

# MEMORANDUM

Agenda Item No. 11(A)(2)

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**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** November 7, 2023

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution amending Exhibit 1 to the People's Transportation Plan to reinstate the language limiting the use of Charter County Transportation System Surtax Funds to eligible County capital enhancements implemented after November 5, 2002 and the operation and maintenance thereof

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**This item was amended at the October 12, 2023, Transportation, Mobility and Planning Committee to revise the first sentence in the enactment clause to clarify that eligible County expenditures as authorized pursuant to Ordinance No. 02-116 would continue to be eligible for the use of Charter County Transportation Surtax ("Surtax") funds. Additionally, a sentence was added to the enactment clause to clarify that the expenditure of Surtax funds, to the extent eligible pursuant to applicable law, is subject to modification by the approval of the annual budget ordinance(s).**

**Rule 5.06(h) of the Board's Rules of Procedure provides that where underlining and strike-through would not clearly show the differences between an original item and the item as amended in committee, comments may instead be provided. Pursuant to this rule, the preceding comprehensive description of the differences between the original item and the amended item is provided in lieu of underlining and strike-through for the committee amendment for this item.**

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kevin Marino Cabrera.

  
Geri Bonzon-Keenan  
County Attorney

GBK/uw

MDC001



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** November 7, 2023

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(2)

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. 11(A)(2)  
11-7-23

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AMENDING EXHIBIT 1 TO THE PEOPLE'S TRANSPORTATION PLAN TO REINSTATE THE LANGUAGE LIMITING THE USE OF CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX FUNDS TO ELIGIBLE COUNTY CAPITAL ENHANCEMENTS IMPLEMENTED AFTER NOVEMBER 5, 2002 AND THE OPERATION AND MAINTENANCE THEREOF

**WHEREAS**, Charter County Transportation Surtax ("Surtax") funds are an essential component of the preservation of the public transit system; and

**WHEREAS**, on June 7, 2016, this Board adopted Resolution No. R-523-16 endorsing the Strategic Miami Area Rapid Transit ("SMART") Plan, an initiative to advance six rapid transit corridors in order to implement mass transit projects in Miami-Dade County; and

**WHEREAS**, the six SMART Plan rapid transit corridors are the Beach Corridor, East-West Corridor, Kendall Corridor, North Corridor, Northeast Corridor, and South Dade Transitway; and

**WHEREAS**, this Board supports the use of Surtax funds for capital expansion of the transit system, including the development of the SMART Plan; and

**WHEREAS**, on November 5, 2002, the voters of Miami-Dade County agreed to tax themselves in order to, among other things, "build rapid transit lines to West Dade, Kendall, Florida City, Miami Beach, and North Dade" and "expand[] bus service"; and

**WHEREAS**, on March 3, 2009, this Board adopted Resolution No. R-222-09, which amended Exhibit 1 of the People's Transportation Plan ("PTP") to allow surtax funds to be used to support operations and maintenance expenses of the entire "unified" system; and

**WHEREAS**, it is in the best interest of our community to utilize the Surtax to expand our transit services; and

**WHEREAS**, amending Exhibit 1 to the PTP in order to eliminate references to the use of the Surtax for the operation and maintenance of the entire “unified” transit system is consistent with the current Surtax eligibility restrictions imposed by section 212.055, Florida Statutes; and

**WHEREAS**, the Citizens’ Independent Transportation Trust (“CITT”) has reviewed this Amendment to Exhibit 1 to the PTP and has forwarded the matter with a favorable recommendation to this Board,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board accepts the recommendation of the CITT, a copy of which is attached and incorporated herein, and hereby amends Exhibit 1 to the People’s Transportation Plan in the following manner:<sup>1</sup>

~~[[Recognizing that a safe, reliable and efficient transit system is of paramount importance, surtax funds may be utilized for any costs related to capital and/or the operations and maintenance of the transit system, including but not limited to bus, rail, Metromover, and Special Transportation Services (STS). The transit projects listed in Exhibit 1 are illustrative examples but not exclusive uses for surtax funds. Said projects and prior amendments to Exhibit 1, with the exception of the Reinvestment Schedule identified in CITT Resolution No. 05-025, are subject to modification by the approval of the annual budget ordinance(s). Notwithstanding, the]] >>The use of Charter County Transportation System Surtax Funds is limited to eligible County capital enhancements implemented after November 5, 2002, as well as eligible County expenditures as authorized pursuant to Ordinance No. 02-116, and the operation and maintenance thereof. Said expenditures, to the extent eligible pursuant to applicable law, are subject to modification by the approval of the annual budget ordinance(s). The<< County reaffirms~~

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<sup>1</sup> This proposed amendment to Exhibit 1 to the People’s Transportation Plan originally adopted pursuant to Ordinance No. 02-116, is captured in the following manner: 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.

its intent to increase annually the General Fund support for Miami-Dade Transit by at least 3.5 percent over that provided in the preceding fiscal year; and its intent to dedicate at least 10 percent of the County's annual share of surtax funds, excluding existing and future debt service, for capital expansion of the transit system. In the event any portions of the dedicated capital expansion funds remain unexpended in any fiscal year, said funds shall be used to augment and not substitute the subsequent year's dedicated capital expansion funds. ~~[[If in any fiscal year, at least 10 percent of the County's share of surtax funds, excluding existing and future debt service, is not allocated for dedicated capital expansion, then this amendment to Exhibit 1 shall cease as an operation of law.]]~~

The Prime Sponsor of the foregoing resolution is Commissioner Kevin Marino Cabrera. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

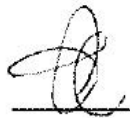
The Chairperson thereupon declared this resolution duly passed and adopted this 7<sup>th</sup> day of November, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Bruce Libhaber  
Annery Pulgar Alfonso

RESOLUTION NO. 23-010

RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS (BCC) APPROVE AMENDING EXHIBIT 1 TO THE PEOPLE'S TRANSPORTATION PLAN TO REINSTATE THE LANGUAGE LIMITING THE USE OF CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX FUNDS TO ELIGIBLE COUNTY CAPITAL ENHANCEMENTS IMPLEMENTED AFTER NOVEMBER 5, 2002, AND THE OPERATION AND MAINTENANCE THEREOF AND REAFFIRMING ITS INTENT TO INCREASE ANNUALLY THE GENERAL FUND SUPPORT FOR MIAMI-DADE TRANSIT BY AT LEAST 3.5 PERCENT OVER THAT PROVIDED IN THE PRECEDING FISCAL YEAR, AND ITS INTENT TO DEDICATE AT LEAST 10 PERCENT OF THE COUNTY'S ANNUAL SHARE OF SURTAX FUNDS, EXCLUDING EXISTING AND FUTURE DEBT SERVICE, FOR CAPITAL EXPANSION OF THE TRANSIT SYSTEM

**WHEREAS**, Charter County Transportation Surtax ("Surtax") funds are an essential component of the preservation of the public transit system; and

**WHEREAS**, on May 12, 2016, the CITT adopted Resolution No. 16.-027 endorsing the Strategic Miami Area Rapid Transit ("SMART") Plan, an initiative to advance six rapid transit corridors in order to implement mass transit projects in Miami-Dade County; and

**WHEREAS**, the six SMART Plan rapid transit corridors are the Beach Corridor, East-West Corridor, Kendall Corridor, North Corridor, Northeast Corridor, and South Dade Transitway; and

**WHEREAS**, the CITT supports the use of Surtax funds for capital expansion of the transit system, including the development of the SMART Plan; and

**WHEREAS**, on November 5, 2002, the voters of Miami-Dade County agreed to tax themselves in order to, among other things, "build rapid transit lines to West Dade, Kendall, Florida City, Miami Beach, and North Dade" and "expand[] bus service"; and

**WHEREAS**, on March 3, 2009, the BCC after CITT's recommendation adopted Resolution No. R-222-09, which amended Exhibit 1 of the People's Transportation Plan ("PTP") to allow surtax funds to be used to support operations and maintenance expenses of the entire "unified" system; and

**WHEREAS**, it is in the best interest of our community to utilize the Surtax to expand our transit services; and

**WHEREAS**, amending Exhibit 1 to the PTP in order to eliminate references to the use of the Surtax for the operation and maintenance of the entire "unified" transit system is consistent with the current Surtax eligibility restrictions imposed by section 212.055, Florida Statutes,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITIZENS' INDEPENDENT TRUST**, that this Trust recommends the Board of County Commissioners (BCC) amend Exhibit 1 to the People's Transportation Plan in the following manner: <sup>1</sup>

~~[[Recognizing that a safe, reliable and efficient transit system is of paramount importance, surtax funds may be utilized for any costs related to capital and/or the operations and maintenance of the transit system, including but not limited to bus, rail, Metromover, and Special Transportation Services (STS). The transit projects listed in Exhibit 1 are illustrative examples but not exclusive uses for surtax funds. Said projects and prior amendments to Exhibit 1, with the exception of the Reinvestment Schedule identified in CITT Resolution No. 05-025, are subject to modification by the approval of the annual budget ordinance(s). Notwithstanding, t]] >>The use of Charter County Transportation System Surtax Funds is limited to eligible County capital enhancements implemented after November 5, 2002, and the operation and maintenance thereof.<< [[t]] >>T<<he County reaffirms its intent to increase annually the General Fund~~

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<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.



support for Miami-Dade Transit by at least 3.5 percent over that provided in the preceding fiscal year; and its intent to dedicate at least 10 percent of the County's annual share of surtax funds, excluding existing and future debt service, for capital expansion of the transit system. In the event any portions of the dedicated capital expansion funds remain unexpended in any fiscal year, said funds shall be used to augment and not substitute the subsequent year's dedicated capital expansion funds. ~~[[If in any fiscal year, at least 10 percent of the County's share of surtax funds, excluding existing and future debt service, is not allocated for dedicated capital expansion, then this amendment to Exhibit 1 shall cease as an operation of law.]]~~

The foregoing resolution was offered by Paul Schwiep, Esq., who moved its adoption.

The motion was seconded by Robert Ruano and upon being put to vote, the vote was as follows:

Oscar J. Braynon, Chairperson – Aye  
Robert Wolfarth, 1<sup>st</sup> Vice Chairperson – Aye  
Paul Schwiep, Esq., 2<sup>nd</sup> Vice Chairperson – Aye

Hon. Peggy Bell – Absent  
Joseph Curbelo – Aye  
Qjuezari Harvey – Aye  
Paul J. Schwiep, Esq. – Absent  
Mary Street, Esq. – Absent

Omar K. Bradford Esq. – Absent  
Meg Daly – Aye  
Robert Ruano – Aye  
L. Elijah Stiers, Esq. – Absent

The Chairman thereupon declared the resolution duly passed and adopted this 24<sup>th</sup> day of May 2023.

Approved by the County Attorney as  
to form and legal sufficiency Ernie Silhaber

By:   
Executive Director