

# MEMORANDUM

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Agenda Item No. 1(G)2

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** February 11, 2015

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

**SUBJECT:** Ordinance amending by a two-thirds vote of the Commission membership Section 29-124 of the Code to expand Citizens' Independent Transportation Trust review to all contracts procured by or on behalf of Miami-Dade Transit regardless of funding source

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

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/smm

# Memorandum

MIAMI-DADE  
COUNTY

**Date:**

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

**Subject:** Ordinance amending Section 29-214 of the Code to expand Citizens Independent Transportation Trust contract review

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The proposed ordinance amends by a two-thirds vote of the Commission membership Section 29-214 of the Code to expand Citizens' Independent Transportation Trust review to all contracts procured by or on behalf of Miami-Dade Transit, regardless of funding source. Implementation of this ordinance will not have a fiscal impact to the County.

  
Alina Hudak  
Deputy Mayor

Fis02015

# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** December 2, 2014

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

**SUBJECT:** Agenda Item No. 4(E)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and second reading  
(per Ordinance No. 02-116)
- 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 Mayor'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)

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 4(E)  
12-2-14

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING BY A TWO-THIRDS VOTE OF THE COMMISSION MEMBERSHIP SECTION 29-124 OF THE CODE OF MIAMI-DADE COUNTY TO EXPAND CITIZENS' INDEPENDENT TRANSPORTATION TRUST REVIEW TO ALL CONTRACTS PROCURED BY OR ON BEHALF OF MIAMI-DADE TRANSIT REGARDLESS OF FUNDING SOURCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 29-124 of the Code of Miami-Dade County is hereby amended to read as follows:<sup>1</sup>

**Sec. 29-124. Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust.**

The surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be expended for the transportation and transit projects (including operation and maintenance thereof) set forth in Exhibit 1 to this article (including those projects referenced in the ballot question presented to the electors to approve this levy) and the adopted Five Year Implementation Plan, subject to any amendments thereto made in accordance with the MPO process or made in accordance with the procedures specified in subsection (d) of this Section.

Expenditure of surtax proceeds ~~>>or contracts procured by or on behalf of Miami-Dade Transit<<~~ shall be subject to the following limitations:

<sup>1</sup> Words 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.

- (a) Surtax proceeds shall be applied to expand the Golden Passport Program to all persons (regardless of income level who are over the age of 65 or are drawing Social Security benefits) and to provide fare-free public transportation service on Metromover, including extensions.
- (b) Surtax proceeds may only be expended for the transportation and transit purposes specified in Section 212.055(1)(d)1—4 Fla. Stats. (2010).
- (c) The County shall not expend more than five percent of the County's share of surtax proceeds on administrative costs, exclusive of project management and oversight for projects funded by the surtax.
- (d) The Trust shall in consultation with the Mayor recommend to the County Commission a Five Year Implementation Plan. The Five Year Implementation Plan shall include a detailed scope of work, schedule and budget, consistent with the federal requirements for the MPO TIP and Long Range Plan, for each project included in Exhibit 1 of the People's Transportation Plan, as amended, anticipated to be implemented in whole or in part during the five year period. The Five Year Implementation Plan shall be approved by the County Commission in accordance with the procedures established in paragraph (f) of this section. The initial Five Year Implementation Plan shall be approved no later than January 1, 2011. The Five Year Implementation Plan shall be updated annually no later than thirty days from the commencement of Miami-Dade County's fiscal year. The Trust shall review and monitor projects included in the Five Year Implementation Plan and provide to the County Commission and post online an annual report no later than December 31 of each year. The annual report shall detail the progress on each project included in the Five Year Work Plan.
- (e) The County Commission shall not delete or materially change any County project contained in the list attached as Exhibit 1 to this article nor add any project to the list or delete, materially change or add any project to the Five Year Implementation Plan except in accordance with the procedures set forth in this subsection (e). The Five Year Implementation Plan and any proposed deletion, material change or addition of a County project shall be initially reviewed by the Citizens' Independent Transportation Trust ("Trust"), which shall forward a recommendation thereon

to the County Commission. The County Commission may either accept or reject the Trust's recommendation. If the County Commission rejects the recommendation, the matter shall be referred back to the Trust for its reconsideration and issuance of a reconsidered recommendation to the County Commission. The County Commission may approve, change or reject the Trust's reconsidered recommendation. A two-thirds vote of the Commission membership shall be required to take action other than as contained in the reconsidered recommendation of the Trust. The foregoing notwithstanding, the list of County projects contained in Exhibit 1 and the Five Year Implementation Plan may be changed as a result of the MPO process as mandated by federal and state law.

- (f) >>(i)<<No surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a two-thirds (2/3) vote of the Commission's membership. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or >>County Mayor's<< [[his]] designee filing >>an<< [[his]] award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust. ~~[[The Trust shall, in consultation with the County Mayor or his designee, schedule Trust meetings monthly so as to ensure that a Trust recommendation is provided to the Commission with the Commission's agenda package.]]~~

- >>(ii) Where no surtax proceeds are used to fund a contract, no County funds may be used to pay the costs of contracts valued at over \$1,000,000 and which are procured by or on behalf of Miami-Dade Transit unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a two-thirds (2/3) vote of the Commission's membership. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.
- (iii) Where no surtax proceeds are used to fund a contract, no County funds may be used to pay the costs of contracts valued at \$1,000,000 or less and which are procured by or on behalf of Miami-Dade Transit and eligible for award under the County Mayor's delegated authority, unless the Trust, after the filing of the County Mayor's award recommendation with the Clerk of the Board, has reviewed and concurred with the award recommendation and filed such concurrence with the Clerk of the Board. If the Trust does not concur with an award recommendation, such objection shall be filed with the Clerk of the Board and the award recommendation will be forwarded directly to the full County Commission for consideration without committee review. The County Commission may sustain the Trust's objection to the award recommendation and reject the award of the contract by majority vote of those members present. The County Commission may override the Trust's objection and approve the award of the contract by a two-thirds (2/3) vote of the

Commission's membership. If the Trust has failed to either concur or disagree with the County Mayor's award recommendation within 45 days of the County Mayor or County Mayor's designee filing such recommendation with the Clerk of the Board, the County Mayor may award said contract without any Trust recommendation.

- (iv) The Trust shall, in consultation with the County Mayor or County Mayor's designee, schedule Trust meetings monthly so as to ensure that a Trust recommendation is provided to the Commission with the Commission's agenda package.<<

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**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



**Section 5.** This Ordinance may only be amended or repealed by a two-thirds vote of the Board. Any amendment or repeal of this Ordinance shall further require a minimum of six (6) weeks between first and second reading.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Bruce Libhaber

Prime Sponsor: Commissioner Dennis C. Moss