

MEMORANDUM

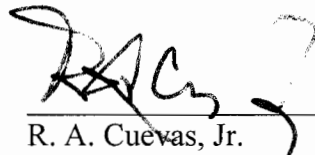
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: October 7, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution opposing the State
of Florida leasing Alligator Alley
to a private firm

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Katy Sorenson and Co-Sponsor Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney


RAC/cp



MEMORANDUM
(Revised)

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

DATE: October 7, 2008

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(12)

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(12)
10-7-08

RESOLUTION NO. R-1066-08

RESOLUTION OPPOSING THE STATE OF FLORIDA LEASING ALLIGATOR ALLEY TO A PRIVATE FIRM; OPPOSING ANY DIVERSION OF ALLIGATOR ALLEY REVENUE AWAY FROM EVERGLADES RESTORATION AND SOUTH FLORIDA ROAD PROJECTS; URGING THE LEGISLATIVE BUDGET COMMISSION NOT TO APPROVE ANY LEASE OF ALLIGATOR ALLEY; URGING THE LEGISLATURE TO REPEAL STATUTES AUTHORIZING FDOT TO LEASE ALLIGATOR ALLEY TO A PRIVATE FIRM

WHEREAS, Alligator Alley is a 78 mile section of Interstate 75 connecting Southeast Florida and Southwest Florida; and

WHEREAS, during Fiscal Year 2007, approximately 8.3 million toll transactions on Alligator Alley produced approximately \$23.5 million in revenues, while operations and maintenance costs for that same period were approximately \$6.1 million; and

WHEREAS, pursuant to section 338.26, Florida Statutes, most toll revenues generated in excess of the amount needed to meet operate and maintain Alligator Alley, pay outstanding contractual obligations, and pay for certain legislatively-approved projects, are used for Everglades restoration; and

WHEREAS, during the 2007 regular legislative session, the Florida Legislature passed HB 985 (Chapter 2007-196, Laws of Florida), an omnibus transportation bill, which included a provision that authorized the Florida Department of Transportation (FDOT) to lease to a private firm state toll roads such as Alligator Alley and the Sunshine Skyway Bridge in the Tampa Bay area, but not the Florida Turnpike; and

WHEREAS, HB 985 provided that such leases would not need to be approved by the Florida Legislature, but instead need only be approved by the Legislative Budget Commission, a statutorily-created subset of the Legislature designed to approve mid-year budget revisions; and

WHEREAS, pursuant to the authority provided in HB 985, FDOT in April issued a Request for Qualifications (RFQ) to lease, maintain, operate and receive toll revenues from Alligator Alley through a Concession Agreement for between 50 and 75 years; and

WHEREAS, in recent months, concerns have been expressed that leasing Alligator Alley to a private firm might result in a reduction in Everglades restoration funding, in an increase in tolls from the current \$2.50 to as much as \$10.00, in Alligator Alley income being diverted away from South Florida; and in Alligator Alley as a public asset, being placed in the hands of private firms, including foreign firms; and

WHEREAS, FDOT has currently re-issued an RFQ with further clarifications and continues to move forward with plans to lease Alligator Alley to a private firm for between 50 and 75 years,

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

Section 1. Opposes any legislative or administrative action that would lease Alligator Alley to a private firm.

Section 2. Opposes any diversion of Alligator Alley revenue away from Everglades Restoration and South Florida road projects.

Section 3. Urges the Legislative Budget Commission not to approve any lease of Alligator Alley to a private firm.

Section 4. Urges the Florida Legislature to repeal statutes authorizing FDOT to lease Alligator Alley to a private firm.

Section 5. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Chair and Members of the Miami-Dade State Legislative Delegation, the Mayor and Members of the Broward County Board of County Commissioners,

the Chair and Members of the Collier County Board of County Commissioners, and the Secretary of the Florida Department of Transportation.

Section 6. Directs the County's state lobbyists to advocate for the issues identified in Sections 1 through 4 above, and directs the Office of Intergovernmental Affairs to include this item in the 2009 state legislative package.

The Prime Sponsor of the foregoing resolution is Commissioner Katy Sorenson, and the Co-Sponsor is Commissioner Rebeca Sosa. It was offered by Commissioner **Rebeca Sosa** who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** 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	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
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	absent		

The Chairman thereupon declared the resolution duly passed and adopted this 7th day of October, 2008. 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.

Jess M. McCarty