

# MEMORANDUM

Supplement  
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:** Supplemental information  
to resolution amending Exhibit 1  
to the People's Transportation  
Plan

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This supplement is being submitted to show changes to this resolution that the Prime Sponsor, Commissioner Cabrera, intends to propose as a floor amendment in addition to the amendments made at the October 12, 2023 Transportation, Mobility, and Planning Committee.

The proposed floor amendment would be to add the following additional recital clauses, with no changes to the remaining provisions:

**WHEREAS**, on March 19, 2019, the Board adopted a motion which directed the County Mayor to not include Surtax funds for those transit services in existence as of November 5, 2002 as part of the County Mayor's proposed budget for the 2019-2020 fiscal year; and

**WHEREAS**, the adopted budget for the fiscal year 2019-2020 provided that the Surtax would only support PTP-authorized transit operation and maintenance services over the course of the next three years; and


**WHEREAS**, the adopted budget for the fiscal year 2022-2023 currently reflects no Surtax funds being used for transit services and operations, and instead shows the use of Surtax funds for among other projects, various capital transit and roadway improvement projects, including a transfer to fund planned SMART Program expenses; and

**WHEREAS**, consistent with the original intent of the PTP, the County is not utilizing Surtax funds for the operation and maintenance of transit services that were in existence on or prior to November 5, 2002; and

**WHEREAS**, this resolution amending Exhibit 1 to the PTP does not impact the County's ability to utilize Surtax funds for the expansion of the Golden Passport program, increased bus service, or fare free Metromover service, as provided for in Ordinance 02-116, the ordinance authorizing the County to levy the Surtax subject to elector approval, or as authorized by the electors in passing the ballot question authorizing the County to levy the Surtax; and

The attachment shows the final form of the resolution incorporating both the committee amendments and the proposed floor amendment.

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

  
Geri Bonzon-Keenan  
County Attorney

GBK/uw

Approved \_\_\_\_\_ Mayor

Agenda Item No.

Veto \_\_\_\_\_

Override \_\_\_\_\_

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**, on March 19, 2019, the Board adopted a motion which directed the County Mayor to not include Surtax funds for those transit services in existence as of November 5, 2002 as part of the County Mayor's proposed budget for the 2019-2020 fiscal year; and

**WHEREAS**, the adopted budget for the fiscal year 2019-2020 provided that the Surtax would only support PTP-authorized transit operation and maintenance services over the course of the next three years; and

**WHEREAS**, the adopted budget for the fiscal year 2022-2023 currently reflects no Surtax funds being used for transit services and operations, and instead shows the use of Surtax funds for among other projects, various capital transit and roadway improvement projects, including a transfer to fund planned SMART Program expenses; and

**WHEREAS**, consistent with the original intent of the PTP, the County is not utilizing Surtax funds for the operation and maintenance of transit services that were in existence on or prior to November 5, 2002; and

**WHEREAS**, this resolution amending Exhibit 1 to the PTP does not impact the County's ability to utilize Surtax funds for the expansion of the Golden Passport program, increased bus service, or fare free Metromover service, as provided for in Ordinance 02-116, the ordinance authorizing the County to levy the Surtax subject to elector approval, or as authorized by the electors in passing the ballot question authorizing the County to levy the Surtax; 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 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~~~~

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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.

~~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:

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|----------------------------------|----------------------|
| 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