of Miami to provide funding for the Port Tunnel Project in the amount of approximately \$1 billion; and

WHEREAS, Miami-Dade County and the City of Miami have evidenced their commitment to the Port Tunnel Project by a joint maximum financial contribution of approximately \$457.5 million; and

WHEREAS, on April 8, 2008, this Board adopted Ordinance No. 08-39 approving a covenant to budget and appropriate annually from non-ad valorem revenues of the County amounts sufficient to pay any repayment obligations with respect to an irrevocable letter of credit in an amount of \$75 million in favor of FDOT for the Port Tunnel Project; and

WHEREAS, on December 12, 2008, FDOT unexpectedly announced that the Port Tunnel Project was being suspended; and

WHEREAS, on December 18, 2008, the Miami-Dade County Metropolitan Planning Organization (MPO) Governing Board strongly expressed its disappointment in FDOT's decision to suspend the Port Tunnel Project and urged the Miami-Dade State Legislative Delegation to support the Project; and

WHEREAS, on January 18, 2008, Senate President Jeff Atwater and members of the Miami-Dade State Legislative Delegation toured the Port of Miami and participated in a presentation on the Port Tunnel Project; and

WHEREAS, Governor Charlie Crist has personally committed to resume the evaluation and negotiation process on the Port Tunnel Project; and

WHEREAS, the Port Tunnel Project would create an estimated 600 jobs for our local community and position the Port of Miami to handle cargo into the future; and

WHEREAS, at a time when governments at all levels look towards passing economic stimulus packages to reinvigorate the economy, keeping the Port Tunnel Project funded and on schedule is a top priority,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges Governor Charlie Crist and the Florida Legislature to keep the Port of Miami Tunnel Project fully funded and on schedule.

Section 2. Urges Governor Crist and the Florida Department of Transportation to continue the evaluation and negotiation process on the Port Tunnel Project pursuant to the Governor's commitment.

Section 3. Identifies the Port Tunnel Project as a Critical Priority for the 2009 state legislative session.

>>Section 4. In the event that after all available means to pursue the Port Tunnel Project are exhausted and the Project is not built, urges Governor Crist, the Florida Legislature and the Florida Department of Transportation to keep all funds earmarked for the Port Tunnel Project in Miami-Dade County to fund transportation projects that do not replace or supplant projects that are already funded for construction, but are instead additional projects.<<¹

Section [[4]]>>5<<. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, the Senate President, the House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, and the Secretary of the Florida Department of Transportation.

¹Words 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.

Section 15.6. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Sections 1, 2 and 4 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2009 State Legislative Package to include this item as a Critical Priority.

The Prime Sponsor of the foregoing resolution is Chairman Dennis C. Moss. It 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:

- | | |
|---------------------------------|--------------------|
| Dennis C. Moss, Chairman | |
| Jose "Pepe" Diaz, Vice-Chairman | |
| Bruno A. Barreiro | Audrey M. Edmonson |
| Carlos A. Gimenez | Sally A. Heyman |
| Barbara J. Jordan | Joe A. Martinez |
| Dorin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of March, 2009. 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.
Jess M. McCarty



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