Memorandum

MIAMI-DADE COUNTY

Date: September 10, 2010

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

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

From: George M. Burgess
County Manager

Subject: R & G Transportation, Inc. application for a transfer of Passenger Motor Carrier Certificate of Transportation No. 30025

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30025 from Select Transportation I, Inc. to R & G Transportation, Inc.

SCOPE

This PMC Certificate of Transportation is countywide, allowing the certificate 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. However, the principal of the corporation, Ms. Myleydys Rufin, has been a registered chauffeur since 2004. There is no enforcement history. The Consumer Services Department (CSD) will be responsible for monitoring this company.

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 Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 (m) of the Code provides the procedures to be followed by Miami-Dade 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. In considering the proposed transfer of ownership or control of the certificate, the Board shall determine whether or not said transfer is contrary to the public interest, upon evidence submitted at the July 13, 2010 Government Operations Committee (GOC) meeting (Attachment A). The Board may approve or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer if in the public's interest.

Select Transportation I, Inc. (formerly Latin Cab Corporation d/b/a Medi-Wheels Systems) has filed an application to transfer PMC Certificate of Transportation No. 30025 to R & G Transportation, Inc. Originally issued on May 1, 1984 via Resolution R-452-84 (Attachment B) PMC No. 30025 authorizes special operations services. This class is defined as transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company is required to adhere to the terms of the resolution, which approved the initial certificate (R-452-84). R & G Transportation, Inc., located at 15814 SW 99 Street, Miami, Florida 33196, seeks to continue providing this class of service by transporting resident and tourist groups to and from various locations throughout Miami-Dade County 24-hours a day, seven days a week. Transportation is required to be pre-arranged at least 24-hours prior to service, 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 (Attachment C).

The management plan submitted by Ms. Myleydys Rufin, President of R & G Transportation, 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 (Attachment D) between R & G Transportation, Inc. and Select Transportation I, Inc. establishes the acquisition by R & G Transportation, Inc. of PMC Certificate of Transportation No. 30025 for a total price of $15,000.00.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: September 10, 2010

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

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

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(C)(1)(G)
9-10-10

RESOLUTION NO. _____

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30025 FROM SELECT TRANSPORTATION I, INC. TO R & G TRANSPORTATION, INC. TO PROVIDE SPECIAL OPERATIONS 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 MIAMI-DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, the transfer of Certificate of Transportation No. 30025 to R & G Transportation, Inc. to provide special operations service is approved. This class of service is defined as transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The foregoing resolution was sponsored 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
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of September, 2010. 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.

Gerald K. Sanchez

Agenda Item No. 2(f)
5-1-84

RESOLUTION NO. R-452-84

ATTACHMENT B

RESOLUTION AUTHORIZING ISSUANCE OF A CERTIFICATE OF TRANSPORTATION, AS APPLIED FOR, TO LATIN CAB CORPORATION, TO PROVIDE SERVICES AS A PASSENGER MOTOR CARRIER

WHEREAS, the Board of County Commissioners has held a public hearing on the application in accordance with Chapter 31 of the Code of Metropolitan Dade County; and

WHEREAS, the Board of County Commissioners has considered the application, the County Manager's report and recommendation, and all matters presented at the public hearing; and

WHEREAS, the Board of County Commissioners has determined that the applicant has an adequate management plan, the ability to provide the proposed transportation service, and the public interest will be served by approving the application and issuing the Certificate,

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 Passenger Motor Carrier Services in Dade County, as recommended by the County Manager, be issued to Latin Cab Corporation.

The foregoing resolution was offered by Commissioner **James F. Redford, Jr.**, who moved its adoption. The motion was seconded by Commissioner **Beverly Phillips**, and upon being put to a vote, the vote was as follows:

Barbara M. Carey	Aye
Clara Oesterle	Aye
Beverly B. Phillips	Aye
James F. Redford, Jr.	Aye
Harvey Ruvin	Aye
Barry D. Schreiber	Aye
Ruth Shack	Aye
Jorge E. Valdes	Absent
Stephen P. Clark	Absent

The Mayor thereupon declared the resolution duly passed and adopted this 1st day of May, 1984.

DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

RICHARD P. BRINKER, CLERK

RAYMOND REED

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

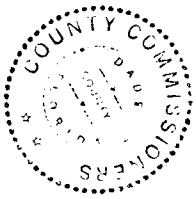
I, RICHARD P. BRINKER, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. R-452-84, adopted by the said Board of County Commissioners at its meeting held on May 1, 19 84.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 2nd day of May, A. D. 19 84.

RICHARD P. BRINKER, Ex-Officio Clerk
Board of County Commissioners
Dade County, Florida

By _____
Deputy Clerk

SEAL



Board of County Commissioners
Dade County, Florida

8

102.01-3 REV. 11/72

ATTACHMENT C

R & G TRANSPORTATION, INC.
RATE SCHEDULE

- Within Miami-Dade County, each passenger will pay $25 for the first 6 miles, and $3.50 per additional mile.
- For groups of 6 or more going outside Miami-Dade County, they will pay $80 (for the group) for the first 20 miles and $3.50 per additional mile

BILL OF SALE
CONTRACT/ AGREEMENT & TERMS
CONDITION OF SALE

MIAMI-DADE COUNTY
CONSUMER SERVICES
DEPARTMENT

ATTACHMENT D

The Undersigned, Luis Romero, the seller
If Corporation, Title President, of Select Transportation I, Inc
For and consideration of good and valuable consideration,
Does hereby, assign and convey, To R & G Transpotation, Inc
All of his/ her/ their rights, title and interest for the following
Passenger Motor Carrier Certificate # 30025- PM
Permit Holder's Name Select Transportation I, inc
The undersigned Permit holder acknowledges receipt in the amount
Of Fifteen thousand dollars ($ 15,000,00)
Representing payment in full.
The sale and transfer of this license is pending approval of the Consumer Services Department, Passenger Transportation Regulatory Division:

IN WITNESSES WHEREOF, the undersigned the Seller & Buyer.
The seller Luis Romero, President the buyer Myleydys Rufin, President
Has executed this bill of sale agreement this 25 day of SEP, 2009

P.A.
Signature of Seller

Signature of Buyer

MIAMI-DADE COUNTY
STATE OF FLORIDA

I HEREBY CERTIFY that on this day personally appeared before me
This 25 Day Of SEP, 2009.
WITNESS my hand and official seal

NOTARY PUBLIC

NOTARY PUBLIC STATE OF FLORIDA
FEB. 08, 2013
BONDED THRU ATLANTIC BONDING CO., INC.

10

ATTACHMENT A

MIAMI-DADE COUNTY

PUBLIC NOTICE

THE GOVERNMENT OPERATIONS COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Tuesday, July 13, 2010, 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. 30025 to R & G Transportation, Inc. to provide special operations service as a passenger motor carrier

A person who decides to appeal any decision made by the Government Operations Committee of the Board of County Commissioners, with respect to any matter considered at this 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.

must be made available for inspection and copying within one (1) business day of such request by the CSD or any police agency during regular business hours and shall be retained for one (1) year;

(5) Shall maintain a log of all customer complaints;

(6) Shall maintain quarterly vehicle accident records for all vehicles operated in the prior quarter;

(7) Shall not refuse to dispatch or neglect to dispatch a request to transport to or from any place in the county, any orderly person requesting service;

(8) Shall hold any personal property deposited in the lost and found facility for a period of six (6) months, at the end of which time the personal property shall become the property of the finder. A record of personal property reported to or deposited at the lost and found facility shall be kept for at least one (1) year; and

(9) Shall comply with all applicable obligations of the for-hire license holder when acting as his, her or its agent.

(l) *Responsibility for violations of chapter.* The holder of a passenger service company registration or any person providing passenger services directly shall be responsible for any violation of this chapter involving passenger services and shall be subject to the penalties provided for in this chapter for any such violation. In addition, the registration shall be subject to suspension or revocation for any such violation. Charges against or penalties imposed on a for-hire license holder or for-hire chauffeur for the same or related offense shall not relieve the passenger service company of its responsibilities or liabilities under this chapter. Violations shall be punishable as provided in this chapter.

(Ord. No. 98-105, § 1, 7-9-98; Ord. No. 01-178, § 1, 11-6-01; Ord. No. 03-45, § 1, 3-11-03)

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.

*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.