

# MEMORANDUM

Agenda Item No. 4(D)

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**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

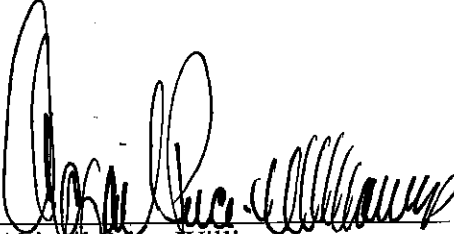
**DATE:** April 18, 2017

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to road  
impact fees; amending section  
33E-12 of the code; reducing  
restrictions on expenditure of  
roadway impact fees for  
capacity improvements on  
local roads

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



Abigail Price-Williams  
County Attorney

APW/jls



**MEMORANDUM**  
(Revised)

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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 \_\_\_\_\_, 3/5's \_\_\_\_\_, unanimous \_\_\_\_\_) 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. 4(D)  
4-18-17

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO ROAD IMPACT FEES;  
AMENDING SECTION 33E-12 OF THE CODE OF MIAMI-  
DADE COUNTY, FLORIDA; REDUCING RESTRICTIONS ON  
EXPENDITURE OF ROADWAY IMPACT FEES FOR  
CAPACITY IMPROVEMENTS ON LOCAL ROADS;  
PROVIDING SEVERABILITY, INCLUSION IN THE CODE,  
AND AN EFFECTIVE DATE

**WHEREAS**, increased traffic is one of the most significant issues facing Miami-Dade County residents; and

**WHEREAS**, impact fees provide a significant source of funding for improvements to the roadway network to increase the capacity of the roads; and

**WHEREAS**, one way of increasing the capacity of the roadway network is to increase the capacity of local roadways that feed into arterial and collector roadways, to reduce choke points and improve the flow on the larger roadways; and

**WHEREAS**, the Miami-Dade County Road Impact Fee Ordinance currently limits the use of impact fees to improve local roads; and

**WHEREAS**, this Board wishes to provide greater flexibility in exploring roadway capacity improvements throughout the roadway network,

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

**Section 1.** Section 33E-12 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

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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.

**Sec. 33E-12. Impact fee expenditures.**

- (a) Funds from the roadway trust funds, including any accrued interest, shall be used only in accordance with Section 33E-11 for the purpose of financing roadway and select transit capacity improvements incorporated into the Miami-Dade County Metropolitan Planning Organization's adopted long range transportation plan or short range transportation improvement program.
- (b) Highest priority for roadway trust fund expenditures shall be for roadway and select transit capacity improvements deemed by the Miami-Dade County Metropolitan Planning Organization (MPO) as most needed to serve new development.

>>(1) Recommendation from Public Works Director.<< Such determination by the MPO shall consider recommendation from the County Public Works ~~[[and Waste Management]]~~ Director. In preparation for said recommendation to the MPO, the Director shall solicit and consider recommendations from the various municipalities located in Miami-Dade County. The Director's recommendation is not limited to only County or State designated roadways, but may include municipal roads and select transit capital improvements pursuant to subsection 33E-12(d). ~~[[Before funds can]]~~

>>(2) Expenditure on local roads. Funds may<< be allocated or expended for ~~[[any]]~~ capacity enhancement projects on local roads >>where the MPO, after recommendation from the Director, determines that the local road project will enhance the capacity of a County arterial or collector roadway or a municipal collector roadway<< ~~[[within any one Road Impact Fee District, funding for all programmed capacity needs for County arterial and collector roadways, and municipal collector roadways, within said District must have been identified and encumbered, as determined by Miami-Dade County Public Works and Waste Management Director]].~~

>>(3)<< Trust account funds shall be deemed expended in the order in which they are collected.

>>(4) The County Public Works Director may establish policies<< ~~[[Policies]]~~ to be used in scheduling the expenditure of roadway trust funds through the long

range transportation plan and short range transportation improvement program ~~[[shall be set forth in the impact fee manual]].~~

>>(5)<< The County may construct or provide any of the roadway improvement elements listed above or alternatively may contract with a municipality to construct or provide such elements with road way trust funds.

\* \* \*

- (d) Roadway trust funds from one or more impact fee districts may be expended on select transit capital improvements provided that the Board of County Commissioners, after recommendation from the Mayor in consultation with the Public Works ~~[[and Waste Management]]~~ Director and after public hearing, determines that any such transit use of roadway trust funds would be effective as part of the county's strategy for providing roadway capacity and would provide a benefit to each of the impact fee districts contributing roadway trust funds to the transit improvement. Transit projects are to be selected for road way trust fund funding on the basis of their expected effectiveness as roadway capacity improvements, and road way trust funds shall not be used to address existing deficiencies.
- (e) Each year the County Public Works ~~[[and Waste Management]]~~ Director shall present to the Metropolitan Planning Organization pursuant to the Organization's procedures for their review and approval, the annual program for expenditure of roadway trust funds for roadway and select transit capacity improvements projects, to be included within the Transportation Improvements Program. After solicitation and consideration of comment from municipalities, the Public Works ~~[[and Waste Management]]~~ Director shall also recommend priorities for the expenditure of roadway trust fund monies. Trust fund monies, including any accrued interest not assigned in any fiscal year, shall be retained in the trust fund until the next fiscal year, except as provided by the refund provisions of this chapter pursuant to Section 33E-13.

**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

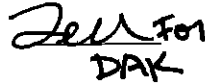
**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Dennis A. Kerbel

Prime Sponsor: Commissioner Rebeca Sosa