

# MEMORANDUM

Agenda Item No. 7(A)

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

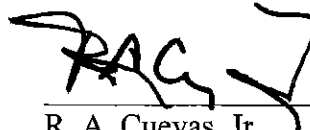
**DATE:** (Second Reading 11-17-15)  
September 16, 2015

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

**SUBJECT:** Ordinance relating to road  
impact fees; providing for use  
of impact fees to pay for mass  
transit projects that benefit  
multiple impact fee districts;  
amending section 33E-12 of the  
Code

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz and Co-Sponsors Vice Chairman Esteban L. Bovo, Jr., Commissioner Daniella Levine Cava, and Commissioner Dennis C. Moss.

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

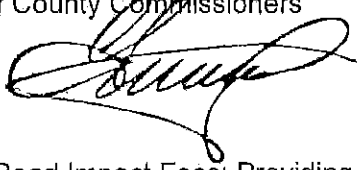
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# Memorandum



**Date:** November 17, 2015

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners


**From:** Carlos A. Gimenez   
Mayor

**Subject:** Ordinance Relating to Road Impact Fees; Providing For Use of Impact Fees to Pay  
for Mass Transit Projects that Benefit Multiple Impact Fee Districts

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The proposed ordinance relating to road impact fees amends Section 33E-12 of the Code of Miami-Dade County providing for use of impact fees to pay for mass transit projects that benefit multiple impact fee districts. The ordinance allows for road impact fees to be used for mass transit projects outside the Urban Infill Area and for road impact fee funding from one or more impact fee districts if the project provides a benefit to each of the impact fee districts contributing funds to the transit improvement. It also eliminates the requirement of a recommendation from the Mayor and any consultation from the Director of the Department of Public Works and Waste Management.

Implementation of this ordinance may have an impact on the approved capital budget in any given year. It allows the Board to add projects without recommendation from the administration. Because the impact fees are fully appropriated, should the Board add projects to the capital program, planned capital projects will need to be defunded.

  
\_\_\_\_\_  
Alina T. Hudak  
Deputy Mayor

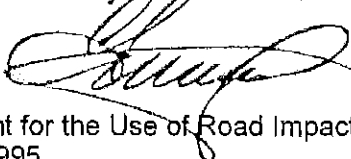
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# Memorandum



**Date:** November 17, 2015


**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez   
Mayor

**Subject:** Social Equity Statement for the Use of Road Impact Fees to Pay for Mass Transit  
Projects— Legistar 151995

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In considering the social equity impact as described in Ordinance No. 15-83, the impact of the proposed ordinance on residents will depend on the Board of County Commission's decisions regarding particular transit projects, which will be considered under the process set forth in the ordinance. The true social equity will be determined as a result of how Road Impact Fees funds are allocated to prioritize public works and transit projects.

  
\_\_\_\_\_  
Aljha T. Hudak  
Deputy Mayor




# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** November 17, 2015

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

**SUBJECT:** Agenda Item No. 7(A)

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. 7(A)  
11-17-15

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO ROAD IMPACT FEES;  
PROVIDING FOR USE OF IMPACT FEES TO PAY FOR MASS  
TRANSIT PROJECTS THAT BENEFIT MULTIPLE IMPACT  
FEE DISTRICTS; AMENDING SECTION 33E-12 OF THE  
CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING  
SEVERABILITY, INCLUSION IN THE CODE AND AN  
EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 33E-5 of the Code of Miami-Dade County, Florida, is hereby  
amended to read as follows:<sup>1</sup>

**Sec. 33E-5. Definitions.**

\* \* \*

- (23) *Select Transit Capital Improvement* means a specific transit capital project ~~[[located inside the Urban Infill Area]]~~ that has been determined by the Board of County Commissioners to be of strategic value in providing roadway capacity ~~[[inside the Urban Infill Area]]~~ pursuant to Section 33E-12(d).

\* \* \*

**Section 2.** Section 33E-12 of the Code of Miami-Dade County, Florida, is hereby  
amended to read as follows:

**Sec. 33E-12. Impact fee expenditures.**

\* \* \*

- (d) Roadway trust funds >>from one or more impact fee

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

districts<< may be expended on select transit capital improvements provided that the Board of County Commissioners, ~~[[after recommendation from the Mayor in consultation with the Public Works and Waste Management Director and]]~~ after public hearing, determines that any such transit use of roadway trust funds would be effective as part of the county's strategy for providing roadway capacity >>and would provide a benefit to each of the impact fee districts contributing roadway trust funds to the transit improvement.<< ~~[[within the Urban Infill Area. Roadway trust funds may only be used for select transit capital improvements within the Urban Infill Area. Only impact fees generated from within the Urban Infill Area may be used for select transit capital projects.]]~~ Transit projects are to be selected for road way trust fund funding on the basis of their expected effectiveness as roadway capacity improvements >>, and road way trust funds shall not be used to address existing deficiencies<<.

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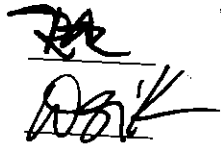
**Section 3.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 4.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 5.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

A handwritten signature in black ink, appearing to be "JA", written over a horizontal line.

Prepared by:

Dennis A. Kerbel

Prime Sponsor:	Commissioner Jose "Pepe" Diaz
Co-Sponsors:	Vice Chairman Esteban L. Bovo, Jr.
	Commissioner Daniella Levine Cava
	Commissioner Dennis C. Moss