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

Memorandum

MIAMI-DADE COUNTY

Date: September 10, 2010

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

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

From: George M. Burgess
County Manager

Resolution No. R-868-10

Subject: Alltour of America, Inc. application for a transfer of Passenger Motor Carrier Certificate of Transportation No. 30144

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30144 from American Executive International Corporation to Alltour of America, Inc.

SCOPE

This PMC Certificate of Transportation is countywide, allowing the certificate 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. 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.

American Executive International Corporation has filed an application to transfer PMC Certificate of Transportation No. 30144 to Alltour of America, Inc. Originally issued on July 27, 1993 via Resolution R-1020-93 (Attachment B) PMC No. 30144 authorizes special operations services. This class is defined as transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The company is required to adhere to the terms of the resolution, which approved the initial certificate (R-1020-93). Alltour of America, Inc., located at 5878 Precision Drive, Orlando, Florida 32819, seeks to continue providing this class of service by transporting resident and tourist groups to and from various locations throughout Miami-Dade County 24-hours a day, seven days a week. Transportation is required to be pre-arranged at least 24-hours prior to service, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule (Attachment C).

The management plan submitted by Mr. Claudio Cipeda, President of Alltour of America, 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 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 Alltour of America, Inc. and American Executive International Corporation establishes the acquisition by Alltour of America, Inc. of PMC Certificate of Transportation No. 30144 for a total price of $18,000.00.

Assistant County Manager

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, July 13, 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. 30144 to Alltour of America, Inc. to provide special operations 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

ATTACHMENT B

Agenda Item No. 7(O)
7-27-93

RESOLUTION NO. R-1020-93

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF TRANSPORTATION TO AMERICAN EXECUTIVE INTERNATIONAL CORPORATION TO PROVIDE SPECIAL OPERATIONS 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 DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, a Certificate of Transportation to provide special operations passenger motor carrier services to a common destination or series of common destinations in Dade County, as recommended by the County Manager, be issued to American Executive International Corporation.

The foregoing resolution was offered by Commissioner James Burke, who moved its adoption, the motion was seconded by Commissioner Arthur. E. Teele, Jr. and upon being put to a vote, the vote was as follows:

James Burke	aye	Miguel Diaz de la Portilla	aye
Betty T. Ferguson	aye	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	aye
Arthur E. Teele, Jr.	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 29th day of July, 1993.

DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

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

By: WILLIAM G. OLIVER
Deputy Clerk

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MEMORANDUM

Agenda Item No. 7(O)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: July 27, 1993

SUBJECT: Application for a Passenger Motor Carrier Certificate of Transportation

FROM: Joaquin G. Avino, P.E., P.L.S.
County Manager

RECOMMENDATION:

It is recommended that the Board approve the application of American Executive International Corporation, d/b/a American Executive International, for a Passenger Motor Carrier Certificate of Transportation to operate pre-arranged special operations service.

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 Dade County under Chapter 31 of the Code of Metropolitan Dade County.

Section 31-103 of the Code provides the procedure to be followed by Metro Dade County in processing certificate applications. Based on these 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. In reaching its determination, the Board shall consider the application, the County Manager's report and recommendation, all matters presented at the public hearing, and among others, the following criteria:

(1) That the applicant is fit, willing and able in accordance with the requirements of this section, to provide the transportation to be authorized by the certificate, and is able to comply with this article and regulations of the commission.

(2) That the transportation to be provided under the requested certificate is consistent with the public interest.

(3) That the proposed transportation service will improve the quality of transportation available to the public.

ANALYSIS:

American Executive International Corporation, d/b/a American Executive International, located at 2201 Collins Avenue, Miami Beach, Florida 33139, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide special operations pre-arranged transportation to passengers throughout all of Dade County. This class of service is defined as the transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminal or on a regular route. The company is a tour operator which provides transportation services as part of the tour packages offered to foreign tourists. Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven (7) days a week, 24 hours a day, using chauffeur-driven vehicles with a seating capacity of nine (9) or more, but less than fifteen (15) passengers, excluding the driver. The proposed rates are listed on the attached fare schedule.

The management plan submitted by Ms. Silvia Ines Alpa, President of American Executive International Corporation, 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 revealed no criminal record for the applicant or its corporate officers.

In accordance with Section 31-103(e) of the Code, a 20-day notice of application was provided to all affected municipalities within Dade County, all passenger motor carrier certificate holders, and interested parties. No protests were filed.

This item was reviewed by the Public Safety and Consumer Services Committee on July 7, 1993, and it was forwarded to the Board without a recommendation.

ATTACHMENT C

ALLTOUR OF AMERICA 2010 TARIFFS									
SERVICES	1 to 4 pax		5 to 6 pax		7 to 10 pax		11 to 14 pax		Trailer
Tariffs One Way	IN	OUT	IN	OUT	IN	OUT	IN	OUT	
Miami	$ 55.00	$ 55.00	$ 65.00	$ 65.00	$ 85.00	$ 85.00	$ 105.00	$ 105.00	$ 50.00
Miami Beach	$ 55.00	$ 55.00	$ 65.00	$ 65.00	$ 85.00	$ 85.00	$ 105.00	$ 105.00	$ 50.00
Fort Lauderdale	$ 95.00	$ 95.00	$ 105.00	$ 105.00	$ 125.00	$ 125.00	$ 145.00	$ 145.00	$ 50.00
Boca Raton	$ 155.00	$ 155.00	$ 165.00	$ 165.00	$ 175.00	$ 175.00	$ 185.00	$ 185.00	$ 50.00
Palm Beach	$ 165.00	$ 165.00	$ 185.00	$ 185.00	$ 205.00	$ 205.00	$ 225.00	$ 225.00	$ 50.00
Fort Pierce	$ 255.00	$ 255.00	$ 280.00	$ 280.00	$ 305.00	$ 305.00	$ 330.00	$ 330.00	$ 50.00
Orlando	$ 605.00	$ 605.00	$ 605.00	$ 605.00	$ 655.00	$ 655.00	$ 705.00	$ 705.00	$ 50.00
Key Largo	$ 185.00	$ 185.00	$ 205.00	$ 205.00	$ 225.00	$ 225.00	$ 255.00	$ 255.00	$ 50.00
Key West	$ 455.00	$ 455.00	$ 505.00	$ 505.00	$ 555.00	$ 555.00	$ 605.00	$ 605.00	$ 50.00
Naples	$ 225.00	$ 225.00	$ 235.00	$ 235.00	$ 265.00	$ 265.00	$ 295.00	$ 295.00	$ 50.00
Fort Myers	$ 315.00	$ 315.00	$ 335.00	$ 335.00	$ 365.00	$ 365.00	$ 455.00	$ 455.00	$ 50.00
Tampa	$ 555.00	$ 555.00	$ 605.00	$ 605.00	$ 655.00	$ 655.00	$ 705.00	$ 705.00	$ 50.00
Shopping Miami	$ 55.00	$ 55.00	$ 65.00	$ 65.00	$ 85.00	$ 85.00	$ 105.00	$ 105.00	$ 50.00
Shopping FLL	$ 80.00	$ 80.00	$ 95.00	$ 95.00	$ 105.00	$ 105.00	$ 125.00	$ 125.00	$ 50.00

ROUND TRIP SERVICES		
City Tour Miami	$55.00	x pax (Min. 4 pax)
City tour Miami w/bote	$70.00	x pax (Min. 4 pax)
Everglades Tour	$80.00	x pax (Min. 4 pax)

* All Prices are in US Dollars
* Prices subject to change without previous notice

ALLTOUR OF AMERICA 5201 Blue Lagoon Drive # 932 Miami, Fl. 32126- Phone 305-219-9051

ATTACHMENT D

MIAMI, APRIL 09 2009

SALES CONTRACT

1) This agreement is a sales contract between ALLTOUR OF AMERICA, INC represented by its President, Mr. Claudio Cipeda and AMERICAN EXECUTIVE INTERNATIONAL CORP represented by its Executive Vice-President, Mr. Diego Pereyra.
2) American Executive International Corp sells to Alltour of America, Inc the right to use of the Passenger Motor Carrier Certificate # 30144; it means American Executive International transfers its PMC certificate to Alltour of America, Inc, permanently.
3) The transfer process is pending of approval by the Miami-Dade County, Consumer Services Department, Passenger Transportation Regulatory Division.
4) Alltour of America, Inc agrees to pay the amount of $18,000.00 to American Executive International Corp for the transference and the right of use of the Passenger Motor Carrier certificate #30144.
5) This transaction is subject to the transfer approval by the Miami-Dade County.
6) This contract is regulated under the Florida laws.

We, the both parts, agree with the terms of this contract.

ALLTOUR OF AMERICA, INC

Claudio Cipeda – President

AMERICAN EXECUTIVE INTERNATIONAL CORP

Diego Pereyra – Executive Vice President

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.

MEMORANDUM
(Revised)

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

DATE: September 10, 2010

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

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

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)(C)
9-10-10

RESOLUTION NO. R-868-10

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30144 FROM AMERICAN EXECUTIVE INTERNATIONAL CORPORATION TO ALLTOUR OF AMERICA, INC. TO PROVIDE SPECIAL OPERATIONS 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. 30144 to Alltour of America, Inc. to provide special operations service is approved. This class of service is defined as transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The foregoing resolution was offered by Commissioner Dorrin D. Rolle, who moved its adoption. The motion was seconded by Commissioner Sally A. Heyman 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	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 10th day of September, 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