

MEMORANDUM

TAF
Agenda Item No. 2(D)

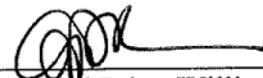

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 15, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution accepting the recommendation of the Citizens' Independent Transportation Trust ("CITT") contained in CITT Resolution No. 18-033 and amending Exhibit 1 of the People's Transportation Plan by, commencing in fiscal year 2019-2020, prohibiting the use of Charter County Transportation Surtax funds for those transit services in existence prior to November 5, 2002; and rescinding Resolution No. R-222-09, effective October 1, 2019, which was adopted by the Board of County Commissioners on March 3, 2009 and materially changed the projects listed in the original People's Transportation Plan

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Xavier L. Suarez and Commissioner Daniella Levine Cava.


Abigail Price-Williams
County Attorney 

APW/smm

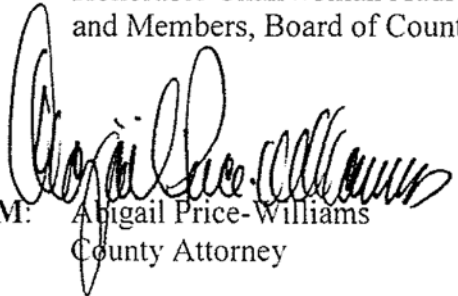


MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 7, 2019

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No.

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST ("CITT") CONTAINED IN CITT RESOLUTION NO. 18-033 AND AMENDING EXHIBIT 1 OF THE PEOPLE'S TRANSPORTATION PLAN BY, COMMENCING IN FISCAL YEAR 2019-2020, PROHIBITING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR THOSE TRANSIT SERVICES IN EXISTENCE PRIOR TO NOVEMBER 5, 2002; AND RESCINDING RESOLUTION NO. R-222-09, EFFECTIVE OCTOBER 1, 2019, WHICH WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON MARCH 3, 2009 AND MATERIALLY CHANGED THE PROJECTS LISTED IN THE ORIGINAL PEOPLE'S TRANSPORTATION PLAN

WHEREAS, on November 5, 2002, the electors of Miami-Dade County voted to levy a half percent sales surtax to fund transit and road improvements; and

WHEREAS, the transit and road improvements were initially listed in Exhibit 1 to Ordinance No. 02-116 and became known as the People's Transportation Plan; and

WHEREAS, an essential component of the People's Transportation Plan from the onset was the capital expansion of the transit system; and

WHEREAS, on March 3, 2009, the County Commission adopted Resolution No. R-222-09, following the recommendation of the Citizens' Independent Transportation Trust; and

WHEREAS, Resolution No. R-222-09 materially changed the projects listed in the original People's Transportation Plan by authorizing the use of Charter County Transportation Surtax funds for the operation and maintenance of the transit system, which is commonly referred to as "unification"; and

WHEREAS, on August 23, 2018, the CITT adopted Resolution No. 18-033 attached hereto, which recommended the end of “unification” by fiscal year 2019-2020; and

WHEREAS, unwinding “unification” would maintain faith with the voters by allowing for more Charter County Transportation Surtax funds to be applied towards the capital expansion of the transit system; and

WHEREAS, the County Commission wishes to accept the CITT’s recommendation and unwind “unification” by fiscal year 2019-2020,

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

Section 1. The foregoing recitals are incorporated herein and are approved.

Section 2. This Board accepts the recommendation of the Citizens’ Independent Transportation Trust contained in CITT Resolution No. 18-033 and amends Exhibit 1 of the People’s Transportation Plan by, commencing in fiscal year 2019-2020, prohibiting the use of Charter County Transportation Surtax funds for those transit services in existence prior to November 5, 2002.

Section 3. This Board hereby rescinds Resolution No. R-222-09, effective October 1, 2019, which was adopted by the County Commission on March 3, 2009 and materially changed the projects listed in the original People’s Transportation Plan.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Xavier L. Suarez and 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:

Audrey M. Edmonson, Chairwoman
Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.
Jose "Pepe" Diaz
Eileen Higgins
Joe A. Martinez
Dennis C. Moss
Xavier L. Suarez

Daniella Levine Cava
Sally A. Heyman
Barbara J. Jordan
Jean Monestime
Sen. Javier D. Souto

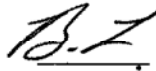
The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of June, 2019. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by 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.



Bruce Libhaber

RESOLUTION NO. 18-033

RESOLUTION RESCINDING RESOLUTION NO. 08-079
OF THE CITIZENS' INDEPENDENT
TRANSPORTATION TRUST AND RECOMMENDING
TO THE BOARD OF COUNTY COMMISSIONERS
THAT IT AMEND EXHIBIT 1 TO THE PEOPLE'S
TRANSPORTATION PLAN TO END THE GREATER
FLEXIBILITY IN THE USE OF COUNTY TRANSIT
SURTAX FUNDS FOR THE OPERATION AND
MAINTENANCE OF THE EXISTING TRANSIT
SYSTEM TO BE EFFECTIVE COMMENCING WITH
FISCAL YEAR 2019-2020

WHEREAS, the Citizens' Independent Transportation Trust (CITT) supports the Board of County Commissioners' (BCC) continued commitment to the implementation of the Strategic Miami Area Rapid Transit Plan (SMART); and

WHEREAS, Charter County Transit Surtax (Surtax) funds are essential to expanding the current public transportation system; and

WHEREAS, Ordinance No. 02-117, that governs the CITT states that the CITT initially reviews any material changes to Exhibit 1, the BCC may either accept or reject the CITT recommendations, if the BCC rejects the recommendation, the matter shall be referred back to the CITT for its reconsideration and issuance of a reconsidered recommendation to the BCC, then the BCC may (by a 2/3rds majority) vote take action other than as contained in the reconsidered recommendation of the CITT; and

WHEREAS, on November 25, 2008, the CITT adopted Resolution No. 08-079 and subsequently on March 03, 2009 the BCC adopted Resolution No. R-222-09 (provided herein as Exhibit A); and

WHEREAS, with the favorable recommendation of CITT Resolution No. 08-079, BCC Resolution No. R-222-09 amended Exhibit 1 to the People's Transportation Plan to use surtax funds to allow for unification; and

WHEREAS, the CITT adopted Resolutions No. 15-045 and No. 17-048 on October 21, 2015 and July 13, 2017 respectively, that supported expeditious unwinding of unification; and

WHEREAS, the County's budget pro-formas continuously state that unification will be unwound in five years, but that date continues to be pushed back each year and now is not expected to be unwound until 2023 when it was originally proposed to be unwound in 2020; and

WHEREAS, the CITT desires to fully implement the PTP and expand mass transportation throughout Miami-Dade County.

NOW, THEREFORE, BE IT RESOLVED BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT), that this Trust rescinds Resolution No. 08-079, and recommends that the BCC amend Exhibit 1 to the People's Transportation Plan accordingly to revoke the language adopted on March 3, 2009 in BCC Resolution No. R-222-09 providing for greater flexibility in the use of county transit surtax funds for the operation and maintenance of the existing transit system to be effective commencing with Fiscal Year 2019-2020.


The foregoing resolution was offered by Evan Fancher, who moved its adoption. The motion was seconded by L. Elijah Stiers, Esq., and upon being put to a vote, the vote was as follows:

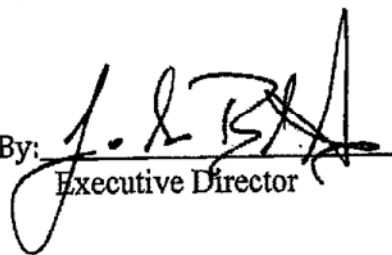
Glenn J. Downing, CFP Chairperson – Aye
Joseph Curbelo, 1st Vice Chairperson – Absent
Alfred J. Holzman, 2nd Vice Chairperson – Nay

Oscar Braynon – Absent
Evan Fancher – Aye
Hon. Anna E. Lightfoot- Ward, Ph.D., - Aye
Miles E. Moss, P. E. – Aye
Marilyn Smith – Absent
L. Elijah Stiers, ESQ. – Aye

Eric Diaz-Padron – Absent
Prakash Kumar – Aye
Jonathan Martinez – Absent
Paul J. Schwiep Esq. – Aye
Amy Steele-Donner – Absent

The Chairman thereupon declared the resolution duly passed and adopted this 23rd day of August, 2018.

Approved by the County Attorney as
to form and legal sufficiency 

By: 
Executive Director