

MEMORANDUM

Amended
Agenda Item No. 11(A)(3)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

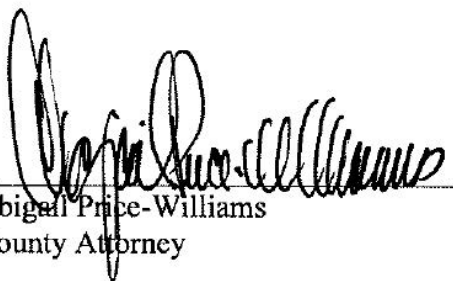
DATE: June 2, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to negotiate agreements and funding commitments with Virgin Trains USA Florida LLC and the public and private interested parties along the northeast corridor of the Strategic Miami Area Rapid Transit Plan, including but not be limited to, Florida International University and the surrounding municipalities, for the implementation of commuter rail service along the corridor; and further directing the County Mayor to place agreements on a Board agenda for approval or, if no agreements are reached, to provide report

Resolution No. R-558-20

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Sally A. Heyman, Commissioner Eileen Higgins, Vice Chairwoman Rebeca Sosa and Chairwoman Audrey M. Edmonson.


Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

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Abigail Price-Williams
County Attorney

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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 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 _____	Amended Agenda Item No. 11(A)(3)
Veto _____		6-2-20
Override _____		

RESOLUTION NO. R-558-20

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO NEGOTIATE AGREEMENTS AND FUNDING COMMITMENTS WITH VIRGIN TRAINS USA FLORIDA LLC AND THE PUBLIC AND PRIVATE INTERESTED PARTIES ALONG THE NORTHEAST CORRIDOR OF THE STRATEGIC MIAMI AREA RAPID TRANSIT PLAN, INCLUDING BUT NOT BE LIMITED TO, FLORIDA INTERNATIONAL UNIVERSITY AND THE SURROUNDING MUNICIPALITIES, FOR THE IMPLEMENTATION OF COMMUTER RAIL SERVICE ALONG THE CORRIDOR; AND FURTHER DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO PLACE AGREEMENTS ON A BOARD AGENDA FOR APPROVAL OR, IF NO AGREEMENTS ARE REACHED, TO PROVIDE REPORT

WHEREAS, Virgin Trains USA Florida LLC (“Virgin Trains”) has constructed and is operating a privately-owned, environmentally friendly intercity passenger railway service with passenger train stations in Miami, Fort Lauderdale and West Palm Beach, and a planned extension to Orlando as well as inline stations in the Cities of Aventura and Boca Raton; and

WHEREAS, Miami-Dade County is experiencing continued growth and is seeking alternative transportation options to reduce impact on Miami-Dade County’s roadways and to minimize toxic pollutants from motor vehicles; and

WHEREAS, Miami-Dade County desires to commence the operation of trains transporting passengers and making frequent stops within urban areas and suburbs (“Commuter Rail Service”) along the heavily used northeast corridor of the Strategic Miami Area Rapid Transit (“SMART”) Plan; and

WHEREAS, the jobs created and economic stimulus produced by the construction and operation of the Commuter Rail Service would significantly benefit Miami-Dade County and support post coronavirus disease 2019 (“COVID-19”) economic recovery; and

WHEREAS, this Board wishes to pursue negotiations with Virgin Trains and the public and private interested parties along the northeast corridor of the SMART Plan for the implementation of commuter rail service along the corridor,

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

Section 1. Directs the County Mayor or County Mayor’s designee to negotiate agreements and funding commitments with Virgin Trains and the public and private interested parties along the northeast corridor of the SMART Plan, including but not be limited to, Florida International University and the surrounding municipalities, for the implementation of commuter rail service which shall service no more than five stations along the corridor, inclusive of the future West Aventura Station. Any agreement(s) between the County and Virgin Trains for the implementation of commuter rail service along the northeast corridor shall not amend or modify the binding terms and obligations of the County and Virgin Trains as set forth in that certain Land Acquisition and Development Agreement and related agreements approved by this Board pursuant to Resolution No. R-1115-19. The County Mayor or County Mayor’s designee is further directed: (1) that as part of the negotiations with Virgin Trains, the parties shall negotiate whether there should be an access fee for the use of the railroad corridor and if so, who should bear the cost of the access fee; (2) to confer with the Commissioners representing Commission Districts 2 and 3 regarding the location of any future commuter rail stations within their respective districts; and (3)

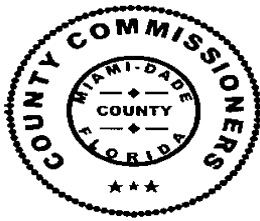
that the negotiations with the public and private interested parties along the northeast corridor should include the contributions of land and funding toward the capital, operating and maintenance expenses of the train stations and parking facilities along the northeast corridor.

Section 2. To the extent negotiations are successful with Virgin Trains and the public and private interested parties, the County Mayor or County Mayor's designee is directed to place the finalized agreements on an agenda of this Board for its approval within 90 days. To the extent negotiations are not successful, the County Mayor or County Mayor's designee is directed to provide a report to this Board within 90 days of the County Mayor or County Mayor's designee's determination of that an agreement cannot be reached, and to place said report on an agenda of the Board in accordance with Ordinance No. 14-65.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Sally A. Heyman, Commissioner Eileen Higgins, Vice Chairwoman Rebeca Sosa and Chairwoman Audrey M. Edmonson. It was offered by Commissioner **Sally A. Heyman** , who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of June, 2020. 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature, likely of the County Attorney, is written over a horizontal line.

Annery Pulgar Alfonso
Monica Rizo Perez
Bruce Libhaber