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

Memorandum

MIAMI-DADE COUNTY

Date: December 7, 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

Resolution No. R-1159-10

Subject: Dady Pierre d/b/a Dade Jitney Service application for a transfer of Passenger Motor Carrier Certificate of Transportation No. 30002

RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30002 from Mr. Alphe Willingham d/b/a Dade Jitney Service to Mr. Dady Pierre d/b/a Dade Jitney Service.

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. Dady Pierre has been a registered chauffeur since 1990. There is some enforcement history. In May 2010, Mr. Pierre received a citation for operating outside the authorized route. The citation has been satisfied. 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 November 9, 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 Dade Jitney Service has filed an application to transfer PMC Certificate of Transportation No. 30002 to Mr. Dady Pierre d/b/a Dade Jitney Service. Originally issued on April 20, 1983 by the former Dade County Transportation Administration (Attachment B), PMC No. 30002 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. Dady Pierre d/b/a Dade Jitney Service, located at 10801 NE 4 Ave, Miami, Florida 33161, 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 4:00 a.m. to 1:00 a.m. The proposed rates are $1.50 per person, one-way.

The management plan submitted by Mr. Dady Pierre 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 C) between Mr. Dady Pierre and Mr. Alphe Willingham establishes the acquisition by Mr. Pierre of PMC Certificate of Transportation No. 30002 for a total price of $2,500.

Assistant County Manager

MIAMI-DADE COUNTY

PUBLIC NOTICE

THE GOVERNMENT OPERATIONS COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Tuesday, November 9, 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. 30002 to Dady Pierre d/b/a Dade Jitney Service 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.

ATTACHMENT B

B.C.C. RESOLUTION NUMBER Not Applicable

CERTIFICATE NUMBER P.M.C. 2

NUMBER OF VEHICLES AUTHORIZED Five (5)

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
ALPHE WILLINGHAM	DADE JITNEY SERVICE	1501 N.W. 62 STREET, MIAMI, FL 33147

TO PROVIDE JITNEY TRANSPORTATION SERVICES, SEVEN DAYS A WEEK, 6:00 a.m. to 9:00 p.m., ALONG A ROUTE BETWEEN N.W. 1 STREET/NORTH MIAMI AVENUE AND N.W. 103 STREET/27 AVENUE, AS FOLLOWS: N.W. 1 STREET WEST TO N.W. 1 AVENUE, NORTH to 3 STREET, WEST TO 2 AVENUE, NORTH TO 17 STREET, WEST TO 10 AVENUE, NORTH TO 20 STREET, WEST TO 17 AVENUE, NORTH TO 54 STREET, WEST TO 27 AVENUE, NORTH TO 103 STREET AND RETURN VIA 27 AVENUE SOUTH 54 STREET, EAST TO 17 AVENUE, SOUTH TO 20 STREET, EAST TO 10 AVENUE, SOUTH TO 17 STREET, EAST TO 2 AVENUE, SOUTH TO 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

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ATTACHMENT C

Bill of Sale

I, (name:) DADY PIERRE of (address:) 10801 NE 4 AVE MIA, FL 33161, hereby certify that I am the lawful owner of this vehicle:

DADE JITNEY SERVICE
P.M.C 30002

and have the authority to sell it. I hereby acknowledge the receipt of $ 2500 in the form of _____, from (Buyer's name:) DADY PIERRE, as full payment for the purchase of the said vehicle, which is sold "AS IS". I hereby state that the mileage of the vehicle at the time of sale is N/A.

I do hereby grant, sell and transfer full ownership of this vehicle to the buyer. I certify that this vehicle, at the time of sale, is free from all encumbrances, taxes, fees and liens except as those specified on the Title or listed below; and that, I (Seller) will defend and be held fully responsible for such lawful claims and demands with respect to the vehicle, if any.

Buyer accepts full liability for the vehicle, damages, and any third party liability incurred from the vehicle use from the date of sale.

If applicable, Seller agrees to make arrangements for the reasonable delivery of vehicle title from lien holder to buyer immediately.

NOTARY PUBLIC LEFEVRE SMITH My Comm. Expires 02/27/2010 No. DD532022 STATE OF FLORIDA

Delphe Willingham
Seller's Signature
10/15/09
Date

Dady Pierre
Buyer's Signature
10/15-09
Date

Autocrisis.com: "Motivated Car Sellers. No Dealers. That's Autocrisis.com"

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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: December 7, 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

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(C)(1)(E)
12-7-10

RESOLUTION NO. R-1159-10

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30002 FROM ALPHE WILLINGHAM D/B/A DADE JITNEY SERVICE TO DADY PIERRE D/B/A DADE JITNEY SERVICE 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. 30002 to Dady Pierre d/b/a Dade Jitney Service 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 sponsored by Commissioner Sally A. Heyman, who moved its adoption. The motion was seconded by Commissioner Rebeca Sosa 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	Lynda Bell	aye
Audrey M. Edmonson	aye	Carlos A. Gimenez	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Natacha Seijas	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of December, 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