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

Memorandum

MIAMI-DADE COUNTY

Date: July 8, 2010

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

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

From: George M. Burgess
County Manager

R-717-10

Subject: Rigaud Alexander d/b/a Liberty City Jitney application for a transfer of Passenger Motor Carrier Certificate of Transportation No. 30009

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30009 from Mr. Alphe Willingham d/b/a Liberty City Jitney to Mr. Rigaud Alexander d/b/a Liberty City Jitney.

SCOPE

This PMC Certificate of Transportation is countywide, allowing the license holder to operate in unincorporated and incorporated areas of Miami-Dade County.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to the County.

TRACK RECORD/MONITOR

Applicant is a new permit holder. However, Mr. Rigaud Alexander has been a registered chauffeur since 2000. There is no enforcement history. The Consumer Services Department (CSD) will be responsible for monitoring this company.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 (m) of the Code provides the procedures to be followed by Miami-Dade County in processing transfer applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment, or transfer has been approved by the Board. In considering the proposed transfer of ownership or control of the certificate, the Board shall determine whether or not said transfer is contrary to the public interest, upon evidence submitted at the June 8, 2010 Government Operations Committee (GOC) meeting (Attachment A). The Board may approve or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer if in the public's interest.

Mr. Alphe Willingham d/b/a Liberty City Jitney has filed an application to transfer PMC Certificate of Transportation No. 30009 to Mr. Rigaud Alexander d/b/a Liberty City Jitney. Originally issued on April 20, 1983 to Mr. Cecil Keaton d/b/a Liberty City Jitney by the former Dade County Transportation Administration (Attachment B), and transferred to Mr. Alphe Willingham d/b/a Liberty City Jitney in 1994 via Resolution R-425-94 (Attachment C), PMC No. 30009 authorizes jitney service. This class is defined as any motor vehicle having a maximum seating capacity of fifteen (15) or less, transporting

passengers for compensation on a semi-fixed route between fixed terminals not on a fixed schedule basis.

Mr. Rigaud Alexander d/b/a Liberty City Jitney, located at 320 NW 99 Street, Miami, Florida 33150, seeks to continue transporting passengers for compensation on a semi-fixed route between fixed terminals not on a fixed schedule throughout Miami-Dade County. Transportation will be provided using chauffeur driven vehicles with a seating capacity of at least nine (9) nine or more, excluding the driver, but no more than 15 passengers, seven days a week, from 6:00 a.m. to midnight. The proposed rates are $1.25 per person, one-way.

The management plan submitted by Mr. Rigaud Alexander 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 adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

As required by the Code, the applicant has provided disclosure of the terms and conditions regarding the transfer of the certificate. A Sales Agreement (Attachment D) between Mr. Alexander and Mr. Alphe Willingham establishes the acquisition by Mr. Alexander of PMC Certificate of Transportation No. 30009 for a total price of $14,000.00.

Assistant County Manager

ATTACHMENT B

B.C.C. RESOLUTION NUMBER Not Applicable

CERTIFICATE NUMBER P.M.C. 9

NUMBER OF VEHICLES AUTHORIZED ONE (1)

DATE OF ISSUANCE April 20, 1983

METROPOLITAN DADE COUNTY, FLORIDA
PASSENGER MOTOR CARRIER CERTIFICATE OF TRANSPORTATION

THIS CERTIFICATE, ISSUED IN ACCORDANCE WITH CHAPTER 31, ARTICLE III, OF THE CODE CODE OF METROPOLITAN DADE COUNTY, FLORIDA, AUTHORIZES:

Name	Doing Business As	Address
CECIL KEATON	LIBERTY CITY JITNEY	9401 N.W. 17 Avenue, Miami, Fl 33147

TO PROVIDE JITNEY TRANSPORTATION SERVICES, SEVEN DAYS A WEEK, 4:00 a.m. to 2:30 a.m., ALONG A ROUTE BETWEEN N.W. 1 STREET/NORTH MIAMI AVENUE AND N.W. 135 STREET/22 AVENUE, AS FOLLOWS: N.W. 1 STREET TO N.W. 1 AVENUE, NORTH TO 3 STREET, WEST TO 2 AVENUE, NORTH TO 1 COURT AND 17 STREET, WEST TO 3 AVENUE, NORTH TO 20 STREET, WEST TO 12 AVENUE, NORTH TO 54 STREET, WEST TO 17 AVENUE, NORTH TO 135 STREET, WEST TO 22 AVENUE AND RETURN VIA 22 AVENUE SOUTH TO 95 STREET, EAST TO 17 AVENUE, SOUTH TO 54 STREET, EAST TO 12 AVENUE, SOUTH TO 20 STREET, EAST TO 3 AVENUE, SOUTH TO 14 STREET, EAST TO 1 COURT, SOUTH TO 2 AVENUE AND 5 STREET, EAST TO NORTH MIAMI AVENUE AND SOUTH TO N.W. 1 STREET; WITH VEHICLES HAVING A MAXIMUM SEATING CAPACITY OF FIFTEEN.

THIS CERTIFICATE IS NOT TRANSFERABLE AND SHALL BE RENEWED ON OR BEFORE MARCH 31st of each subsequent year by payment of a $100.00 fee, unless sooner suspended or revoked.

BY ORDER OF THE METROPOLITAN DADE COUNTY BOARD OF COUNTY COMMISSIONERS

Executive Director
Dade County Transportation Administration

3

ATTACHMENT C

Amended
Agenda Item No 7(DD)
3-22-94

RESOLUTION NO 425-94

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO 9, AS APPLIED FOR, TO ALPHE WILLINGHAM TO PROVIDE JITNEY SERVICE AS A PASSENGER MOTOR CARRIER

WHEREAS, this Board desires to approve the transfer of Certificate of Transportation No 9 to Alphe Willingham as applied for and described 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 DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, transfer of Certificate of Transportation No 9 to provide jitney transportation service on a semi-fixed route in Dade County as a Passenger Motor Carrier be approved for Alphe Willingham

The foregoing resolution was offered by Commissioner James Burke, who moved its adoption The motion was seconded by Commissioner Alexander Penelas and upon being put to a vote, the vote was as follows

James Burke	aye	Miguel Diaz de la Portilla	aye
Betty T Ferguson	absent	Maurice A Ferre	aye
Larry Hawkins	aye	Bruce Kaplan	aye
Natacha S Millan	aye	Dennis C Moss	aye
Alexander Penelas	aye	Pedro Reboredo	aye
Javier D Souto	aye	Sherman S Winn	absent

Arthur E Teele, Jr aye

RESO 079

The Chairperson thereupon declared the resolution duly passed and adopted this

22nd day of March, 1994.

DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By WILLIAM G. OLIVER
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency GKS

RESO 0179

ATTACHMENT D

BILL OF SALE

June 18, 2007

I, Alphe Willingham, Florida D/L #W452-000-26-165-0 residing at 2948 NW 59th street, Miami, Fl 33142 sold my Certificate of Transportation #30009 (limit two buses) to Mr. Rigaud Alexander, Florida D/L #A425-720-66-042-0 residing at 320 NW 99th Street, Miami, Fl 33150 for the sum of $14,000.00.

Mr. Rigaud Alexander gives me a check of $7,000.00 on the 18th day of June 2007 (check #793290580). The balance of $7,000.00 must be paid to me in 45 days following the date of the sale. It is understood by Mr. Rigaud Alexander that if the remaining balance is not paid to me by the specified date, this sale is void and the Certificate of Transportation will be returned to my name (the seller).

If for any reason, after the criminal background check of Mr. Alexander, the license from Miami-Dade Consumer Services Department cannot be transferred to him, his entire deposit of $7,000.00 must be immediately returned to him or the Certificate of Transportation can be transferred to a third party designated by him.

Alphe Willingham
Alphe Willingham
Certificate holder

Rigaud Alexander
Rigaud Alexander
Buyer

Sworn to and subscribed before me this 18th day of June 2007

Claudy Joseph
Notary Public

CLAUDY JOSEPH
Notary Public - State of Florida
My Commission Expires Apr 13, 2009
Commission # DD 387189
Bonded By National Notary Assn.

NB – the full amount of the sale ($14,000) has been paid on the 5th day of September 2007 by an official check of $7000.00. Check # 560093025

Alphe Willingham

Rigaud Alexander

ATTACHMENT A

MIAMI-DADE COUNTY

PUBLIC NOTICE

THE GOVERNMENT OPERATIONS COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Tuesday, June 8, 2010, at approximately 9:30 a.m. in the County Commission Chambers, Second Floor, Stephen P. Clark Center, 111 NW First Street, Miami, Florida to consider:

Resolution approving transfer of Certificate of Transportation No. 30009 to Mr. Rigaud Alexander d/b/a Liberty City Jitney to provide jitney service as a passenger motor carrier

A person who decides to appeal any decision made by the Government Operations Committee of the Board of County Commissioners, with respect to any matter considered at this 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.

must be made available for inspection and copying within one (1) business day of such request by the CSD or any police agency during regular business hours and shall be retained for one (1) year;

(5) Shall maintain a log of all customer complaints;

(6) Shall maintain quarterly vehicle accident records for all vehicles operated in the prior quarter;

(7) Shall not refuse to dispatch or neglect to dispatch a request to transport to or from any place in the county, any orderly person requesting service;

(8) Shall hold any personal property deposited in the lost and found facility for a period of six (6) months, at the end of which time the personal property shall become the property of the finder. A record of personal property reported to or deposited at the lost and found facility shall be kept for at least one (1) year; and

(9) Shall comply with all applicable obligations of the for-hire license holder when acting as his, her or its agent.

(l) *Responsibility for violations of chapter.* The holder of a passenger service company registration or any person providing passenger services directly shall be responsible for any violation of this chapter involving passenger services and shall be subject to the penalties provided for in this chapter for any such violation. In addition, the registration shall be subject to suspension or revocation for any such violation. Charges against or penalties imposed on a for-hire license holder or for-hire chauffeur for the same or related offense shall not relieve the passenger service company of its responsibilities or liabilities under this chapter. Violations shall be punishable as provided in this chapter.
(Ord. No. 98-105, § 1, 7-9-98; Ord. No. 01-178, § 1, 11-6-01; Ord. No. 03-45, § 1, 3-11-03)

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.

8

MEMORANDUM

(Revised)

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

DATE: July 8, 2010

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

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

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. 8(C)(1)(E)
7-8-10

RESOLUTION NO. R-717-10

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30009 FROM ALPHE WILLINGHAM D/B/A LIBERTY CITY JITNEY TO RIGAUD ALEXANDER D/B/A LIBERTY CITY JITNEY TO PROVIDE JITNEY SERVICE AS A 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 in accordance with Chapter 31 of the Code, the transfer of Certificate of Transportation No. 30009 to Rigaud Alexander d/b/a Liberty City Jitney, Inc. to provide jitney service is approved. This class of service is defined as any motor vehicle having a maximum capacity of fifteen (15) or less, transporting passengers for compensation on a semi-fixed route between fixed terminals not on a fixed schedule basis.

The foregoing resolution was offered by Commissioner Katy Sorenson, 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:

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	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of July, 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. GKS

Gerald K. Sanchez