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

Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 3(B)(5)

Date: October 1, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Metelus Malherbe d/b/a Dade Jitney Service Application for a Transfer of Passenger Motor Carrier Certificate of Transportation No. 30002

Resolution No. R-786-13

Recommendation

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

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 Department of Regulatory and Economic Resources 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. Passenger Motor Carrier 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 service provider. Mr. Metelus Malherbe has nineteen years of experience as a taxicab driver and medallion owner in New York City. The applicant is in compliance with all Miami-Dade County Code (Code) requirements. Joe Mora, Division Director within the Department of Regulatory and Economic Resources, 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.

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.

Mr. Dady Pierre d/b/a Dade Jitney Service has filed an application to transfer PMC Certificate of Transportation No. 30002 to Mr. Metelus Malherbe d/b/a Dade Jitney Service. Transferred on December 7, 2010, via Resolution R-1159-10 (Attachment A), 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.

The company is required to adhere to the terms of the resolution, which approved the certificate. Metelus Malherbe d/b/a Dade Jitney Service, located at 1025 NW 110 Street, Miami, Florida 33168, 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 9:00 p.m. The proposed rates are $1.50 per person, one-way.

The management plan submitted by Mr. Metelus Malherbe 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 B) between Dady Pierre and Metelus Malherbe establishes the acquisition of Passenger Motor Carrier Certificate of Transportation No. 30002 for a total price of $10,500.00.

Jack Osterholt, Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: October 1, 2013

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

SUBJECT: Agenda Item No. 3(B)(5)

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 Mayor'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. 3(B)(5)
10-1-13

RESOLUTION NO. R-786-13

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 30002 FROM DADY PIERRE D/B/A DADE JITNEY SERVICE TO METELUS MALHERBE 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 from Dady Pierre d/b/a Dade Jitney Service to Metelus Malherbe d/b/a Dade Jitney Service to provide jitney service as a passenger motor carrier is approved. This class of transportation 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 **Esteban L. Bovo, Jr.**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of October, 2013. 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. GKS

Gerald K. Sanchez

ATTACHMENT A

Approved _____
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		

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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

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OFFICIAL FILE COPY
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

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Bill of Sale

ATTACHMENT B

Seller 1: DADY Pierre

Address: 10801 NE 4TH AVE

MIA, FL 33161

Seller 2: N/A

Address:

Buyer 1: METELUS Malherbe

Address: 1025 NW 110 ST MIAMI FL 33168

Buyer 2: N/A

Address:

If there is more than one buyer or seller, the use of the singular incorporates the plural.

1. Seller sells the goods (Goods) described here to Buyer: PMC # 30002.

2. The full purchase price for Goods is $ 10,500 . In exchange for Goods, Buyer has paid Seller [*choose one*]:

[ ] single payment of the full purchase price.

[ ] $ 10,500 as a down payment, balance of purchase price due by 0,00 .

[ ] $ 0,00 as a down payment and has executed a promissory note for the balance of the purchase price.

3. Seller warrants that Seller is the legal owner of Goods and that Goods are free of all liens and encumbrances except

Seller agrees to remove any lien or encumbrance specified in this clause with the proceeds of this sale and other funds as necessary within _____ days of the date of the bill of sale.

4. Seller believes Goods to be in good condition except for the following defects:

5. Goods will be delivered to Buyer in the following manner:

[ ] Buyer will take immediate possession of Goods.

[ ] Buyer assumes responsibility for picking up Goods from _____ within _____ days.

[ ] In exchange for an additional delivery charge of $ 0 00 _____, receipt of which is hereby acknowledged, Seller will deliver Goods within _____ days to the following location: _____

_____.

6. Additional terms of sale for Goods are as follows: _____

_____.

Seller 1's signature: _____ Seller 2's signature: _____

Date: 4-3-13 Date: _____

Buyer 1's signature: _____ Buyer 2's signature: _____

Date: 04/03/13 Date: _____

Certificate of Acknowledgment of Notary Public

State of FL)

) ss

County of DADE)

On 04/03/13 before me, Smith LeFevre, a notary public in and for said state, personally appeared Daly Pierre, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he or she executed the same in his or her authorized capacity, and that by his or her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of FL that the foregoing is true and correct.

Witness my hand and official seal.

Signature _____

Notary Public for the State of FL

My commission expires 02/28/14

(Notary Seal)

SMITH LEFEVRE
MY COMMISSION # DD965914
EXPIRES February 28, 2014
(407) 398-0153 FloridaNotaryService.com