

Memorandum



Date: (Second Reading: 7-19-22)
June 14, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

Agenda Item No. 7(A)

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Ordinance Authorizing Issuance of Transit System Sales Surtax Revenue Bonds in an Amount Not-to-Exceed \$600,000,000 to fund a portion of the People’s Transportation Plan

Summary / Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the accompanying ordinance (2022 Ordinance) which authorizes the issuance of an amount not to exceed \$600,000,000 (the 2022 Authorization) of additional Miami-Dade County, Florida Transit System Sales Surtax Revenue Bonds (Transit Surtax Bonds). The proceeds of the Transit Surtax Bonds will be used to fund projects in the Miami-Dade Department of Transportation and Public Works (DTPW) Multi-Year Capital Plan (MYCP), as approved by the Citizens’ Independent Transportation Trust in the People’s Transportation Plan and the Board.

Delegation of Authority

The 2022 Ordinance authorizes and directs officers and agents of the County to take all actions and do all things required by the Master Ordinance as defined in the accompanying 2022 Ordinance for the full, punctual, and complete performance of all the terms, covenants, provisions, and agreements contained in the Master Ordinance.

Scope

The 2022 Ordinance authorizes the issuance of additional Transit Surtax Bonds to fund a portion of the MYCP and will have a countywide impact.

Fiscal Impact/Funding Source

The 2022 Ordinance is needed to meet current and forecasted funding of the MYCP. The Transit Surtax Bonds authorized by the 2022 Ordinance will only be issued pursuant to subsequent series resolutions adopted by the Board which will set the terms, maturities, interest rates and other details of each bond issue. The primary source for the repayment of the Transit Surtax Bonds is the one half of one percent (0.5 percent) discretionary sales surtax authorized by Section 212.055(1), Florida Statutes on all transactions occurring in the County that are subject to the to the state tax imposed on sales, use, rentals, admissions and other transactions by Chapter 212, Florida Statutes. No other revenues of the County have been pledged as a funding source for the repayment of the Transit Surtax Bonds.

Social Equity Statement

The proposed ordinance will provide funds to pay for DTPW projects that will allow for direct investment in the County’s transportation networks. These projects will improve mobility and will benefit residents, local businesses as well as the traveling public.

Track Record/Monitoring

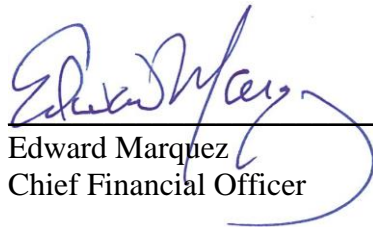
Annual debt service payments and continuing disclosure will be managed by Arlesa Wood, Director of Bond Administration Division in the Finance Department. Robert Villar, Chief Financial Officer, DTPW will manage funding of the annual debt service payments and debt compliance monitoring.

Background

On July 9, 2002, the Board enacted Ordinance No. 02-116 (Transit System Surtax Ordinance) which levied and imposed the Transit System Surtax, a dedicated funding source for the operation, maintenance, and financing of certain transportation and transit projects authorized by Florida Statutes. The authority to levy and collect the Transit System Surtax pursuant to the new Code provisions was approved by the voters on November 5, 2002.

Between 2005 and 2018, the Board authorized the issuance of \$2 billion in Transit System Sales Surtax Bonds pursuant to several bond ordinances of which the entire \$2 billion have been issued and a total of \$1,710,910,000 is currently outstanding.

The 2022 Ordinance provides that bonds shall only be issued with a subsequent series resolution to be approved by the Board. Each series resolution will provide more detailed description of the projects to be financed, the terms, maturities, and other details for each series of bonds to be issued.



Edward Marquez
Chief Financial Officer




MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 19, 2022

FROM: 
Gen Bonzon-Keenan
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
- ☐ 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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)
7-19-22

ORDINANCE NO. _____

ORDINANCE AUTHORIZING ISSUANCE OF NOT TO EXCEED \$600,000,000.00 MIAMI-DADE COUNTY, FLORIDA TRANSIT SYSTEM SALES SURTAX REVENUE BONDS, PURSUANT TO SECTION 208 OF ORDINANCE NO. 05-48, AS AMENDED, FOR PAYING COSTS OF CERTAIN TRANSPORTATION AND TRANSIT PROJECTS; PROVIDING THAT DETAILS, TERMS AND OTHER MATTERS RELATING TO BONDS BE DETERMINED IN SUBSEQUENT RESOLUTIONS; AUTHORIZING UNDERTAKING OF TRANSIT AND TRANSPORTATION PROJECTS IN PEOPLE'S TRANSPORTATION PLAN; AUTHORIZING AND DIRECTING COUNTY OFFICERS AND AGENTS TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE AND ORDINANCE NO. 05-48, AS AMENDED; AND PROVIDING SEVERABILITY AND EFFECTIVE DATE

WHEREAS, Miami-Dade County, Florida (the "County"), pursuant to Ordinance No. 05-48 enacted by the Board of County Commissioners of Miami-Dade County, Florida (the "Board") on March 1, 2005, as amended by Ordinance No. 09-65 enacted by the Board on July 21, 2009 (collectively, the "Original Ordinance"), is authorized to issue Bonds, from time to time, to finance or refinance Transit System Sales Surtax Projects (as such terms are defined in the Original Ordinance); and

WHEREAS, capitalized terms used in this ordinance (the "2022 Ordinance" and, together with the Original Ordinance, the "Master Ordinance") which are not defined shall have the meanings assigned to such terms in the Original Ordinance unless otherwise expressly provided or the context otherwise clearly requires; and

WHEREAS, the County has previously issued various Series of Bonds, inclusive of Additional Bonds and Refunding Bonds, under authorizations provided for under the Original

Ordinance and certain other ordinances enacted by the Board, as applicable, and Series Resolutions relating to each such Series of Bonds in the aggregate principal amount of \$3,110,545,000.00, of which \$1,710,910,000.00 are currently outstanding; and

WHEREAS, the Board has determined at this time that it is in the best interests of the County and its citizens to authorize the issuance, from time to time, of not to exceed \$600,000,000.00 aggregate principal amount of Miami-Dade County, Florida Transit System Sales Surtax Revenue Bonds, as Additional Bonds under the provisions of the Master Ordinance, for the purpose of paying all or any part of the Costs of Projects (for purposes of this 2022 Ordinance, the “Additional Bonds”); and

WHEREAS, the Board has determined further at this time that it is in the best interests of the County and its citizens to authorize the undertaking to finance all or a portion of the transit and public works capital improvement projects in the People’s Transportation Plan described further in Exhibit A to this 2022 Ordinance; and

WHEREAS, the Board desires to accomplish the purposes outlined in the accompanying memorandum (the “County Mayor’s Memorandum”), a copy of which is incorporated in this 2022 Ordinance by reference,

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

Section 1.

(a) The recitals contained in the foregoing “WHEREAS” clauses and the County Mayor’s Memorandum are incorporated as part of this 2022 Ordinance.

(b) This 2022 Ordinance is enacted pursuant to the Constitution and laws of the State, including, but not limited to, the Miami-Dade County, Florida Home Rule Amendment and Charter, as amended, Chapters 125 and 166, Florida Statutes, as amended, the Transit System Sales Surtax Act, the Code of Miami-Dade County, Florida, as amended, including the Transit System Sales Surtax Ordinance, and all other applicable laws (collectively, the “Act”).

Section 2. The Board authorizes the issuance, from time to time, of not to exceed \$600,000,000.00 aggregate principal amount of Miami-Dade County, Florida Transit System Sales Surtax Revenue Bonds, as Additional Bonds pursuant to section 208 of the Original Ordinance and the authority of the Act, for the purpose of paying all or any part of the Costs of Projects, all as may be specified or provided for in the Series Resolution relating to the issuance of each Series of Additional Bonds.

The Additional Bonds shall be special and limited obligations of the County, payable solely from and secured by a prior lien upon and a pledge of the Pledged Revenues as more specifically provided in the Master Ordinance. The Additional Bonds shall not be deemed to constitute a debt of the County, the State or any other political subdivision of the State within the meaning of any State constitutional limitation on the incurrence of debt or a pledge of the faith and credit of the County, the State or any other political subdivision of the State but the Additional Bonds shall be payable solely from the Pledged Revenues. The enactment of the Master Ordinance, the adoption of each Series Resolution relating to the issuance of each Series of Additional Bonds and the issuance of the Additional Bonds shall not directly or indirectly or contingently obligate the County, the State or any other political subdivision of the State to levy or to pledge any form of ad valorem taxation whatsoever, nor shall the Additional Bonds constitute a charge, lien or

encumbrance, legal or equitable, upon any property of the County, the State or any other political subdivision of the State. No Holder shall have the right to require or compel the exercise of the ad valorem taxing power of the County, the State or any other political subdivision of the State for payment of the Additional Bonds or be entitled to payment of such amount from any other funds of the County, except from the Pledged Revenues in the manner provided in the Master Ordinance.

Section 3. In accordance with the Master Ordinance, all details, terms and other matters relating to the Additional Bonds shall be determined in the manner specified in the Series Resolution relating to each Series of Additional Bonds.

Section 4. The Board authorizes the undertaking to finance all or a portion of the transit and public works capital improvement projects in the People's Transportation Plan as more particularly described in Exhibit A to this 2022 Ordinance.

Section 5. As further supplemented by this 2022 Ordinance, the Original Ordinance and all terms and provisions of the Original Ordinance are and shall remain in full force and effect.

Section 6. The officers and agents of the County are authorized and directed to take all actions and do all things required of them by the Master Ordinance for the full, punctual and complete performance of all of the terms, covenants, provisions and agreements contained in the Master Ordinance.

Section 7. In case any one or more of the provisions of this 2022 Ordinance shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect the legality or enforceability of any other provision of this 2022 Ordinance.

Section 8. This 2022 Ordinance shall take effect ten (10) days after its 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:

Prepared by:

Juliette R. Antoine
Dale P. Clarke

GBL
JRA

EXHIBIT A

Miami-Dade County Department of Transportation and Public Works Transit and Public Works Capital Improvement Projects

Type	Description	Amount
Transit	Bus Related Projects	\$ 106,105,817
Transit	Infrastructure Renewal Plan	17,939,618
Transit	Metromover Related Projects	60,264,296
Transit	Metrorail and Metromover Projects	13,469,404
Transit	Metrorail Related Projects	177,360,286
Transit	Miscellaneous Projects	12,441,890
Transit	Strategic Miami Area Rapid Transit Plan	44,691,523
	Transit Subtotal	\$ 432,272,835
Public Works	Advanced Traffic Management System — Phase 3	\$ 1,978,828
Public Works	Arterial Roads — Countywide	9,459,548
Public Works	Neighborhood Infrastructure Improvements	11,710,647
Public Works	Rights-of-Way Acquisition — Countywide	789,117
Public Works	Road Widening — Countywide	22,706,785
Public Works	Safety Projects	1,187,491
Public Works	Traffic Control Devices — Signalization Countywide	1,481,312
	Public Works Subtotal	\$ 49,313,728
	Grand Total	\$ 481,586,562

The general categories of the Transit Capital Improvement Program listed in this Exhibit may be modified and amended upon the approval by the Board and the Citizens Independent Transportation Trust, provided that each portion of such projects, as modified, is a Transit System Sales Surtax Project, the Cost of which is eligible to be paid from proceeds of Bonds.