Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 8(C)(1)(A)

04-24-07

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. R-384-07

RESOLUTION APPROVING A LIMITED PASSENGER MOTOR CARRIER CERTIFICATE OF TRANSPORTATION FOR UNIQUE CHARTERS, INC. TO PROVIDE SERVICE AS A LIMITED PASSENGER MOTOR CARRIER

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes issuance of a Limited Passenger Motor Carrier Certificate of Transportation to Unique Charters, Inc., to provide limited passenger motor carrier services in Miami-Dade County, as recommended by the County Manager. Limited certificate of transportation means the holder thereof may engage in providing transportation services as described in a contract with the Miami-Dade Transit Agency for the provision of transportation services for so long as such contract is in effect.

The foregoing resolution was offered by Commissioner Carlos A. Gimenez, who moved its adoption. The motion was seconded by Commissioner Dennis C. Moss and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman aye
Barbara J. Jordan, Vice-Chairwoman aye

Jose "Pepe" Diaz	aye	Audrey M. Edmonson	absent
Carlos A. Gimenez	aye	Sally A. Heyman	absent
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg County Attorney

SUBJECT: Agenda Item No. 8(C)(1)(A)

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of April, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Gerald K. Sanchez

Memorandum

MIAMI-DADE COUNTY

Date: April 24, 2007

Agenda Item No. 8(C)(1)(A)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Application for a Limited Passenger Motor Carrier Certificate of Transportation by Unique Charters, Inc.

RECOMMENDATION

It is recommended that the Board approve the application of Unique Charters, Inc. for a Limited Passenger Motor Carrier Certificate of Transportation. The Limited Certificate for Unique Charters, Inc. is for transportation work under MDT Contract Q83G.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, relating to the regulation of Passenger Motor Carriers. These requirements and subsequent amendments were codified in Article III, Chapter 31 of the Code. Section 31-103 of the Code provides the procedure to be followed by Miami-Dade County in processing certificate applications. Based on those requirements, a public hearing has been scheduled before the Board of County Commissioners. At the conclusion of the public hearing, the Board may issue or refuse to issue the certificate, or issue the certificate with such modifications or upon such terms and conditions as in its judgment the public interest may require.

Section 31-103 (p) provides that a passenger motor carrier proposing to provide transportation services pursuant to a contract with Miami-Dade County for the provision of Miami-Dade Transit Agency services, may satisfy the passenger motor carrier certificate requirements by obtaining a Limited Certificate of Transportation. A holder of a Limited Certificate of Transportation must comply with all requirements of the Miami-Dade County Code pertaining to holders of a Certificate of Transportation; however, the requirements of Section 31-103(e) pertaining to hearings, notices, and administrative protest procedures and Section 31-103(f) pertaining to advance notice to certificate holders and applicants do not apply. The Limited Certificate of Transportation shall only authorize provision of transportation services pursuant to the contract for so long as the contract is in effect. A person who is issued a Limited Certificate of Transportation shall not lease or otherwise assign the right to operate under the certificate to any other person.

ANALYSIS

Unique Charters, Inc., located at 3600 South State Road 7, Suite 301, Miramar, Florida 33023, proposes to provide contract passenger transportation solely in accordance with the terms and conditions of MDT Contract Q83G. In order to provide transportation services using vans and minibuses, Unique Charters, Inc. must be licensed under Chapter 31 and accordingly filed this application for a Limited Certificate.

The management plan submitted by Mr. Randolph Smith, President of Unique Charters, Inc., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards to be met are outlined in the MDT contract. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application. There has been no enforcement history.

The attached resolution will approve Unique Charters, Inc. as holder of a Limited Passenger Motor Carrier Certificate, which is required for transportation services, pursuant to the contract, using vans and minibuses.

Resolution No. R-1404-98 prohibits the acceptance of applications for new Certificates of Transportation until amendments are made to Article III, Chapter 31 of the Code, unless one of four conditions are met. One of the conditions is a finding of public interest. It is in the best interest of the County to approve this Limited Certificate in as much as it will enable MDT to make full use of this member of the pool of contractors for transportation services.

Attachments

Roger M. Carlton
Assistant County Manager

ARTICLE III. PASSENGER MOTOR CARRIERS*

Sec. 31-101. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Miami-Dade County, the Commission, County Manager and County staff, in carrying out the duties and responsibilities prescribed in this article, shall consider the following as being in the public interest:

(1) Reliance on market forces and on actual and potential competition among all transportation modes, so as to provide transportation services at competitive prices.

(2) Coordination of regulatory decision-making with the transportation improvement plan, and the orderly development of an integrated transportation/transit system for Miami-Dade County so as to ensure the development and maintenance of a transportation/transit system responsive to the needs of the public, in which regulatory decisions are reached fairly and expeditiously, and with consideration of their costs and benefits.

(3) Improvement of motor vehicle safety.

(4) Achievement of County, national and State energy conservation goals.

(5) Reduced concentration of market power, and prevention of unfair, deceptive, predatory or anticompetitive practices.

(6) Reduction of restrictive regulatory barriers to entry into the industry and promotion of equal opportunities.

(7) Promotion of the safety and welfare of the residents and visitors of Miami-Dade County who use the services of passenger motor carriers to meet their transportation needs.

*Editor's note—Ord. No. 81-17, adopted Feb. 17, 1981, did not specify manner of codification; therefore, inclusion of §§ 2—16 as Art. III, §§ 31-101—31-115, has been at the editor's discretion.

MIAMI-DADE COUNTY

PUBLIC NOTICE

THE COMMUNITY EMPOWERMENT AND ECONOMIC REVITALIZATION COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Tuesday, February 13, 2007, at approximately 2:00 p.m. in the County Commission Chambers, Second Floor, Stephen P. Clark Center, 111 NW First Street, Miami, Florida to consider:

> Resolution approving an application for a Limited Certificate of Transportation to Unique Charters, Inc., to provide limited passenger motor carrier services.

A person who decides to appeal any decision made by the Community Empowerment and Economic Revitalization Committee of the Board of County Commissioners, with respect to any matter considered at its hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.