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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: July 19, 2011

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

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Alina T. Hudak
County Manager

Resolution No. R-609-11

Subject: HEEV Group LLC d/b/a Red Shuttle Application for a Transfer of Passenger Motor Carrier Certificate of Transportation No. 30246

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the transfer of Passenger Motor Carrier (PMC) Certificate of Transportation No. 30246 from Expotravel Miami, Inc. to HEEV Group LLC d/b/a Red Shuttle.

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

Licensing, operating permit and inspection fees are collected by the Consumer Services Department (CSD) to support regulatory activities. There is an annual regulatory fee of $625 per certificate and $625 per vehicle that will yield $1,250 in revenue annually if the company operates only one (1) vehicle. PMC certificate holders can operate an unlimited number of vehicles under the certificate. Vehicle inspections are $38 per vehicle.

TRACK RECORD/MONITOR

Applicant is a new permit holder. 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 public hearing. 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.

Expotravel Miami, Inc. has filed an application to transfer PMC Certificate of Transportation No. 30246 to HEEV Group LLC d/b/a Red Shuttle. Issued on December 16, 1997, via Resolution R-1472-97 (Attachment A), PMC No. 30246 authorizes special operations service. 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 company is required to adhere to the terms of the resolution, which approved the certificate. HEEV Group LLC d/b/a Red Shuttle located at 18870 NW 57 Ave, #301, Miami Lakes, Florida 33015, 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 B).

The management plan submitted by Ms. Vanessa Martinez, Manager of HEEV Group LLC d/b/a Red Shuttle, 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 HEEV Group LLC and Expotravel Miami, Inc., establishes the acquisition by HEEV Group LLC of PMC Certificate of Transportation No. 30246 for a total price of $34,000.

Attachments

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: July 19, 2011

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

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

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)(G)
7-19-11

RESOLUTION NO. R-609-11

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30246 FROM EXPOTRAVEL MIAMI, INC. TO HEEV GROUP LLC D/B/A RED SHUTTLE 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. 30246 to HEEV Group LLC d/b/a Red Shuttle to provide special operations service is approved. This class of transportation 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 **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman			aye
Audrey M. Edmonson, Vice Chairwoman			absent
Bruno A. Barreiro	absent	Lynda Bell	absent
Esteban L. Bovo, Jr.	absent	Jose "Pepe" Diaz	aye
Sally A. Heyman	absent	Barbara J. Jordan	aye
Jean Monestime	aye	Dennis C. Moss	absent
Rebeca Sosa	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

Y

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of July, 2011. 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Gerald K. Sanchez

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 4(X)
12-16-97

ATTACHMENT A

RESOLUTION NO. R-1472-97

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF TRANSPORTATION TO EXPOTRAVEL MIAMI, 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 DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, a Certificate of Transportation to provide special operations passenger motor carrier service to a common destination or series of common destinations in Dade County, as recommended by the County Manager, be issued to Expotravel Miami, Inc.

The foregoing resolution was offered by Commissioner Jimmy L. Morales, who moved its adoption. The motion was seconded by Commissioner Gwen Margolis and upon being put to a vote, the vote was as follows:

Dr. Miriam Alonso	absent	James Burke	absent
Dr. Barbara M. Carey	aye	Miguel Diaz de la Portilla	aye
Betty T. Ferguson	aye	Bruce C. Kaplan	aye
Gwen Margolis	aye	Natacha Seijas Millan	aye
Jimmy L. Morales	aye	Dennis C. Moss	absent
Pedro Reboredo	absent	Katy Sorenson	aye
Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of December, 1997. 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.

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. GKS

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MEMORANDUM Agenda Item No. 4(X)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: December 16, 1997

SUBJECT: Expotravel Miami, Inc. application for a Passenger Motor Carrier Certificate (PMC Control No. 341)

FROM: Armando Vidal, P.E.
County Manager

RECOMMENDATION

It is recommended that the Board approve the application of Expotravel Miami, Inc. for a Passenger Motor Carrier Certificate of Transportation to provide 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 procedures to be followed by Metro-Dade County in processing certificate applications. Based on those 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 this 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

Expotravel Miami, Inc., located at 11517 SW 64 Street, Miami, Florida, 33173, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide pre-arranged special operations service transportation to passengers throughout all of Dade County. This class of service is defined as the transportation of persons 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 seeks to transport tourist groups to and from various locations throughout Dade County. Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided 24 hours a day, seven days a week, 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.

The management plan submitted by Mr. Javier E. Bartra, President of Expotravel Miami, 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.

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 is being submitted for the November, 1997 Policy Formulation and Internal Support Committee meeting.

HEEV Group LLC Rates per Trip

From or to Miami

ATTACHMENT B

Venue	1-5 Pax	6-8 Pax	9-11 Pax
Miami International Airport	$50	$65	$85
Port of Miami	$50	$65	$85
Boca Raton	$150	$220	$320
Fort Lauderdale	$75	$95	$120
Fort Myer	$500	$500	$500
Key Largo	$400	$400	$400
Key West	$500	$500	$500
Naples	$400	$500	$500
Orlando	$500	$500	$500
Pompano	$95	$135	$155
Port Everglades	$65	$95	$125
Tampa	$500	$500	$500
West Palm Beach	$165	$195	$215
From or To Fort Lauderdale			
Miami	$75	$95	$120
Port of Miami	$75	$95	$120
Boca Raton	$75	$105	$135
Fort Myers	$400	$500	$500
Key Largo	$400	$500	$500
Key West	$500	$500	$500
Naples	$350	$500	$500
Orlando	$500	$500	$500
Pompano	$60	$75	$100
Tampa	$500	$500	$500
West palm Beach	$120	$180	$280

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ATTACHMENT C

AGREEMENT

This agreement (the "Agreement") is entered into as of the 19th of May, 2011, by and between **HEEV Group LLC ("Party One")** and **Expo Travel Miami Inc. ("Party Two")** (collectively the "Parties").

NOW, THEREFORE, in consideration of the mutual premises and covenants contained in this Agreement, it is hereby agreed by and between the Parties as follows:

1) PARTY ONE OBLIGATIONS.

Party One does hereby covenant and agree that it shall:

a) Pay the sum of $34,000 USD to Party Two in exchange for Party Two's transference of the Miami Dade Passenger Motor vehicle Certificate, known hereon as PMC, #30246 to Party One so Party One may operate as a transportation company in Miami Dade County. This sum will be paid to Party Two within one business day of the submittal of Party One's PMC application for transference of Party Two's PMC #30246. The application must be notarized and signed by both parties and submitted to Miami Dade County Consumer Services at 140 West Flagler, Floor 10, Miami, Florida.

b) Once the PMC #30246 is transferred and adjudicated from Party Two to Party One, Party One will allow Party Two to operate under the Party One PMC with the following conditions:

   a. Party Two will only operate a maximum of two vehicles under Party One's PMC.
   b. The maximum time limit for Party Two to operate under Party One's PMC is 5 years from the point of the PMC transference while Party One is in operation.
   c. Party Two is responsible for the insurance of its vehicles operating under Party One's PMC.
   d. Party Two is responsible for fees related to its cars operating under Party One's PMC. For example, Party One is responsible for the Annual Renewal PMC Permit fee of $625 (may change according to county code) but Party Two is responsible for the fees directly related to its cars. For example, $625 per operating car (may change according to county code) pro-rated by month if it applies.
   e. Party Two is responsible for any tolls or fees incurred while operating its cars under Party One's PMC. Irrespective, if fees or tolls are charged to Party One for being the operating PMC company, Party Two is responsible for reimbursing Party One for any charges pertaining to the operation of Party Two's vehicles.

c) Party One will not interfere with Party Two's established clients (see attached).

2) PARTY TWO OBLIGATIONS.

Party Two does hereby covenant and agree that it shall:

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a) Will allow Party One to operate under Party Two's PMC #30246 in the time that the transference application is submitted to the PMC office at 140 West Flagler, Floor 10 in Miami Florida until the transference of the PMC is adjudicated to Party One.
   a. Party One may operate with up to 3 cars under Party Two's PMC.
   b. Party One is responsible for fees related to its cars operating under Party Two's PMC. For example, Party Two is responsible for the Annual Renewal PMC Permit fee of $625 (may change according to county code) but Party One is responsible for prorated fees directly related to the operation of its cars. Example $625 per operating car (may change according to county code) pro-rated by month if it applies.
b) Will not interfere with Party One's established clients.
c) Assume complete responsibility for the maintenance of its vehicles.

3) ADDITIONAL TERMS.

1. If for any reason the PMC# 30246 is not transferred to Party One as decided by the County Board of Commissioners, Party Two shall refund the entire amount of $34,000 USD to Party One, as instructed by Party One, within 3 business days of the decision to deny the permit to Party One.
2. If for any reason Party Two decides to retract the transference of PMC #30246 or its application process prior to the County Board of Commissioner's decision to adjudicate the PMC to Party One, Party Two shall refund the entire amount of $34,000 USD to Party One within business 3 days of this decision as instructed by Party One.

4) ARBITRATION.

The Parties agree that any dispute or controversy arising out of this Agreement shall be settled by Arbitration to be held in Miami Dade county, state of Florida, in accordance with the rules then in effect of the American Arbitration Association. The arbitrator may grant injunctions or other relief in such dispute or controversy. The decision of the arbitrator shall be final, conclusive and binding on the Parties. Judgment may be entered on the arbitrator's decision in any court having jurisdiction. The Parties shall each pay one-half of the costs and expenses of such arbitration, and each of the parties shall separately pay counsel fees and expenses.

5) INDEMINFICATION

1. Any claim or loss arising from the operation of Party One's vehicles under Party Two's PMC, in the mean time while the PMC is adjudicated to Party One, is the sole responsibility of Party One and will not indemnify Party Two.
2. Any claim or loss arising from the operation of Party Two's vehicles under Party One's adjudicated PMC is the sole responsibility of Party Two and will not indemnify Party One.

6) GENERAL PROVISIONS.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written.

PARTY ONE:

Vanessa L Martinez
Manager and Owner
HEEV Group LLC

PARTY TWO:

Javier E Bartra
Owner
Expo Travel Miami Inc

State of Florida
County of Miami Dade
Sworn to before me by Javier E. Bartra
who produced drivers License # B636425483360
as I.D.

Elizabeth Ruiz
Notary Public
State of Florida

Elizabeth Ruiz
May 26, 2011

ELIZABETH RUIZ
Notary Public - State of Florida
My Comm. Expires Oct 13, 2014
Commission # EE 2126
Bonded Through National Notary Assn.

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.