

MEMORANDUM

Agenda Item No. 11(A)(1)

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

**DATE:** November 3, 2011

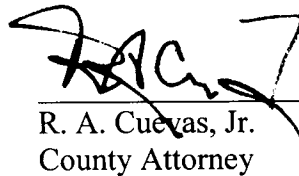
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution supporting the  
2012 Proposed Draft State  
Legislative Position of the  
South Florida Regional  
Transportation Authority  
related to privatization of  
Tri-Rail and other associated  
FDOT proposals related to  
the SFRTA and Tri-Rail

Resolution No. R-931-11

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

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/jls



# MEMORANDUM

(Revised)

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

**DATE:** November 3, 2011

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

**SUBJECT:** Agenda Item No. 11(A)(1)

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)(1)  
11-3-11

**RESOLUTION NO. R-931-11**

RESOLUTION SUPPORTING THE 2012 PROPOSED DRAFT  
STATE LEGISLATIVE POSITION OF THE SOUTH FLORIDA  
REGIONAL TRANSPORTATION AUTHORITY RELATED TO  
PRIVATIZATION OF TRI-RAIL AND OTHER ASSOCIATED  
CHANGES PROPOSED BY FDOT; OPPOSING FDOT  
PROPOSALS RELATED TO THE SFRTA AND TRI-RAIL

**WHEREAS**, Tri-Rail is operated by the South Florida Regional Transportation Authority (SFRTA); and

**WHEREAS**, the SFRTA governing board is comprised of nine members, including three citizen members, one each appointed by Broward, Miami-Dade, and Palm Beach Counties, one county commissioner from each county and three appointments by the Governor; and

**WHEREAS**, on August 5, 2011, Florida Department of Transportation (FDOT) Secretary Ananth Prasad announced that the state would pursue allowing private firms to bid on running Tri-Rail, as part of a public private partnership; and

**WHEREAS**, the SFRTA prepared a 2012 Proposed Draft Legislative Position on this issue, a copy of which is attached and incorporated by reference herein; and

**WHEREAS**, this Board opposes FDOT proposals related to the SFRTA and in particular the privatization of Tri-Rail,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Supports the attached 2012 Proposed Draft State Legislative Position of the South Florida Regional Transportation Authority related to privatization of Tri-Rail and other associated changes proposed by FDOT.

**Section 2.** Opposes FDOT legislative proposals related to the SFRTA, including:

- Removing statutory authority for Miami-Dade, Broward and Palm Beach County Commissioners to appoint citizen members to the SFRTA's governing board;
- Allowing the Governor to appoint SFRTA governing board members from outside the tri-county area;
- Weakening the SFRTA's independent exercise of statutory powers, especially as it relates to governance and operations; and
- Extending FDOT's exercise of control over funds contributed by Miami-Dade, Broward and Palm Beach County to the SFRTA.

**Section 3.** Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami Dade State Legislative Delegation, the Mayor and Members of the Broward County Board of County Commissioners, the Chair and Members of the Palm Beach County Board of County Commissioners, and the Secretary of the Florida Department of Transportation, the Executive Director of the SFRTA.

**Section 4.** Directs the County's state lobbyists to oppose the legislation set forth in Section 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2012 state legislative package to include this item.

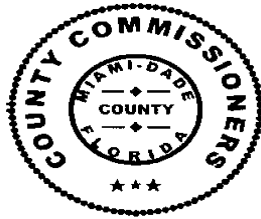
The Prime Sponsor of the foregoing resolution is Commissioner Bruno A. Barreiro and the Co-Sponsor is Commissioner Sally A. Heyman. It was offered by

Commissioner **Bruno A. Barreiro**, 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> day of November, 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.

**JMM**

Jess M. McCarty

## **2012 Proposed Draft Legislative Position**

### **SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY / TRI-RAIL**

The South Florida Regional Transportation Authority's (SFRTA) governing board is comprised of nine members, including three citizen members, one appointed by Broward, Miami-Dade, and Palm Beach County Commissions. The Board opposes legislation that weakens the three counties' home rule powers by eliminating each County Commission's ability to appoint local, citizen members to the SFRTA. In addition, the Board opposes gubernatorial appointments to the SFRTA from outside the tri-county area. The Board further opposes any effort to weaken the SFRTA's independent exercise of statutory powers, especially as they relate to governance and/or operations.

The Board opposes any legislation that grants to the Florida Department of Transportation (FDOT), or any other state agency: (1) control over any county funds appropriated by the three County Commissions pursuant to §343.58, Florida Statutes, for the SFRTA's capital and operational needs; or (2) the power to determine how such county funds are allocated. Additionally, the Board opposes any efforts by the state to stop funding Tri-Rail.