

MEMORANDUM

Agenda Item No. 11(A)(1)

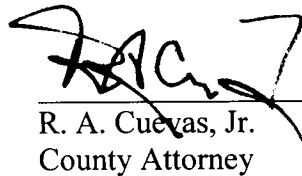
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 3, 2011

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

SUBJECT: Resolution supporting the
2012 Proposed Draft State
Legislative Position of the
South Florida Regional
Transportation Authority
related to privatization of
Tri-Rail and other associated
FDOT proposals related to
the SFRTA and Tri-Rail

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro and Co-Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 3, 2011

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

SUBJECT: Agenda Item No. 11(A)(1)

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. 11(A)(1)
11-3-11

RESOLUTION NO. _____

RESOLUTION SUPPORTING THE 2012 PROPOSED DRAFT STATE LEGISLATIVE POSITION OF THE SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY RELATED TO PRIVATIZATION OF TRI-RAIL AND OTHER ASSOCIATED CHANGES PROPOSED BY FDOT; OPPOSING FDOT PROPOSALS RELATED TO THE SFRTA AND TRI-RAIL

WHEREAS, Tri-Rail is operated by the South Florida Regional Transportation Authority (SFRTA); and

WHEREAS, the SFRTA governing board is comprised of nine members, including three citizen members, one each appointed by Broward, Miami-Dade, and Palm Beach Counties, one county commissioner from each county and three appointments by the Governor; and

WHEREAS, on August 5, 2011, Florida Department of Transportation (FDOT) Secretary Ananth Prasad announced that the state would pursue allowing private firms to bid on running Tri-Rail, as part of a public private partnership; and

WHEREAS, the SFRTA prepared a 2012 Proposed Draft Legislative Position on this issue, a copy of which is attached and incorporated by reference herein; and

WHEREAS, this Board opposes FDOT proposals related to the SFRTA and in particular the privatization of Tri-Rail,

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

Section 1. Supports the attached 2012 Proposed Draft State Legislative Position of the South Florida Regional Transportation Authority related to privatization of Tri-Rail and other associated changes proposed by FDOT.

Section 2. Opposes FDOT legislative proposals related to the SFRTA, including:

- Removing statutory authority for Miami-Dade, Broward and Palm Beach County Commissioners to appoint citizen members to the SFRTA's governing board;
- Allowing the Governor to appoint SFRTA governing board members from outside the tri-county area;
- Weakening the SFRTA's independent exercise of statutory powers, especially as it relates to governance and operations; and
- Extending FDOT's exercise of control over funds contributed by Miami-Dade, Broward and Palm Beach County to the SFRTA.

Section 3. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami Dade State Legislative Delegation, the Mayor and Members of the Broward County Board of County Commissioners, the Chair and Members of the Palm Beach County Board of County Commissioners, and the Secretary of the Florida Department of Transportation, the Executive Director of the SFRTA.

Section 4. Directs the County's state lobbyists to oppose the legislation set forth in Section 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2012 state legislative package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Bruno A. Barreiro and the Co-Sponsor is Commissioner Sally A. Heyman. 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:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman
Bruno A. Barreiro
Esteban L. Bovo, Jr.
Sally A. Heyman
Jean Monestime
Rebeca Sosa
Xavier L. Suarez
Lynda Bell
Jose "Pepe" Diaz
Barbara J. Jordan
Dennis C. Moss
Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of November, 2011. 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.

JMM

Jess M. McCarty

2012 Proposed Draft Legislative Position

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY / TRI-RAIL

The South Florida Regional Transportation Authority's (SFRTA) governing board is comprised of nine members, including three citizen members, one appointed by Broward, Miami-Dade, and Palm Beach County Commissions. The Board opposes legislation that weakens the three counties' home rule powers by eliminating each County Commission's ability to appoint local, citizen members to the SFRTA. In addition, the Board opposes gubernatorial appointments to the SFRTA from outside the tri-county area. The Board further opposes any effort to weaken the SFRTA's independent exercise of statutory powers, especially as they relate to governance and/or operations.

The Board opposes any legislation that grants to the Florida Department of Transportation (FDOT), or any other state agency: (1) control over any county funds appropriated by the three County Commissions pursuant to §343.58, Florida Statutes, for the SFRTA's capital and operational needs; or (2) the power to determine how such county funds are allocated. Additionally, the Board opposes any efforts by the state to stop funding Tri-Rail.