

MEMORANDUM

Agenda Item No. 11(A)(18)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

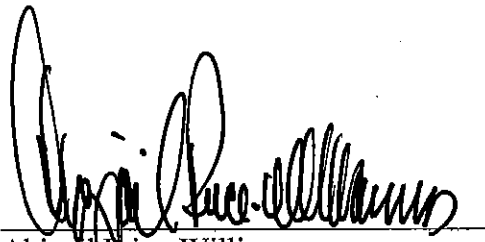
DATE: March 6, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the
Florida Legislature and the
Florida Department of
Environmental Protection to
allocate 15 percent of Florida's
share of the Volkswagen
litigation environmental
mitigation trust to fund electric
vehicle charging infrastructure
and to utilize significant portions
of Florida's remaining share for
local government grants to fund
the electrification of transit fleets

Resolution No. R-248-18

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor
Commissioner Daniella Levine Cava.


Abigail Price-Williams
County Attorney

APW/jls



MEMORANDUM

(Revised)

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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
- ☐ Statement of social equity 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. 11(A)(18)

3-6-18

RESOLUTION NO. R-248-18

RESOLUTION URGING THE FLORIDA LEGISLATURE AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO ALLOCATE 15 PERCENT OF FLORIDA'S SHARE OF THE VOLKSWAGEN LITIGATION ENVIRONMENTAL MITIGATION TRUST TO FUND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND TO UTILIZE SIGNIFICANT PORTIONS OF FLORIDA'S REMAINING SHARE FOR LOCAL GOVERNMENT GRANTS TO FUND THE ELECTRIFICATION OF TRANSIT FLEETS

WHEREAS, in 2015, regulators caught automaker Volkswagen (VW) cheating on emissions tests relating to its diesel vehicles; and

WHEREAS, VW later admitted that it had secretly and deliberately installed a "defeat device," software designed to mislead emission testers, in more than half a million diesel vehicles sold in the United States between 2009 and 2015; and

WHEREAS, as a consequence of VW's actions, an estimated 44,000 tons of extra nitrogen oxide, a potent contributor to smog and lung disease, was emitted into the air; and

WHEREAS, litigation against VW was subsequently initiated in federal court in California; and

WHEREAS, in 2016, VW entered into a settlement that, among other things, required the company to fund a \$2.9 billion trust for environmental mitigation that will be allocated to all 50 states in amounts proportionate to each state's number of VW diesel vehicles involved in the matter; and

WHEREAS, the purpose of the mitigation trust fund is to provide money for specified diesel emission reduction projects, with the goal of offsetting excess emissions caused by the subject vehicles; and

WHEREAS, Florida is expected to received \$166 million from the VW litigation environmental mitigation trust; and

WHEREAS, the Florida Legislature will have to appropriate, allocate, or authorize the expenditure of Florida's share of the settlement; and

WHEREAS, the Florida Department of Environmental Protection will be responsible for overseeing and implementing programs and funds from Florida's share of the environmental mitigation trust; and

WHEREAS, in accordance with the settlement, a percentage, up to 15 percent of a state's trust allocation, may be devoted to fund light-duty electric vehicle charging infrastructure, with additional monies from each state's trust used for various designated projects or purposes set forth in the settlement; and

WHEREAS, the full 15 percent (\$24.9 million) of Florida's settlement funds should be devoted to publicly-accessible electric vehicle charging infrastructure; and

WHEREAS, investment in such infrastructure is essential to address the demand and need for more charging stations by the estimated 25,000 electric vehicle drivers currently in Florida; and

WHEREAS, significant additional portions of Florida's \$166 million can be used to provide local governments with grants to fund the electrification of transit fleets; and

WHEREAS, when used by local governments, electric buses and medium-duty transit vehicles save money and protect the environment; and

WHEREAS, according to a memorandum by ChargePoint, the largest electric vehicle charging network in the world, electric buses achieve the equivalent of 21 miles per gallon, as compared to conventional buses that achieve only four miles per gallon; and

WHEREAS, ChargePoint estimates that every mile driven in an electric bus could save taxpayers 60-to-70 percent of the cost they would otherwise pay for conventional diesel-powered buses; and

WHEREAS, accordingly, this Board wishes for the Florida Department of Environmental Protection to utilize Florida's share of the VW litigation environmental mitigation trust to fund electric charging infrastructure and local government electrification of transit fleets, as outlined herein,

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

Section 1. Urges the Florida Legislature and the Florida Department of Environmental Protection to allocate 15 percent of Florida's share of the Volkswagen litigation environmental mitigation trust to fund electric vehicle charging infrastructure and to utilize significant portions of Florida's remaining share for local government grants to fund the electrification of transit fleets.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, and the Secretary of the Florida Department of Environmental Protection.

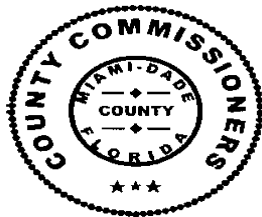
Section 3. Directs the County's state lobbyists to advocate for the legislative and administrative action described in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2018 State Legislative Package to include this item.

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The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner **Audrey M. Edmonson**, who moved its adoption. . The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of March, 2018. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

James Eddie Kirtley

A handwritten signature in black ink, appearing to read "James Eddie Kirtley", written over a horizontal line.