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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 3, 2009

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

SUBJECT: Resolution amending Exhibit 1 to the People's Transportation Plan by creating a capital expansion reserve fund

Resolution No. R-222-09

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: March 3, 2009

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

SUBJECT: Agenda Item No. 11(A)(1)

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 Mayor'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)(1)
3-3-09

RESOLUTION NO. **R-222-09**

RESOLUTION AMENDING EXHIBIT 1 TO THE PEOPLE'S TRANSPORTATION PLAN BY CREATING A CAPITAL EXPANSION RESERVE FUND AND ALLOWING FOR GREATER FLEXIBILITY IN THE USE OF CHARTER COUNTY TRANSIT SURTAX FUNDS FOR THE OPERATION AND MAINTENANCE OF THE TRANSIT SYSTEM

WHEREAS, the Board of County Commissioners' ("BCC") renews its commitment to increase annually the General Fund support for Miami-Dade Transit by at least 3.5 percent over that provided in the preceding fiscal year; and

WHEREAS, Charter County Transit Surtax ("Surtax") funds are an essential component of the preservation of the public transit system; and

WHEREAS, review of all Miami-Dade Transit contracts by the Citizens' Independent Transportation Trust ("CITT") will assist the CITT in its oversight role; and

WHEREAS, the BCC supports the use of surtax funds for capital expansion of the transit system; and

WHEREAS, the CITT has reviewed this Amendment to Exhibit 1 to the People's Transportation Plan and has forwarded the matter with a favorable recommendation to the BCC,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA that this Board accepts the recommendation of the CITT, a copy of which is attached and incorporated herein, and hereby amends Exhibit 1 to the People's Transportation Plan by adding the following opening language:

Recognizing that a safe, reliable and efficient transit system is of paramount importance, surtax funds may be utilized for any costs related to capital and/or the operations and maintenance of the transit system, including but not limited to bus, rail, Metromover, and Special Transportation Services (STS). The transit projects listed in Exhibit 1 are illustrative examples but not exclusive uses for surtax funds. Said projects and prior amendments to Exhibit 1, with the exception of the Reinvestment Schedule identified in CITT Resolution No. 05-025, are subject to modification by the approval of the annual budget ordinance(s). Notwithstanding, the County reaffirms its intent to increase annually the General Fund support for Miami-Dade Transit by at least 3.5 percent over that provided in the preceding fiscal year; and its intent to dedicate at least 10 percent of the County's annual share of surtax funds, excluding existing and future debt service, for capital expansion of the transit system. In the event any portions of the dedicated capital expansion funds remain unexpended in any fiscal year, said funds shall be used to augment and not substitute the subsequent year's dedicated capital expansion funds. If in any fiscal year, at least 10 percent of the County's share of surtax funds, excluding existing and future debt service, is not allocated for dedicated capital expansion, then this amendment to Exhibit 1 shall cease as an operation of law.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman **aye**
Jose "Pepe" Diaz, Vice-Chairman **aye**

Bruno A. Barreiro	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**nay**	Sally A. Heyman	**aye**
Barbara J. Jordan	**aye**	Joe A. Martinez	**nay**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**nay**
Sen. Javier D. Souto	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of March, 2009. 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.

Bruce Libhaber

RESOLUTION NO. 08-079

RESOLUTION RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS AMEND EXHIBIT 1 TO THE PEOPLE'S TRANSPORTATION PLAN BY CREATING A CAPITAL EXPANSION RESERVE FUND AND ALLOWING FOR GREATER FLEXIBILITY IN THE USE OF CHARTER COUNTY TRANSIT SURTAX FUNDS FOR THE OPERATION AND MAINTENANCE OF THE TRANSIT SYSTEM

WHEREAS, the Citizens' Independent Transportation Trust (CITT) supports the Board of County Commissioners' (BCC) continued commitment to increase annually the General Fund support for Miami-Dade Transit by at least 3.5 percent over that provided in the preceding fiscal year; and

WHEREAS, Charter County Transit Surtax (Surtax) funds are an essential component of the preservation of the public transit system; and

WHEREAS, review of all Miami-Dade Transit contracts by the CITT will assist the CITT in its oversight role; and

WHEREAS, the CITT supports the use of surtax funds for capital expansion of the transit system,

NOW, THEREFORE, BE IT RESOLVED BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) that this Trust, recommends the amendment of Exhibit 1 to the People's Transportation Plan by adding the following opening language:

> Recognizing that a safe, reliable and efficient transit system is of paramount importance, surtax funds may be utilized for any costs related to capital and/or the operations and maintenance of the transit system, including but not limited to bus, rail, Metromover, and Special Transportation Services (STS). The transit projects listed in Exhibit 1 are illustrative examples but not exclusive uses for surtax funds. Said projects and prior amendments to Exhibit 1, with the exception of the Reinvestment Schedule identified in

CITT Resolution No. 05-025, are subject to modification by the approval of the annual budget ordinance(s). Notwithstanding, the County reaffirms its intent to increase annually the General Fund support for Miami-Dade Transit by at least 3.5 percent over that provided in the preceding fiscal year; and its intent to dedicate at least 10 percent of the County's annual share of surtax funds, excluding existing and future debt service, for capital expansion of the transit system. In the event any portions of the dedicated capital expansion funds remain unexpended in any fiscal year, said funds shall be used to augment and not substitute the subsequent year's dedicated capital expansion funds. If in any fiscal year, at least 10 percent of the County's share of surtax funds, excluding existing and future debt service, is not allocated for dedicated capital expansion, then this amendment to Exhibit 1 shall cease as an operation of law.

The foregoing resolution was offered by Hon. Anna E. Ward, Ph.D., who moved its adoption. The motion was seconded by Lt.Col Antonio Colmenares and upon being put to vote, the vote was as follows:

Hon. Linda Zilber, Chairperson – Absent
Marc A. Buoniconti, Vice-Chairperson – Aye

Harold Braynon, Jr. – Nay
David Concepcion – Absent
Peter L. Forrest – Aye
Hon. James A. Reeder – Nay
William Sancho – Absent
Paul J. Schwiep, Esq. – Nay
Hon. Anna E. Ward, Ph.D. – Aye
Lt.Col Antonio Colmenares – Nay
Jorge E. Cueto, Esq. – Absent
Miles E. Moss, P.E. – Aye
Hon. Jorge Rodriguez-Chomat – Absent
Rodney Sanders – Absent
Marilyn Smith – Aye

The Vice-Chairman thereupon declared the resolution duly passed and adopted this 25th day of November, 2008.

Approved by the County Attorney as to form and legal sufficiency

By: _____
Executive Director