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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

# MEMORANDUM

Agenda Item No. 11(A)(27)

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

**DATE:** March 2, 2010

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

**SUBJECT:** Resolution urging the Florida Legislature to authorize the use of Charter County Transportation System Surtax proceeds for on-demand transit service for low-income senior citizens

**Resolution No. R-276-10**

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

# MEMORANDUM
(Revised)

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

**DATE:** March 2, 2010

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

**SUBJECT:** Agenda Item No. 11(A)(27)

**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**

✓ **Ordinance creating a new board requires detailed County Manager'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)(27)
3-2-10

RESOLUTION NO. **R-276-10**

RESOLUTION URGING THE FLORIDA LEGISLATURE TO AUTHORIZE THE USE OF CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX PROCEEDS FOR ON-DEMAND TRANSIT SERVICE FOR LOW-INCOME SENIOR CITIZENS

**WHEREAS**, section 212.055, Florida Statutes, authorizes charter counties to impose a sales surtax of up to one cent for transportation systems; and

**WHEREAS**, the statute enumerates what can be funded with the Charter County Transportation System Surtax, including construction, operation and maintenance of a countywide bus system and a fixed guideway rapid transit system; and

**WHEREAS**, the statute also allows a portion of surtax proceeds to be distributed to municipalities pursuant to an interlocal agreement, with such proceeds to be expended by the municipality for the purposes authorized by the statute; and

**WHEREAS**, in 2002, the voters of Miami-Dade County approved a one-half penny transit surtax proposed pursuant to the authority set forth in section 212.055; and

**WHEREAS**, 20 percent of the proceeds of the one-half penny transit surtax are distributed to those municipalities in existence as of November 5, 2002; and

**WHEREAS**, the City of Miami desires to use some of its share of the one-half penny transit surtax for on-demand transit service for low-income senior citizens; and

**WHEREAS**, section 212.055 currently does not authorize the use of Charter County Transportation System Surtax proceeds for on-demand transit services, and did not allow for such a use at the time the one-half penny transit surtax was passed in 2002; and

**WHEREAS**, this Board desires to urge the Legislature to amend section 212.055 to authorize the use of Charter County Transportation System Surtax proceeds for on-demand transit service for low-income senior citizens in the event the half-penny transit surtax goes back to the voters at some future date,

**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 to authorize the use of Charter County Transportation System Surtax proceeds for on-demand transit service for low-income senior citizens.

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

**Section 3.** Directs the County's state lobbyists to advocate for the issue identified in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2010 state legislative package.

The Prime Sponsor of the foregoing resolution is Commissioner Bruno A. Barreiro. It was offered by Commissioner Sally A. Heyman, 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:

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of March, 2010. 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JMM

Jess M. McCarty