MEMORANDUM

TMSC
Agenda Item No. 1G1

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

DATE: April 13, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance amending by a two-thirds vote of the Commission membership, and subject to a vote of the Electors of Miami-Dade County, Florida at the November 8, 2016 General Election, section 29-124 of the Code to eliminate fare free transportation service on Metromover and make Metromover equitable with other modes of transportation by providing for fares to be set by resolution

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Commissioner Barbara J. Jordan and Co-Sponsor Commissioner Sally A. Heyman.

Abigail Price-Williams
County Attorney

APW/smm

Memorandum

MIAMI-DADE COUNTY

Date:

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

From: Carlos A. Gimenez
Mayor

Subject: Fiscal Impact Statement for Ordinance Amending by a two-thirds vote of the Commission Membership, and subject to a Vote of the Electors of Miami-Dade County, Section 29-124 of the Code to Eliminate Fare Free Transportation Service on Metromover

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The proposed ordinance amends Section 29-124 of the Code of Miami-Dade County by adding a question in the November General Election ballot to eliminate fare free transportation service on Metromover. Addition of this question to the ballot will have no fiscal impact to the Elections Department. In addition, the proposed ordinance will not impose a fare to the riders, and therefore there will be no fiscal impact to the Department of Transportation and Public Works (DTPW).

If the Board of County Commissioners ever decides to reinstate a Metromover fare, it is estimated that the initial start-up cost to install fare collection equipment for a closed collection system could be approximately $9.35 million. In addition, it is estimated that on-going fare collection operations could cost DTPW $1 million per year. Finally, assuming a fare of $1.00, it is estimated that between $849,000 to $1.5 million of additional revenue could be generated depending upon the ultimate elasticity in ridership.

Alina T. Hudak
Deputy Mayor

Fis04616 160361

Memorandum

MIAMI-DADE COUNTY

Date:

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

From: Carlos A. Gimenez
Mayor

Subject: Social Equity Statement for Ordinance Amending Section 29-124 of the Code of Miami-Dade County to Eliminate Fare Free Transportation Service on Metromover and Make Metromover Equitable with other Modes of Transportation by Providing for Fares

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The proposed revision to Section 29-124 of the Code of Miami-Dade County is anticipated to have a social impact on the residents of Miami-Dade County, as it would make the Metromover equitable with other modes of transportation currently being provided by the County in that patrons who utilize the system and ride for free would now be required to pay a fare.

The implementation of a fare would potentially have a negative effect on ridership as patrons may choose to walk or take alternate forms of transportation to avoid paying the fare. Additionally, this may restrict access to those patrons with limited incomes.

Alina T. Hudak
Deputy Mayor

MEMORANDUM
(Revised)

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

DATE:

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 4(C)

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**
_____	**Statement of social equity 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)**

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 4(C)

3-8-16

ORDINANCE NO. _____

ORDINANCE AMENDING BY A TWO-THIRDS VOTE OF THE COMMISSION MEMBERSHIP, AND SUBJECT TO A VOTE OF THE ELECTORS OF MIAMI-DADE COUNTY, FLORIDA AT THE NOVEMBER 8, 2016 GENERAL ELECTION, SECTION 29-124 OF THE CODE OF MIAMI-DADE COUNTY TO ELIMINATE FARE FREE TRANSPORTATION SERVICE ON METROMOVER AND MAKE METROMOVER EQUITABLE WITH OTHER MODES OF TRANSPORTATION BY PROVIDING FOR FARES TO BE SET BY RESOLUTION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board wishes to amend the Code of Miami-Dade County to allow the Board of County Commissioners to set or amend the fare charged for public transportation service on Metromover, including any extensions, if such amendment is approved by the voters by referendum at a special election called in conjunction with the November 8, 2016 General Election,

NOW, THEREFORE, 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, Florida, is hereby amended to read as follows:[1]

> 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

[1] 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.

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 shall be subject to the following limitations:

(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~~]]. >>The Board of County Commissioners shall, by resolution, set or amend the fare for public transportation service on Metromover, including any extensions, in a manner consistent with other modes of transportation provided by the County.<<

(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) 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 his designee filing 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.

(g) On a quarterly basis, the Executive Director of the CITT shall submit a written report to the Commission, the Mayor and the Manager of all expenditures made pursuant to Section 29-124 herein.

(h) Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of November 5, 2002 that meet the following conditions:

(i) That continue to provide the same level of general fund support for transportation that is in their FY 2001-2002 budget in subsequent Fiscal Years. Any surtax proceeds received shall be applied to supplement, not replace a city's general fund support for transportation;

(ii) That apply 20 percent of any surtax proceeds received to transit uses in the nature of circulator buses, bus shelters, bus pullout bays, on-demand transportation services as defined in Section 212.055(1)(e), Florida Statutes (2010), or other transit-related infrastructure. The use of surtax proceeds for on-demand transportation services shall be limited to providing transportation to Miami-Dade County residents whose household income do not exceed the standard threshold applied to determine eligibility for the low-income, senior citizen's additional homestead exemption outlined in Section 196.075, Florida Statutes (2010), as amended from time to time and meet at least one of the following two criteria: (1) are aged 65 years or older or (2) have a disability, as defined in the Americans with Disabilities Act of 1990 (ADA). Notwithstanding any provision to the contrary, on-demand transportation services as defined in Section 212.055(1)(e), Florida Statutes (2010), and used herein, shall require 24-hour pre-arranged service by recipients. No City may utilize surtax proceeds to provide on-demand transportation services, as defined herein, for individuals receiving County sponsored Special Transportation Services. Any city that cannot apply

the 20 percent portion of surtax proceeds it receives as provided in this paragraph, may contract with the County for the County to apply such proceeds on a County project that enhances traffic mobility within that city and immediately adjacent areas. If the city cannot expend such proceeds in accordance with this paragraph and does not contract with the County as described in this paragraph, then such proceeds shall carry over and be added to the overall portion of surtax proceeds to be distributed to the cities in the ensuing year and shall be utilized solely for the transit uses enumerated in this subsection (ii); and

(iii) Surtax proceeds distributed amongst the existing cities shall be distributed on a pro rata basis based on the ratio such city's population bears to the total population in all such cities (as adjusted annually in accordance with the Estimates of Population prepared by the Bureau of Economic and Business Research of the University of Florida) annually to those cities that continue to meet the foregoing conditions. For purposes of the foregoing, whenever an annexation occurs in an existing city, the number of persons residing in such annexed area at the time it is annexed shall be excluded from all calculations. Increases in population in areas annexed over and above the population in such area at the time of annexation which occur after annexation shall be included in subsequent years' calculations.

(iv) That do not expend more than 5% of its municipal share of surtax proceeds on administrative costs, exclusive of project management and oversight for projects funded by the surtax. Administrative costs shall be defined as overhead expenses which are not readily attributable to any one particular project funded in whole or in part by transit surtax funds.

(i) Newly incorporated municipalities shall have the right to negotiate with the County for a pro rata share of the sales surtax, taking into consideration the neighborhood and municipal projects identified in Exhibit 1, as amended, within the boundaries of the new municipalities. The preceding sentence shall not affect the twenty (20) percent share provided herein for municipalities existing on November 5, 2002.

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. The provisions of this ordinance shall become effective upon both: (1) the passage of ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, upon an override by this Board; and (2) the passage of a referendum authorizing this ordinance to take effect held in conjunction with the primary election currently scheduled for November 8, 2016.

Section 5. This ordinance shall sunset upon the defeat of a referendum authorizing this ordinance to take effect held in conjunction with the general election currently scheduled for November 8, 2016.

Section 6. 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: APW

Prepared by: MBV for

Oren Rosenthal

Prime Sponsor: Commissioner Barbara J. Jordan
Co-Sponsor: Commissioner Sally A. Heyman