

MEMORANDUM

Substitute
Agenda Item No. 11(A)(6)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

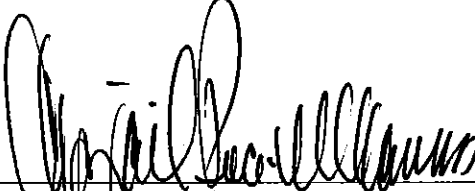
DATE: February 21, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution opposing SB 688,
HB 243, or similar legislation
that restricts the use of Charter
County Transportation System
Surtax proceeds to be used only
for certain fixed guideway rapid
transit and bus system expenses

This substitute differs from the original version in that it provides clarification that the non-transit countywide services that could be reduced in order to partially or wholly maintain the existing level of bus service should Senate Bill 688 or House Bill 243 become law, would be those services funded by the general fund and only to the extent allowed by law.

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



Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

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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
- Statement of social equity 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) required

Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 11(A)(6)
2-21-18

RESOLUTION NO. _____

RESOLUTION OPPOSING SB 688, HB 243, OR SIMILAR
LEGISLATION THAT RESTRICTS THE USE OF CHARTER
COUNTY TRANSPORTATION SYSTEM SURTAX PROCEEDS
TO BE USED ONLY FOR CERTAIN FIXED GUIDEWAY
RAPID TRANSIT AND BUS SYSTEM EXPENSES

WHEREAS, Senate Bill (SB) 688 by Senator Rene Garcia (R-Hialeah) and House Bill (HB) 243 by Representatives Bryan Avila (R-Hialeah) and Daniel Perez (R-Miami), have been filed for consideration during the 2018 session of the Florida Legislature; and

WHEREAS, SB 688 and HB 243 generally prohibit the use of Charter County Transportation System Surtax proceeds for non-transit purposes for each county as defined in section 125.011(1), Florida Statutes; and

WHEREAS, SB 688 and HB 243 require that, to the extent not prohibited by contracts or bond covenants in effect on July 1, 2018, each county as defined in section 125.011(1), Florida Statutes, use Charter County Transportation System Surtax proceeds only for the following purposes:

1. The planning, design, engineering, and construction of fixed guideway rapid transit systems; and
2. The acquisition of right-of-way for fixed guideway rapid transit systems, provided that the current owner of the right-of-way is a willing seller; and
3. The payment of principal and interest on bonds previously issued related to fixed guideway rapid transit systems or bus systems; and

4. As security by the governing body of the county to refinance existing bonds or to issue new bonds for the planning, design, engineering, and construction of fixed guideway rapid transit systems or bus systems; and

WHEREAS, SB 688, but not HB 243, additionally allows surtax proceeds to be used for the purchase of buses and other capital costs for a bus system; and

WHEREAS, HB 243, but not SB 688, additionally allows surtax proceeds to be used for the acquisition of rights-of-way for the development of dedicated facilities for autonomous vehicles as defined in section 316.003, Florida Statutes, provided that the owner of the right-of-way is a willing seller; and

WHEREAS, HB 243 would significantly impair Miami-Dade County's efforts to replace its Metrobus fleet and to continue to make capital improvements to its bus system in order to provide energy efficient service to Miami-Dade County's residents and visitors; and

WHEREAS, SB 688 and HB 243 would restrict Miami-Dade County's ability to use surtax proceeds for the maintenance and operation of its Metrorail, Metromover, or Metrobus systems even for capital improvements that were previously funded by surtax proceeds; and

WHEREAS, SB 688 and HB 243 would also restrict Miami-Dade County's ability to use surtax proceeds for road and bridge projects; and

WHEREAS, while improving transit in Miami-Dade County is of utmost importance, maintaining and improving our roads and bridges remains an important county service as those roads and bridge will be used by not only private vehicles, but also our Metrobuses and the vehicles that keep our local economy healthy and vibrant; and

WHEREAS, SB 688 and HB 243 would cause significant financial impacts on Miami-Dade County's Department of Transportation and Public Works; and

WHEREAS, SB 688 and HB 243 would require reducing Miami-Dade County's budget for transit operations by nearly \$100 million so that the Charter County Transportation System Surtax funds currently supporting operations can be used only for capital expansion; and

WHEREAS, Miami-Dade County would have to exercise one of the following three options in order to address the \$100 million loss of funding for transit operations as a result of SB 688 or HB 243:

1. Increasing the frequency from approximately under 20 minutes during peak periods and under 30 minutes during off-peak periods for most routes, to 60 minutes, or one trip per hour, with 20 of the lowest ridership routes having a two hour frequency, or one trip every two hours;
2. Eliminating 54 bus routes with lowest ridership and all weekend bus service; or
3. ~~[[Reducing of non-transit countywide services, such as Corrections and Rehabilitation, Jackson Health Systems, Police, Property Appraiser, Fire Reseue, Elections, Judicial Administration, Community Action and Human Services, Parks, Recreation and Open Spaces, Mosquito Control, Cultural Affairs, and Animal Services, in order to maintain the existing level of bus service; and]]¹ >>Reducing non-transit countywide services supported by the general fund, which may include but are not limited to, Police, Judicial Administration, Community Action and Human Services, Parks, Recreation and Open Spaces, Mosquito Control, Cultural Affairs, and Animal Services, and community based organization funding, to the extent allowed by law, in order to partially or wholly maintain the existing level of bus service; and<<~~

¹ The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

WHEREAS, SB 688 and HB 243 would not allow the County to implement an incremental reduction on the reliance of the Charter County Transportation System Surtax funds and would thus have a crippling effect on the County budget; and

WHEREAS, even if SB 688 or HB 243 are not adopted, the County's five-year financial plan nevertheless contemplates an incremental reduction of approximately 75 percent on the reliance of surtax funds for transit operations by fiscal year 2022; and

WHEREAS, this Board opposes the restrictions imposed by SB 688 and HB 243 on the use of the Charter County Transportation System Surtax on counties as defined in section 125.011(1), Florida Statutes,

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

Section 1. Opposes SB 688, HB 243, or similar legislation that restricts the use of Charter County Transportation System Surtax proceeds to be used only for certain fixed guideway rapid transit and bus system expenses.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Rene Garcia, Representative Bryan Avila, Representative Daniel Perez, and the Chair and remaining members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to oppose the passage of the legislation as set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2018 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of February, 2018. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.



Annery Pulgar Alfonso