Condensed Title:

A Resolution Authorizing The Appropriation Of $1,200,000 From FY 2013/13 People's Transportation Plan (PTP) Funds, And $49,515 From FY 2012/13 Concurrency Mitigation Funds To Fund The Operating Budget For The South Beach Local (SBL); And Further Appropriating $275,000 From FY 2012/13 PTP Funds For Administrative And Technical Operating Expenditures.

Key Intended Outcome Supported:

Improve mobility

Supporting Data (Surveys, Environmental Scan, etc.): According to the 2009 Customer Satisfaction Survey, more than half of all respondents reported a willingness to use "local bus circulators" as an alternative to driving.

Issue:

Shall the Mayor and City Commission approve the Resolution?

Item Summary/Recommendation:

Under the provisions of an Interlocal Agreement (ILA) Miami-Dade County (the County) has been operating a bi-directional transit circulator route service in Miami Beach known as the "South Beach Local" (SBL) since September 25, 2005. The initial SBL ILA expired on October 11, 2010; however, Miami-Dade Transit (MDT) continued to provide service after the expiration of the SBL ILA under the same terms and conditions until the execution of the revised ILA on January 2012. Pursuant to the terms of the current ILA for provision of SBL services, the Administration proposes to appropriate for FY 2012/13, as follows:

$1,200,000 FY 2012/13 PTP Funds
$ 49,515 FY 2012/13 South Beach Concurrency Mitigation Funds
$1,249,515 FY 2012/13 Miami Beach Share

Five percent (5%) of PTP funds received may be appropriated for administrative purposes. An unlimited amount may be appropriated for technical assistance. Administrative and technical operating PTP funding for FY 2012/13 is recommended in the amount of $275,000, consistent with last fiscal year's appropriation.

The total projected amount of PTP funds to be appropriated in FY 2012/13 is $2,569,900, of which $1,475,000 is for operating expenses and $1,094,900 is for capital projects. The total amount of Concurrency Mitigation Funds to be appropriated in FY 2012/13 is $92,583, of which $49,515 is for operating expenses and $43,068 is for capital projects. (Capital projects are appropriated separately in the capital budget).

THE ADMINISTRATION RECOMMENDS ADOPTING THE RESOLUTION.

Advisory Board Recommendation:

None.

Financial Information:

Source of Funds:

ZS · TF

OBPI

	Amount	Account
1	$1,200,000	187.8000.312910 (FY 2012/13 PTP)
2	$ 49,515	158.6217.000335 (CMF/S.Beach)
3	$ 275,000	187.8000.312910 (FY 2012/13 PTP)
Total	$1,524,515	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Jose R. Gonzalez, Transportation Manager, Ext. 6768

Sign-Offs:

Department Director	Assistant City Manager	City Manager
FHB	JGG	KGB

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MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Matti Herrera-Bower and Members of the City Commission

FROM: Kathie G. Brooks, Interim City Manager

DATE: September 27, 2012

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OF $1,200,000 FROM FISCAL YEAR 2012/13 PEOPLE'S TRANSPORTATION PLAN FUNDS AND $49,515 FROM FISCAL YEAR 2012/13 SOUTH BEACH CONCURRENCY MITIGATION FUNDS, TO FUND THE OPERATING BUDGET FOR THE SOUTH BEACH LOCAL IN MIAMI BEACH; AND FURTHER APPROPRIATING $275,000 FROM FISCAL YEAR 2012/13 PEOPLE'S TRANSPORTATION PLAN FUNDS FOR ADMINISTRATIVE AND TECHNICAL OPERATING EXPENDITURES, AS PART OF THE FIVE PERCENT (5%) ALLOWABLE FOR ADMINISTRATIVE ASSISTANCE AND TECHNICAL ASSISTANCE.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

Funding to be appropriated for the FY 2012/13 operating budget for the South Beach Local (SBL) in Miami Beach in the amount of $1,249,515 as follows: FY 2012/13 People's Transportation Plan (PTP) Funds in the amount of $1,200,000 and FY 2012/13 South Beach Concurrency Mitigation Funds in the amount of $49,515. Funding to be appropriated for FY 2012/13 administrative and technical assistance in the amount of $275,000 from FY 2012/13 PTP Funds.

BACKGROUND

On November 5, 2002, Miami-Dade County voters approved the levying of a one-half of one percent discretionary surtax on transactions occurring in the County that are subject to the state tax imposed on sales. This surtax is known as the Charter County Transportation Surtax. Twenty percent (20%) of the proceeds of this surtax are to be distributed directly to municipalities on a pro-rata basis. These funds are known as People's Transportation Plan (PTP) Funds for use on local transportation and transit projects. The City entered into an Interlocal Agreement with Miami-Dade County on August 13, 2003 in order to receive its pro-rata share of the County's PTP Funds. Pursuant to the Interlocal Agreement, a minimum of 20% of the City's PTP share must be allocated specifically for transit projects. If not used for transit services, the 20% share of PTP funds would be returned to the County.

ANALYSIS

South Beach Local Operating Budget

On June 8, 2005, the City Commission adopted Resolution No. 2005-25934, which authorized the execution of an Interlocal Agreement (ILA) with Miami-Dade County for the operation of a bi-directional transit circulator service in Miami Beach to be known as the "South Beach Local" (SBL). The SBL service commenced on September 25, 2005 and replaced both the City's Electrowave Shuttle Service and Miami-Dade Transit's (MDT) Route W, serving the entire South Beach community. Under the terms of the Interlocal Agreement, MDT became the provider of bus shuttle services on South Beach in lieu of the previous provider, the Miami Beach Transportation Management Association.

MDT has provided an expanded level of service at significantly less cost to the City as a result of the City and County combining and coordinating transit resources instead of competing for the same ridership. The partnership with MDT allows the City to comply with the requirement of the PTP Surtax to expend a minimum of 20% of the City's PTP share on transit purposes.

On October 19, 2011, the City Commission adopted Resolution No. 2011-27773 approving a revised Interlocal Agreement between Miami-Dade County and the City for the continued provision of the South Beach Local service operated by MDT. Under the provisions of the current Interlocal Agreement executed on January 2012, Miami-Dade County and the City agreed to the following new terms and conditions:

1. City will maintain the current level of funding contribution of $1,213,121 for operating assistance in the initial year.
2. MDT will contribute the balance of operating and maintenance funds in the amount of $1,938,879 in the initial year.
3. MDT will maintain the current headways of 13 minutes during the peak hours and 20 minutes during off-peak times.
4. MDT will continue service to Belle Isle.
5. City's contribution will be adjusted in subsequent fiscal years in accordance with the Miami-Ft. Lauderdale CPI Transportation Index or 3%, whichever is less.
6. Service will terminate at midnight rather than 1:00 AM due to low ridership during that time period.

PTP Administrative and Technical Assistance

Pursuant to Miami-Dade County Ordinance 02-116, five percent (5%) of PTP funds received may be appropriated for administrative assistance (See Attachment A - Ordinance 02-116). An unlimited amount may be appropriated for technical assistance.

Administrative and technical operating expenditures in the amount of $275,000 to be funded with PTP funding are depicted in Attachment B -"FY 2013 PTP Operating Budget".

A percentage of the salaries of the Public Works Transportation Division staff qualify as administrative and technical assistance. Administrative assistance provided by the Transportation Manager includes but is not limited to the following responsibilities: overall management of PTP funding; allocation of PTP funding to the various projects; capital budget preparation; review of all PTP documents; attendance at PTP workshops and meetings at Miami-Dade County; representing City of Miami Beach on transportation boards committees at the state and local level and coordination with various state, county, and local agencies on all

PTP funded projects. Technical assistance provided by the Transportation Manager includes but is not limited to the following responsibilities: overall management of all PTP projects, including the Atlantic Greenway Network Master Plan Update, the City's Transportation Improvement and Implementation Plan, and the North-Middle Beach Circulator Project; review of studies, plans, and other documents on all PTP funded projects.

Administrative assistance provided by the Transportation Coordinator includes but is not limited to the following responsibilities: assisting the Transportation Manager with managing PTP funding; preparing all PTP documents including the Five Year PTP Plan, Quarterly Reports, Commission items, internal memos, Letters to the Commission, and correspondence to Miami-Dade County; assisting with Miami-Dade County's audit of PTP funds; tracking all PTP fund expenditures; tracking PTP revenue on a monthly and yearly basis; and preparing reconciliations of PTP funds. Technical assistance provided by the Transportation Coordinator includes but is not limited to the following responsibilities: assisting the Transportation Manager with managing PTP funded projects; reviewing plans and other documents on all PTP funded projects; coordinating with various state, county, and local agencies on all PTP funded projects; and development of design plans for PTP funded projects.

The salary figures and percentages indicated in the Fiscal Year 2013 PTP Operating Budget (Attachment B) are directly in support of the PTP program.

FY 2012/13 PTP and Concurrency Mitigation Fund Appropriations

The total projected amount of PTP funds to be appropriated in FY 2012/13 is $2,569,900, of which $1,475,000 is for operating expenses and $1,094,900 is for capital projects. The total amount of Concurrency Mitigation Funds to be appropriated in FY 2012/13 is $92,583, of which $49,515 is for operating expenses and $43,068 is for capital projects. (Capital projects are appropriated separately in the capital budget). These appropriations are itemized below:

Total FY 2012/13 PTP Appropriation:

$1,200,000	South Beach Local Circulator Operating Expenses
$ 275,000	Administrative and Technical Expenses
$1,094,900	Capital Projects
$2,569,900	**Total FY 2012/13 Appropriation**

Total FY 2012/13 Concurrency Mitigation Fund Appropriation:

$ 49,515	South Beach Local Circulator Operating Expenses
$ 43,068	Capital Projects
$ 92,583	**Total FY 2012/13 Appropriation**

CONCLUSION

The Administration recommends that the Mayor and City Commission adopt the Resolution approving the appropriation of $1,200,000 from FY 2012/13 PTP funds and $49,515 from FY 2012/13 South Beach Concurrency Mitigation Funds to fund the operating budget for the South Beach Local in Miami Beach; and further appropriating $275,000 from FY 2012/13 PTP funds for administrative and technical operating expenditures, as part of the five percent (5%) allowable for administrative assistance and technical assistance.

Attachments:

A. Ordinance 02-116
B. FY 2013 PTP Operating Budget
C. Estimated Municipal Transportation Surtax Funds Distribution (Projected for FY 2013)

JGG/FHB/JJF/[illegible]/JRG

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ARTICLE XVI. ONE HALF OF ONE PERCENT CHARTER COUNTY TRANSIT SYSTEM SALES SURTAX AUTHORIZED BY SECTION 212.055(1) FLORIDA STATUTES (2001)

Sec. 29-121. Sales surtax levied.

There is hereby levied and imposed a one half of one percent discretionary sales surtax authorized by Section 212.055(1), Florida Statutes (2001) on all transactions occurring in Miami-Dade County which transactions are subject to the state tax imposed on sales, use, rentals, admissions and other transactions by Chapter 212, Florida Statutes (2001).

(Ord. No. 02-116, § 1, 7-9-02)

Sec. 29-122. Surtax rate, limitations.

The surtax rate shall be one-half of one percent on the amount of taxable sales and taxable purchases representing such transactions. The limitations, conditions and provisions contained in Section 212.054, Florida Statutes (2001) as the same may be amended and supplemented from time to time are hereby incorporated herein.

(Ord. No. 02-116, § 1, 7-9-02)

Sec. 29-122.1. Exemption from Sales Surtax.

All exemptions applicable to the discretionary sales surtax contained in Chapter 212, Florida Statutes are hereby incorporated herein as the same may be amended and supplemented from time to time including, but not limited to, the following:

1. The sales amount above $5,000 on any item of tangible personal property shall not be subject to the surtax. However, charges for prepaid calling arrangements, as defined in Section 212.05(1)(e)1.a. Fla. Stats., shall be subject to the surtax. For purposes of administering the $5,000 limitation of an item of tangible personal property, if two or more taxable items of tangible personal property are sold to the same purchaser at the same time and, under generally accepted business practice or industry standards or usage, are normally sold in bulk or are items that, when assembled, comprise a working unit or part of a working unit, such items must be considered a single item for purposes of the $5,000 limitation when supported by a charge ticket, sale slip, invoice, or other tangible evidence of a single sale or rental.

2. The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the sales surtax imposed by this article.

(1) *Exemptions; General Groceries.*

(a) Food products for human consumption are exempt from the sales surtax imposed by this article.

(b) For the purpose of this article, as used in this subsection, the term "food products" means edible commodities, whether processed, cooked, raw, canned, or in any other form, which are generally regarded as food. This includes, but is not limited to, all of the following:

1. Cereals and cereal products, baked goods, oleomargarine, meat and meat products, fish and seafood products, frozen foods and dinners, poultry, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices, salt, sugar and sugar products, milk and dairy products,

and products intended to be mixed with milk.

2. Natural fruit or vegetable juices or their concentrates or reconstituted natural concentrated fruit or vegetable juices, whether frozen or unfrozen, dehydrated, powdered, granulated, sweetened or unsweetened, seasoned with salt or spice, or unseasoned; coffee, coffee substitutes, or cocoa; and tea, unless it is sold in a liquid form.

3. Bakery products sold by bakeries, pastry shops, or like establishments that do not have eating facilities.

(c) The exemption provided by this subsection does not apply:

1. When the food products are sold as meals for consumption on or off the premises of the dealer.

2. When the food, products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware, whether provided by the dealer or by a person with whom the dealer contracts to furnish, prepare, or serve food products to others.

3. When the food products are ordinarily sold for immediate consumption on the seller's premises or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "take out" or "to go" order and are actually packaged or wrapped and taken from the premises of the dealer.

4. To sandwiches sold ready for immediate consumption on or off the seller's premises.

5. When the food products are sold ready for immediate consumption within a place, the entrance to which is subject to an admission charge.

6. When the food products are sold as hot prepared food products.

7. To soft drinks, which include, but are not limited to, any nonalcoholic beverage, any preparation or beverage commonly referred to as a "soft drink," or any noncarbonated drink made from milk derivatives or tea, when sold in cans or similar containers.

8. To ice cream, frozen yogurt, and similar frozen dairy or nondairy products in cones, small cups, or pints, popsicles, frozen fruit bars, or other novelty items, whether or not sold separately.

9. To food prepared, whether on or off the premises, and sold for immediate consumption. This does not apply to food prepared off the premises and sold in the original sealed container, or the slicing of products into smaller portions.

10. When the food products are sold through a vending machine, pushcart, motor vehicle, or any other form of vehicle.

11. To candy and any similar product regarded as candy or confection, based on its normal use, as indicated on the label or advertising thereof.

12. To bakery products sold by bakeries, pastry shops, or like establishments that have eating facilities, except when sold for consumption off the seller's premises.

13. When food products are served, prepared, or sold in or by restaurants, lunch counters, cafeterias, hotels, taverns, or other like places of business.

(d) As used in this subsection (1), the term:

1. "For consumption off the seller's premises" means that the food or drink

is intended by the customer to be consumed at a place away from the dealer's premises.

2. "For consumption on the seller's premises" means that the food or drink sold may be immediately consumed on the premises where the dealer conducts his or her business. In determining whether an item of food is sold for immediate consumption, there shall be considered the customary consumption practices prevailing at the selling facility.

3. "Premises" shall be construed broadly, and means, but is not limited to, the lobby, aisle, or auditorium of a theater; the seating, aisle, or parking area of an arena, rink, or stadium; or the parking area of a drive-in or outdoor theater. The premises of a caterer with respect to catered meals or beverages shall be the place where such meals or beverages are served.

4. "Hot prepared food products" means those products, items, or components which have been prepared for sale in a heated condition and which are sold at any temperature that is higher than the air temperature of the room or place where they are sold. "Hot prepared food products," for the purposes of this subsection, includes a combination of hot and cold food items or components where a single price has been established for the combination and the food products are sold in such combination, such as a hot meal, a hot specialty dish or serving, or a hot sandwich or hot pizza, including cold components or side items.

(e) 1. Food or drinks not exempt under paragraphs (a), (b), (c), and (d) shall be exempt, notwithstanding those paragraphs, when-purchased with food coupons or Special Supplemental Food Program for Women, Infants, and Children vouchers issued under authority of federal law.

2. This paragraph (e) is effective only while federal law prohibits a state's participation in the federal food coupon program or Special Supplemental Food Program for Women, Infants, and Children if there is an official determination that state or local sales taxes are collected within that state on purchases of food or drinks with such coupons.

3. This paragraph (e) shall not apply to any food or drinks on which federal law shall permit sales taxes without penalty, such as termination of the state's participation.

(2) *Exemptions medical.*

(a) There shall be exempt from the sales surtax imposed by this article any medical products and supplies or medicine dispensed according to an individual prescription or prescriptions written by a prescriber authorized by law to prescribe medicinal drugs; hypodermic needles; hypodermic syringes; chemical compounds and test kits used for the diagnosis or treatment of human disease, illness, or injury; and common household remedies recommended and generally sold for internal and external use in the cure, mitigation, treatment, or prevention of illness or disease in human beings, but not including cosmetics or toilet articles, notwithstanding the presence of medicinal ingredients therein, according to a list prescribed and approved by the Department of Health, which list shall be certified to the Department of Revenue from time to time and included in the rules promulgated by the Department of Revenue. There shall also be exempt from the sales surtax imposed by this article artificial eyes and limbs; orthopedic shoes; prescription eyeglasses and items incidental thereto or which become a part thereof; dentures; hearing aids; crutches; prosthetic and orthopedic appliances; and funerals. In addition, any items intended for one-time use which transfer essential optical characteristics to contact lenses shall be exempt from the sales surtax imposed by this article, however, this exemption shall apply only after $100,000 of the sales surtax imposed by this article on such items has been paid in any calendar year by

a taxpayer who claims the exemption in such year. Funeral directors shall pay tax on all tangible personal property used by them in their business.

(b) For the purposes of this subsection (2):

1. "Prosthetic and orthopedic appliances" means any apparatus, instrument, device, or equipment used to replace or substitute for any missing part of the body, to alleviate the malfunction of any part of the body, or to assist any disabled person in leading a normal life by facilitating such person's mobility. Such apparatus, instrument, device, or equipment shall be exempted according to an individual prescription or prescriptions written by a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466, Florida Statutes, or according to a list prescribed and approved by the Department of Health, which list shall be certified to the Department of Revenue from time to time and included in the rules promulgated by the Department of Revenue.

2. "Cosmetics" means articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for cleaning, beautifying, promoting attractiveness, or altering the appearance and also means articles intended for use as a compound of any such articles, including, but not limited to, cold creams, suntan lotions, makeup, and body lotions.

3. "Toilet articles" means any article advertised or held out for sale for grooming purposes and those articles that are customarily used for grooming purposes, regardless of the name by which they may be known, including, but not limited to, soap, toothpaste, hair spray, shaving products, colognes, perfumes, shampoo, deodorant, and mouthwash.

4. "Prescription" includes any order for drugs or medicinal supplies written or transmitted by any means of communication by a duly licensed practitioner authorized by the laws of the state to prescribe such drugs or medicinal supplies and intended to be dispensed by a pharmacist. The term also includes an orally transmitted order by the lawfully designated agent of such practitioner. The term also includes an order written or transmitted by a practitioner licensed to practice in a jurisdiction other than this state, but only if the pharmacist called upon to dispense such order determines, in the exercise of his or her professional judgment, that the order is valid and necessary for the treatment of a chronic or recurrent illness. The term also includes a pharmacist's order for a product selected from the formulary created pursuant to Sec. 465.186 Fla. Stats. A prescription may be retained in written form, or the pharmacist may cause it to be recorded in a data processing system, provided that such order can be produced in printed form upon lawful request.

(c) Chlorine shall not be exempt from the tax imposed by this article when used for the treatment of water in swimming pools.

(d) Lithotripters are exempt.

(e) Human organs are exempt.

(f) Sales of drugs to or by physicians, dentists, veterinarians, and hospitals in connection with medical treatment are exempt.

(g) Medical products and supplies used in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity which are temporarily or permanently incorporated into a patient or client by a practitioner of the healing arts licensed in the state are exempt.

(h) The purchase by a veterinarian of commonly recognized substances possessing curative or remedial properties which are ordered and dispensed as

treatment for a diagnosed health disorder by or on the prescription of a duly licensed veterinarian, and which are applied to or consumed by animals for alleviation of pain or the cure or prevention of sickness, disease, or suffering are exempt. Also exempt are the purchase by a veterinarian of antiseptics, absorbent cotton, gauze for bandages, lotions, vitamins, and worm remedies.

(i) X-ray opaques, also known as opaque drugs and radiopaque, such as the various opaque dyes and barium sulphate, when used in connection with medical X rays for treatment of bodies of humans and animals, are exempt.

(j) Parts, special attachments, special lettering, and other like items that are added to or attached to tangible personal property so that a handicapped person can use them are exempt when such items are purchased by a person pursuant to an individual prescription.

(k) This subsection (2) shall be strictly construed and enforced.

(Ord. No. 02-116, § 1, 7-9-02)

Sec. 29-123. Administration, collection and enforcement.

The Florida Department of Revenue shall administer, collect and enforce the surtax levied hereunder pursuant to the procedures specified in Sec. 212.054(4) Fla. Stats. (2001) as the same may be amended or renumbered from time to time.

(Ord. No. 02-116, § 1, 7-9-02)

Sec. 29-124. Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust.

The surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be expended for the transportation and transit projects (including operation and maintenance thereof) set forth in Exhibit 1 to this article (including those projects referenced in the ballot question presented to the electors to approve this levy), subject to any amendments thereto made in accordance with the MPO process or made in accordance with the procedures specified in subsection (d) of this Section.

Expenditure of surtax proceeds shall be subject to the following limitations:

(a) Surtax proceeds shall be applied to expand the Golden Passport Program to all persons (regardless of income level who are over the age of 65 or are drawing Social Security benefits, and to provide fare-free public transportation service on Metromover, including extensions.

(b) Surtax proceeds may only be expended for the transportation and transit purposes specified in Section 212.055(1)(d)1--3 Fla. Stats. (2001).

(c) The County shall not expend more than five percent of the County's share of surtax proceeds on administrative costs, exclusive of project management and oversight for projects funded by the surtax.

(d) The County Commission shall not delete or materially change any County project contained in the list attached as Exhibit 1 to this article nor add any project to the list except in accordance with the procedures set forth in this subsection (d). A proposed deletion, material change or addition of a County project shall be initially reviewed by the Citizens' Independent Transportation Trust ("Trust"), which shall forward a recommendation thereon to the County Commission. The County Commission may either accept or reject the Trust's recommendation. If the County Commission rejects the recommendation, the matter shall be referred back to the Trust for its reconsideration and issuance of a reconsidered recommendation to the County Commission. The County Commission may approve, change or reject the Trust's reconsidered recommendation. A two-thirds vote of the Commission membership shall be required to take action other than as contained in the

reconsidered recommendation of the Trust. The foregoing notwithstanding, the list of County projects contained in Exhibit 1 may be changed as a result of the MPO process as mandated by federal and state law.

(e) No surtax proceeds may be used to pay the costs of a contract awarded by action of the County Commission until such action has become final (either by expiration of ten days after such action without veto by the Mayor, or by Commission override of a veto) and either: i) the Trust has approved same; or, ii) in response to the Trust's disapproval, the County Commission re-affirms its award by two-thirds (2/3) vote of the Commission's membership. The bid documents for all County contracts funded in whole or in part with surtax proceeds shall provide that no award shall be effective and no contractual relationship shall arise with the County unless and until approved by the Trust or re-affirmed by the County Commission as provided in this subsection. The foregoing notwithstanding, awards of contracts for services in support of the administration of the Trust or in support of the Trust's oversight function shall not require County Commission or Trust approval, so long as the individual contract amount does not exceed one thousand dollars ($1,000).

(f) On a quarterly basis, the Executive Director of the CITT shall submit a written report to the Commission, the Mayor and the Manager of all expenditures made pursuant to Section 29-124 herein.

(g) Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of November 5, 2002 that meet the following conditions:

(i) That continue to provide the same level of general fund support for transportation that is in their FY 2001-2002 budget in subsequent Fiscal Years. Any surtax proceeds received shall be applied to supplement, not replace a city's general fund support for transportation;

(ii) That apply 20 percent of any surtax proceeds received to transit uses in the nature of circulator buses, bus shelters, bus pullout bays or other transit-related infrastructure. Any city that cannot apply the 20 percent portion of surtax proceeds it receives as provided in the preceding sentence, may contract with the County for the County to apply such proceeds on a County project that enhances traffic mobility within that city and immediately adjacent areas. If the city cannot expend such proceeds in accordance with either of the preceding sentences, then such proceeds shall carry over and be added to the overall portion of surtax proceeds to be distributed to the cities in the ensuing year and shall be utilized solely for the transit uses enumerated in this subsection (ii); and

(iii) Surtax proceeds distributed amongst the existing cities shall be distributed on a pro rata basis based on the ratio such city's population bears to the total population in all such cities (as adjusted annually in accordance with the Estimates of Population prepared by the Bureau of Economic and Business Research of the University of Florida) annually to those cities that continue to meet the foregoing conditions. For purposes of the foregoing, whenever an annexation occurs in an existing city, the number of persons residing in such annexed area at the time it is annexed shall be excluded from all calculations. Increases in population in areas annexed over and above the population in such area at the time of annexation which occur after annexation shall be included in subsequent years' calculations.

(iv) that do not expend more than 5% of its municipal share of surtax proceeds on administrative costs, exclusive of project management and oversight for projects funded by the surtax. Administrative costs shall be defined as overhead expenses which are not readily attributable to any one particular project funded in whole or in part by transit surtax funds.

(h) Newly incorporated municipalities shall have the right to negotiate with the County for a pro rata share of the sales surtax, taking into consideration the neighborhood and municipal projects identified in Exhibit 1, as amended, within the boundaries of the new municipalities. The preceding sentence shall not affect the twenty (20) percent share provided herein for municipalities existing on November 5, 2002.

(Ord. No. 02-116, § 1, 7-9-02; Ord. No. 06-138, § 1, 9-26-06; Ord. No. 07-56, § 1, 4-24-07)

FY2013 PTP Operating Budget

PTP Administrative Support - Eligible expense NTE 5%	FY 2013 Budget
Transportation Coordinator	
Salary (50%)	35,826
Health Ins. (50%)	1,875
Social Security Medicare (50%)	519
Sub-Total	38,220
Transportation Manager	
Salary (15%)	15,432
Health Ins. (15%)	645
Social Security Medicare (15%)	224
Sub-Total	16,301
Total - PTP Administrative Support	54,522

PTP Technical Support	
Transportation Coordinator	
Salary (25%)	17,913
Health Ins. (25%)	938
Social Security Medicare (25%)	260
Sub-Total	19,110
Professional Services	163,766
Other Operating Expenses	5,000
	168,766
Transportation Manager	
Salary (30%)	30,865
Health Ins. (30%)	1,290
Social Security Medicare (30%)	448
Sub-Total	32,602
Total - PTP Technical Support	220,478
GRAND TOTAL	**275,000**

Attachment C

Estimated Municipal Transportation Surtax Funds Distribution					
Projected for FY13 **			**Amount***		
			$ 205,000,000		
Jurisdiction	**Population** Apr-11	**% Population** ***	**20%** $ 41,000,000	**20% Transit Share**	**80% Transportation Share**
Aventura	35,723	2.962%	$1,214,305	242,861	971,444
Bal Harbour Village	2,502	0.207%	$85,049	17,010	68,039
Bay Harbor Islands	5,634	0.467%	$191,512	38,302	153,210
Biscayne Park	3,072	0.255%	$104,424	20,885	83,539
Coral Gables	47,031	3.899%	$1,598,690	319,738	1,278,952
El Portal	2,341	0.194%	$79,576	15,915	63,661
Florida City	11,704	0.970%	$397,845	79,569	318,276
Golden Beach	922	0.076%	$31,341	6,268	25,073
Hialeah	226,530	18.781%	$7,700,266	1,540,053	6,160,213
Hialeah Gardens	21,787	1.806%	$740,589	148,118	592,471
Homestead	61,503	5.099%	$2,090,626	418,125	1,672,501
Key Biscayne	12,363	1.025%	$420,246	84,049	336,197
Indian Creek Village	89	0.007%	$3,025	605	2,420
Medley	834	0.069%	$28,350	5,670	22,680
Miami	406,385	33.693%	$13,813,944	2,762,789	11,051,155
Miami Beach	88,349	7.325%	$3,003,182	600,636	2,402,546
Miami Lakes	29,369	2.435%	$998,319	199,664	798,655
Miami Shores	10,291	0.853%	$349,814	69,963	279,851
Miami Springs	13,844	1.148%	$470,589	94,118	376,471
North Bay Village	7,349	0.609%	$249,809	49,962	199,847
North Miami	58,806	4.875%	$1,998,949	399,790	1,599,159
North Miami Beach	41,680	3.456%	$1,416,797	283,359	1,133,438
Opa-Locka	15,403	1.277%	$523,583	104,717	418,866
Palmetto Bay	23,477	1.946%	$798,036	159,607	638,429
Pinecrest	18,255	1.513%	$620,529	124,106	496,423
South Miami	12,363	1.025%	$420,246	84,049	336,197
Sunny Isles Beach	21,007	1.742%	$714,075	142,815	571,260
Surfside	5,749	0.477%	$195,421	39,084	156,337
Sweetwater	13,417	1.112%	$456,074	91,215	364,859
Virginia Gardens	2,390	0.198%	$81,241	16,248	64,993
West Miami	5,988	0.496%	$203,546	40,709	162,837
Total Municipal Participation	1,206,157	100.000%	$41,000,000	8,200,000	32,800,000
Unincorporated	1,303,473				
Total Miami-Dade	2,509,630				

* Estimate based on Projected Collections for FY 2012 with a 2.5% growth for 2013.

** Estimates assume no change in the distribution amount as per CS/CS/HB 1205 and/or changes to Ordinance No. 02-116.

*** Population net of amount annexed.

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OF $1,200,000 FROM FISCAL YEAR 2012/13 PEOPLE'S TRANSPORTATION PLAN FUNDS AND $49,515 FROM FISCAL YEAR 2012/13 SOUTH BEACH CONCURRENCY MITIGATION FUNDS, TO FUND THE OPERATING BUDGET FOR THE SOUTH BEACH LOCAL IN MIAMI BEACH; AND FURTHER APPROPRIATING $275,000 FROM FISCAL YEAR 2012/13 PEOPLE'S TRANSPORTATION PLAN FUNDS FOR ADMINISTRATIVE AND TECHNICAL OPERATING EXPENDITURES, AS PART OF THE FIVE PERCENT (5%) ALLOWABLE FOR ADMINISTRATIVE ASSISTANCE AND TECHNICAL ASSISTANCE.

WHEREAS, on November 5, 2002, Miami-Dade County voters approved the levying of a one-half of one percent discretionary surtax on transactions occurring in the County that are subject to the state tax imposed on sales, also known as the Charter County Transportation Surtax; and

WHEREAS, twenty percent (20%) of the proceeds of this surtax are to be distributed directly by Miami-Dade County to municipalities on a pro-rata basis and are known as People's Transportation Plan (PTP) Funds for use on local transportation and transit projects; and

WHEREAS, the City of Miami Beach (City) entered into an Interlocal Agreement with Miami-Dade County on August 13, 2003 in order to receive its pro-rata share of the County's PTP Funds; and

WHEREAS, pursuant to the Interlocal Agreement, a minimum of 20% of the City's PTP share must be allocated for transit projects; and

WHEREAS, Miami-Dade County Ordinance 02-116 authorizes five percent (5%) of PTP funds received to be appropriated for administrative assistance and an unlimited amount for technical assistance; and

WHEREAS, under the provisions of an Interlocal Agreement between Miami-Dade County and the City for Provision of a Local Circulator Service, Miami-Dade Transit (MDT) has been operating bi-directional transit circulator route service in Miami Beach known as the "South Beach Local" (SBL) since September 25, 2005; and

WHEREAS, the total projected amount of PTP funds to be appropriated in FY 2012/13 is $2,569,900, of which $1,475,000 is for operating expenses and $1,094,900 is for capital projects; and

WHEREAS, the total amount of Concurrency Mitigation Funds to be appropriated in FY 2012/13 is $92,583, of which $49,515 is for operating expenses and $43,068 is for capital projects.

WHEREAS, $1,200,000 in FY 2012/13 PTP funds, and $49,515 from FY 2012/13 Concurrency Mitigation funds have been set aside for the operating costs of the South Beach Local in Miami Beach; and $275,000 in FY 2012/13 PTP funds have been set aside for FY 2012/13 administrative and technical operating expenditures.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize the appropriation of $1,200,000 from Fiscal Year 2012/13 People's Transportation Plan Funds and $49,515 from Fiscal Year 2012/13 South Beach Concurrency Mitigation Funds, to fund the Operating Budget for the South Beach Local in Miami Beach; and further appropriating $275,000 from Fiscal Year 2012/13 People's Transportation Plan Funds for administrative and technical operating expenditures, as part of the five percent (5%) allowable for administrative assistance and technical assistance.

PASSED AND ADOPTED this day of September, 2012.

ATTEST:

MAYOR

CITY CLERK

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APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 9-21-12
Date

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