Memorandum

MIAMI-DADE COUNTY

Date: September 10, 2010

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

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

From: George M. Burgess
County Manager

Subject: Jean Claude Pierre d/b/a Liberty City Jitney application for a transfer of Passenger Motor Carrier Certificate of Transportation No. 30005

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30005 from Mr. Alphe Willingham d/b/a Liberty City Jitney to Mr. Jean Claude Pierre d/b/a Liberty City Jitney.

SCOPE

This 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 permit holder. However, Mr. Jean Claude Pierre has been a registered chauffeur since 2003. There is some enforcement history. In 2009, Mr. Pierre received a citation for modification of certificate of transportation. The citation has been satisfied. 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.

Mr. Alphe Willingham d/b/a Liberty City Jitney has filed an application to transfer PMC Certificate of Transportation No. 30005 to Mr. Jean Claude Pierre d/b/a Liberty City Jitney. Originally issued on April 20, 1983 to Mr. John Evans d/b/a Liberty City Jitney by the former Dade County Transportation Administration and transferred to Mr. Alphe Willingham d/b/a Liberty City Jitney in 1993 via Resolution R-1646-93 (Attachment B), PMC No. 30005 authorizes jitney service. This class is defined as any motor vehicle having a maximum seating capacity of fifteen (15) or less, transporting passengers for

compensation on a semi-fixed route between fixed terminals not on a fixed schedule basis.

Mr. Jean Claude Pierre d/b/a Liberty City Jitney, located at 69 NW 45 Street, Miami, Florida 33127, seeks to continue transporting passengers for compensation on a semi-fixed route between fixed terminals not on a fixed schedule throughout Miami-Dade County. Transportation will be provided using chauffeur driven vehicles with a seating capacity of at least nine (9) nine or more, excluding the driver, but no more than 15 passengers, seven days a week, from 6:00 a.m. to midnight. The proposed rates are $1.50 per person, one-way.

The management plan submitted by Mr. Jean Claude Pierre 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 C) between Mr. Jean Claude Pierre and Mr. Alphe Willingham establishes the acquisition by Mr. Pierre of PMC Certificate of Transportation No. 3000 for a total price of $2,860.

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)(I)

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)(I)
9-10-10

RESOLUTION NO. _____

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30005 FROM ALPHE WILLINGHAM D/B/A LIBERTY CITY JITNEY TO JEAN CLAUDE PIERRE D/B/A LIBERTY CITY JITNEY TO PROVIDE JITNEY 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. 30005 to Jean Claude Pierre d/b/a Liberty City Jitney, Inc. to provide jitney service is approved. This class of service is defined as any motor vehicle having a maximum capacity of fifteen (15) or less, transporting passengers for compensation on a semi-fixed route between fixed terminals not on a fixed schedule basis.

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

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. 30005 to Jean Claude Pierre d/b/a Liberty City Jitney to provide jitney 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.

ATTACHMENT B

Amended
Agenda Item No. 7(Q)
12-14-93

RESOLUTION NO. 1646-93

RESOLUTION APPROVING TRANSFER AND ISSUANCE OF CERTIFICATE OF TRANSPORTATION NO. 5, AS APPLIED FOR, TO ALPHE WILLINGHAM TO PROVIDE JITNEY SERVICE AS A PASSENGER MOTOR CARRIER

WHEREAS, this Board desires to approve the transfer and issuance of Certificate of Transportation No. 5 to Alphe Willingham 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, Certificate of Transportation No. 5 to provide jitney class passenger motor carrier services be approved to Alphe Willingham.

The foregoing resolution was offered by Commissioner James Burke, who moved its adoption, the motion was seconded by Commissioner Pedro Reboredo and upon being put to a vote, the vote was as follows:

James Burke	aye	Miguel Diaz de la Portilla	aye
Betty T. Ferguson	aye	Maurice A. Ferre	aye
Larry Hawkins	absent	Bruce Kaplan	aye
Natacha S. Millan	aye	Dennis C. Moss	aye
Alexander Penelas	aye	Pedro Reboredo	aye
Javier D. Souto	aye	Sherman S. Winn	absent
Arthur E. Teele, Jr.	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of December, 1993.

DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.

By: WILLIAM G. OLIVER
Deputy Clerk

8

ATTACHMENT C

03/05/2010

To Whom It May Concern:

Alphe Willingham owner of the certificate number 30005 agree to transfer to Jean Claude Pierre. For $ 2860.

Alphe Willingham

Alphe Willingham

Jean Claude Pierre

Jean Claude Pierre

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.