

# MEMORANDUM

Agenda Item No. 11(A)(18)

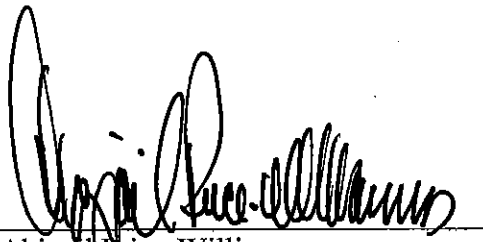
**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** March 6, 2018

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution urging the Florida Legislature and the Florida Department of Environmental Protection to allocate 15 percent of Florida's share of the Volkswagen litigation environmental mitigation trust to fund electric vehicle charging infrastructure and to utilize significant portions of Florida's remaining share for local government grants to fund the electrification of transit fleets

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams  
County Attorney

APW/jls



# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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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 \_\_\_\_\_

Agenda Item No. 11(A)(18)  
3-6-18

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO ALLOCATE 15 PERCENT OF FLORIDA'S SHARE OF THE VOLKSWAGEN LITIGATION ENVIRONMENTAL MITIGATION TRUST TO FUND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND TO UTILIZE SIGNIFICANT PORTIONS OF FLORIDA'S REMAINING SHARE FOR LOCAL GOVERNMENT GRANTS TO FUND THE ELECTRIFICATION OF TRANSIT FLEETS

**WHEREAS**, in 2015, regulators caught automaker Volkswagen (VW) cheating on emissions tests relating to its diesel vehicles; and

**WHEREAS**, VW later admitted that it had secretly and deliberately installed a "defeat device," software designed to mislead emission testers, in more than half a million diesel vehicles sold in the United States between 2009 and 2015; and

**WHEREAS**, as a consequence of VW's actions, an estimated 44,000 tons of extra nitrogen oxide, a potent contributor to smog and lung disease, was emitted into the air; and

**WHEREAS**, litigation against VW was subsequently initiated in federal court in California; and

**WHEREAS**, in 2016, VW entered into a settlement that, among other things, required the company to fund a \$2.9 billion trust for environmental mitigation that will be allocated to all 50 states in amounts proportionate to each state's number of VW diesel vehicles involved in the matter; and

**WHEREAS**, the purpose of the mitigation trust fund is to provide money for specified diesel emission reduction projects, with the goal of offsetting excess emissions caused by the subject vehicles; and

**WHEREAS**, Florida is expected to received \$166 million from the VW litigation environmental mitigation trust; and

**WHEREAS**, the Florida Legislature will have to appropriate, allocate, or authorize the expenditure of Florida's share of the settlement; and

**WHEREAS**, the Florida Department of Environmental Protection will be responsible for overseeing and implementing programs and funds from Florida's share of the environmental mitigation trust; and

**WHEREAS**, in accordance with the settlement, a percentage, up to 15 percent of a state's trust allocation, may be devoted to fund light-duty electric vehicle charging infrastructure, with additional monies from each state's trust used for various designated projects or purposes set forth in the settlement; and

**WHEREAS**, the full 15 percent (\$24.9 million) of Florida's settlement funds should be devoted to publicly-accessible electric vehicle charging infrastructure; and

**WHEREAS**, investment in such infrastructure is essential to address the demand and need for more charging stations by the estimated 25,000 electric vehicle drivers currently in Florida; and

**WHEREAS**, significant additional portions of Florida's \$166 million can be used to provide local governments with grants to fund the electrification of transit fleets; and

**WHEREAS**, when used by local governments, electric buses and medium-duty transit vehicles save money and protect the environment; and

**WHEREAS**, according to a memorandum by ChargePoint, the largest electric vehicle charging network in the world, electric buses achieve the equivalent of 21 miles per gallon, as compared to conventional buses that achieve only four miles per gallon; and

**WHEREAS**, ChargePoint estimates that every mile driven in an electric bus could save taxpayers 60-to-70 percent of the cost they would otherwise pay for conventional diesel-powered buses; and

**WHEREAS**, accordingly, this Board wishes for the Florida Department of Environmental Protection to utilize Florida's share of the VW litigation environmental mitigation trust to fund electric charging infrastructure and local government electrification of transit fleets, as outlined herein,

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

**Section 1.** Urges the Florida Legislature and the Florida Department of Environmental Protection to allocate 15 percent of Florida's share of the Volkswagen litigation environmental mitigation trust to fund electric vehicle charging infrastructure and to utilize significant portions of Florida's remaining share for local government grants to fund the electrification of transit fleets.

**Section 2.** Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, and the Secretary of the Florida Department of Environmental Protection.

**Section 3.** Directs the County's state lobbyists to advocate for the legislative and administrative action described in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2018 State Legislative Package to include this item.

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The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. 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 6<sup>th</sup> day of March, 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.

James Eddie Kirtley

