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# PROSPECTUS FOR TRANSPORTATION IMPROVEMENTS

METROPOLITAN PLANNING ORGANIZATION FOR THE MIAMI URBAN AREA

DRAFT

JUNE 1977



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METROPOLITAN PLANNING ORGANIZATION

MIAMI URBAN AREA

P R O S P E C T U S

FOR

TRANSPORTATION IMPROVEMENTS

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June 1977



## PREFACE

The primary purpose of this Prospectus is to establish a multi-year framework and an organizational structure for developing, evaluating, reviewing and coordinating all transportation planning programs with the objective of maintaining an adequate multi-modal transportation system for the residents and visitors of Miami metropolitan area.

The need for this document has evolved from the Federal Aid Highway Act of 1962, which mandated that as a condition for the receipt of Federal funds, each urban area of over 50,000 population would be required to carry on a continuing, cooperative, and comprehensive transportation planning process. The purpose of the mandate was to ensure that:

1) the planning process remain a continuing effort responsive to land use and demographic changes, 2) participation be shared by all concerned, and 3) the planning process be coordinated with other developmental planning aspects (water, sewer, open space and so forth). This process, commonly known as the "3-C" planning process, has continued to grow from that beginning. A further refinement has been the increased emphasis for transportation modal integration. The Secretary of the United States Department of Transportation issued regulations creating an Intermodal Planning Group (IPG) to ensure a modal coordination in the development of transportation systems and that multi-modal planning take place within the framework of a unified planning work program.

A final development has been the Federal requirement that the Governor of each State designate Metropolitan Planning Organizations (MPO's) consisting of the "3-C" planning requirements within each urban area. Subsequently, the Governor of Florida designated the members of the Board of County Commissioners of Dade County as the MPO for the Miami urban area.

This document is developed pursuant to the Federal transportation planning requirements to serve as the policy/management guide for purposes of the Miami urban area Metropolitan Planning Organization (MPO).

This Prospectus is divided into five parts. Part I contains a description of the powers of the Metropolitan Dade County as it relates to transportation and areawide planning; a discussion of the policy/management framework of the metropolitan government; and a discussion of how the MPO relates to the metropolitan government.

Part II delineates the MPO structure, including its legal basis; the management services contract with the County; and the components of the organizational structure, including a Public Involvement structure which is an integral part.

Part III deals with metropolitan development policies including a discussion of the Comprehensive Development Master Plan (CDMP); how priorities are determined and the inter-relationship between policy and the plan.

Part IV provides a detailed description of the elements of the transportation planning program and process including the Unified Planning Work Program (UPWP), the Transportation Improvement Program (TIP) and the Long Range (LR) and Transportations Systems Management Element (TSME) of the area's Transportation Plan.

Finally, Part V is a description of the program management, monitoring, review and reporting procedures established to ensure continuing effectiveness of the overall urban transportation planning program.

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PART I

METROPOLITAN DADE COUNTY GOVERNMENT

A. Powers of the Metropolitan Government

During the period following World War II, the Miami Urban Area (Dade County) entered into a period of rapid growth and expansion. By the middle of the Fifties, population had doubled over that of the pre-war period.

The housing needs of the expanded population were met, for the most part, by the development of large vacant tracts of land within the center city. As the availability of such large tracts diminished, more large developments were constructed in the suburbs and in the outlying rural area. This circumstance, coupled with the predominant demand for single family dwellings on large lots, led to low density urban sprawl and strip development.

The County government was not structured to cope with the urbanization of the rural areas. Its powers were limited by the Constitution and Statute and did not include the powers necessary to carry on the functions or provide the services of a local government. Additionally, areawide problems such as uniform traffic control, water and sewers, lack of comprehensive areawide planning, and so forth, were emerging.

The solution was the creation of the present metropolitan government of Dade County in 1957. The Constitution of the State of Florida was amended to give Dade County the option of adopting 'Home Rule', thereby

permitting it to adopt its own charter, exercising in the unincorporated area the powers of a municipality, and the power to carry on a central metropolitan government with respect to all functions not specifically reserved to the municipalities.

The Charter, adopted by the citizens of Dade County, effectively established a political jurisdiction which was co-extensive with the organic metropolitan problem, and had the power and authority to undertake planning and capital improvements which required conception and effectuation in regional terms and gave the County control of those functions which were areawide in nature and could be most efficiently and effectively administered by a central authority.

The effect of the constitutional amendment and the Charter was to add to the normal powers of a County government the additional powers needed to provide municipal services and functions for the unincorporated area and the power to carry on a regional or areawide government with the limits imposed by the Charter.

In summary, the powers of the metropolitan government are derived from the Home Rule Amendment to the Constitution of the State of Florida and are exercised in accordance with the Charter adopted by the electorate of Dade County.

The powers of the central metropolitan government as they appertain to traffic, transportation and comprehensive planning are explicit:

- Prepare and enforce comprehensive plans for the development of the County.

- ✓ ● Provide and regulate arterial, toll and other roads, bridges, tunnels and related facilities; eliminate grade crossings; provide and regulate parking facilities; and develop and enforce master plans for the control of traffic and parking.
- Provide and operate air, water, rail and bus terminals, port facilities, and public transportation systems.
- License and regulate taxis, jitneys, limousines for hire, rental cars and other passenger vehicles for hire operating in the County.
- Provide central records, training and communications for fire and police protection; provide traffic control and central crime investigation; provide fire stations, jails and related facilities; and provide a uniform system for fire and police protection.

The above listed powers have been implemented by the adoption of appropriate ordinances which are now in force and effect.

#### B. Policy/Management Framework

The Metropolitan Charter departed from the established arrangement for the governance of counties and prescribed that the Dade County Metropolitan Government would be organized as a Commissioner/Manager form of government. The Board of County Commissioners serve as a part time legislative/policy making body and appoint a County Manager to administer the business and affairs of the County subject only to constraints set by the Charter, ordinances, or policies adopted by the Board.

The Board of County Commissioners consists of nine members, eight of whom are elected at large from districts and the Mayor, who is elected at large. The Mayor is the Chairman of the Board and nominal head of the metropolitan government. The powers of the Mayor, other than those explicitly recited in the Charter, are derived from the consent of the Board as a whole.

The County Manager is appointed by the Board and serves at its pleasure as the Chief Executive Officer and head of the administrative branch of the County government. The powers and duties of the Manager are explicitly set forth in the Charter and the Board members are constrained from dealing with the administrative service except through the Manager.

The Charter also provided that a Department of Planning headed by a planning director be appointed by the County Manager. Under the supervision of the Manager, and with the advice of a Planning Advisory Board, the Planning Director is required to:

1. Conduct studies of county population, land use, facilities, resources, and needs and other factors which influence the County's development, and on the basis of such studies prepare such other official maps and reports as, taken together, constitute a master plan for the welfare, recreational, economic and physical development of the County.
2. Prepare for review by the Planning Advisory Board, and for adoption by the Board of County Commissioners, zoning, subdivision and related regulations for the unincorporated areas of the County and minimum standards governing zoning, subdivision and related regulations for the municipalities; and prepare recommendations to effectuate the master plan and to coordinate the County's proposed capital improvements with the master plan.
3. Review the municipal systems of planning, zoning, subdivision and related regulations and make recommendations thereon with a view to coordinating such municipal systems with one another and with those of the County.

C. Metropolitan Planning Organization (MPO)

Through a departure from previous 3-C concepts, the thrust of the joint Urban Mass Transportation Administration (UMTA)/Federal Highway Administration (FHWA) regulation titled "Transportation Improvement Program" (FR., Vol. 40, No. 181 dated 9/17/75) and joint UMTA/FHWA regulations titled "Federal and Federally Assisted Programs and Projects - Coordination" (FR., Vol. 41, No. 154 dated 8/9/76) is to institutionalize multi-modal transportation planning and ensure that Federal funds would be expended in a manner consistent with an area's comprehensive long range land use plan and urban development objectives. The regulation further requires that the area's overall social, economic, environmental, system performance, and energy conservation goals and objectives are taken into account and that programs and projects are coordinated between local, regional and state agencies. It is intended that programs and projects will be evaluated to determine environmental impacts, and that plans and projects before adoption will have had the benefit of public involvement and input. Finally, the plans must be endorsed by an MPO designated by the Governor of the State and composed of principal elected officials of general purpose local government.

The Metropolitan Planning Organization for the Miami Urbanized Area (described in Part II of this document) was designated by the Governor and created and established by the Interlocal Agreement between the Dade County Government and the Florida Department of Transportation in a fashion ideally suited to take advantage of the broad powers of the metropolitan government described earlier. Further, each member of the Dade County Board of County Commissioners has been designated by the Governor to serve on the Governing Board of the MPO, a Governing Board which consists of the Mayor and eight

Commissioners as voting members and two key Florida Department of Transportation officials as non-voting members. It takes into account that the Dade County Planning Department prepares comprehensive plans for the development of the County; that the Metropolitan Transit Agency is the local publicly-owned transit system owned and operated by the County; and that the Planning Department is the designated A-95 review agency for Metropolitan Miami (Dade County).

Finally, the South Florida Regional Planning Council (SFRPC), which is the designated A-95 review agency for Dade, Broward and Monroe Counties, has three Dade County Commissioners sitting as members of its governing board.



## PART II

### DESCRIPTION METROPOLITAN PLANNING ORGANIZATION

#### A. Legal Basis

The Metropolitan Planning Organization for the Miami Urban Area was created and established effective March 23, 1977 under the authority of Section 163.01, Chapter 163 Florida Statutes which provides that governmental agencies may enter into Interlocal Agreements permitting the joint exercise of such powers or authority which the agencies share in common or which each might exercise separately.

The Board of County Commissioners of Dade County, Florida and the Florida Department of Transportation through the instrumentality of an Interlocal Agreement, conferred upon the MPO the power, authority and responsibility necessary for it to organize and structure itself in a manner suitable for conducting a continuing, cooperative and comprehensive transportation planning and programming process in cooperation with the State. It was the intent of the Agreement that the MPO be an effective instrument for the development of plans and programs which would be thereafter implemented. As a measure of assurance toward that end, the Governor of Florida designated the members of the Dade County Board of County Commissioners as the voting members of the Governing Board of the MPO. Effectively, the Board of County Commissioners is the MPO. The Agreement vests the MPO with the power to:

- Enter into contracts or agreements, other than Interlocal Agreements, with local and/or State agencies to utilize the staff resources of those agencies.
- Administer its affairs and business.

- Enter into agreements other than Interlocal Agreements, with the Department, operators of public mass transportation services, and the areawide and regional A-95 agencies.
- Enter into contracts for professional services.
- Acquire, own, operate, maintain, sell or lease any real or personal property, subject to written approval of the parties to this agreement.
- Promulgate rules to effectuate its powers, responsibilities, and obligations provided said rules do not supersede or conflict with applicable local and State laws, rules and regulations.
- Accept funds, grants, assistance gifts, or bequeaths from local, State and Federal sources.

The Agreement further specifies that the MPO would be headed by a Governing Board designated by the Governor and that to effectuate the powers, duties and functions specified in the Agreement the MPO would provide for an appropriate organization to administer its affairs and business including a Secretariat, a Public Involvement structure and a structure to evaluate the technical adequacy of the work product as well as to advise the Governing Board in the decision-making process.

B. Management Services Contract

To carry out its functions and duties, the MPO has entered into a Management Services Agreement with the Board of County Commissioners which provides, among other things, that:

- The County shall furnish the MPO with the professional, technical, administrative and clerical services, the supplies, the equipment, the office and other space, and such other incidental items as may

be required and necessary to manage the business and affairs of the MPO and to carry on the transportation planning and programming process specified by the Urban Transportation Planning Agreement between the MPO and the Florida Department of Transportation (FDOT) dated March 23, 1977.

- The County Manager of Dade County shall be responsible to the MPO for the conduct of the transportation planning process as well as the appointment, assignment, direction and control of all personnel necessary thereto; the development of an appropriate organizational structure and the development of procedures to monitor and coordinate the planning process.
- The County Manager shall annually have prepared a detailed listing of all tasks necessary and incident to carrying out the planning process, the man-hours required to carry out such tasks, and the required skills or qualifications of the personnel assigned to MPO duties. When performing such duties, personnel shall be under the direction of the person in charge of, and bearing the responsibility for, producing the required work product.
- The head of each County department or agency participating in the transportation planning process shall be deemed a technical advisor in the field of his competency and shall be expected to provide the MPO with expert advice or perform such duties incident hereto as the County Manager shall assign.
- The County Attorney shall be the legal advisor to the MPO and shall represent the MPO in all legal matters, provided that, with the concurrence of the County Attorney, the MPO may employ special council for specific needs.

- A Secretariat, to be designated by the County Manager and serving at his pleasure, shall report to the Governing Board of the MPO.
- The County Manager shall have prepared an annual budget on an October 1 to September 30 fiscal year basis. The budget shall identify funding sources, participating agencies and the level of participation by the various agencies.
- The Records and accounts of the MPO shall be administered by the County in accordance with accounts and accounting procedures which shall be developed by the County for the MPO.
- Contracts and bids for the purchase of materials and services shall be in accordance with County procedures for the same purposes.
- Purchasing of materials, supplies, equipment and services shall be through the Purchasing Agent of Dade County in accordance with County procedures and practices.
- Expenditures of money shall only be made in accordance with procedures which shall be developed by the County for the MPO.
- All monies received by the MPO shall be deposited with the County in a trust account and applied only in accordance with the provisions of the procedures established by the Rules of the MPO.

C. Organizational Structure

The organizational structure of the MPO is designed and established to administer, correlate, coordinate and monitor a cooperative venture of participating agencies normally performing interdependent functions incident to the development of integrated transportation plans and programs. The work of the organization is administered and carried on through nine functional structures or offices having the following composition, duties and responsibilities (See figures 1 through 5, pages 18 through 22):

The Governing Board - The Governing Board is composed of eleven members designated by the Governor of Florida, nine of whom are voting members and two members non-voting. The nine (9) voting members are, (ex-officio), the eight elected Commissioners of the Board of County Commissioners, Dade County, Florida and the Mayor of Dade County. The two (2) non-voting members are the Assistant Director, Division of Transportation Planning, Florida Department of Transportation and the District IV Engineer, Florida Department of Transportation. The non-voting members are accorded the same rights and privileges as other members except that they do not have the right to present resolutions or motions or to vote upon same.

The Chairman of the Governing Board is ex-officio the Mayor of Dade County. A vice chairman must be selected by the Governing Board as a whole and serves at its pleasure.

The Governing Board is vested with the exclusive responsibility for exercising the powers conferred upon the MPO including the final decision on all policy matters; adoption or endorsement of transportation plans and programs; adoption of budgets; approval of agreements or contracts of any nature; adoption of rules; establishing or changing the internal operating structure.

The Dade County Manager - The County Manager of Dade County by virtue of the Management Services Agreement between the MPO and the Dade County Board of County Commissioners is responsible for the conduct of the transportation planning process including the appointments, assignments, direction and control of all personnel necessary thereto. It is the further responsibility of the County Manager to: develop and recommend to the Governing Board the appropriate organizational structure to carry out the responsibilities set forth in the Agreement between the MPO and the Board of County Commissioners;

to develop and recommend procedures by which the planning process may be monitored and coordinated. The County Manager is the principal advisor to the Governing Board in all matters under its jurisdiction.

The Legal Counsel - The County Attorney of Dade County, pursuant to the Management Services Contract between the MPO and the Dade County Board of County Commissioners is the legal counsel to the MPO and represents the MPO in all legal matters. It is the further duty of the Legal Counsel to attend all meetings of the MPO and to approve the form and legal sufficiency of all contracts or agreements entered into by the MPO.

The Secretariat - The Secretariat, pursuant to the Management Services Contract between the MPO and the Dade County Board of County Commissioners, is designated by, and serves at the pleasure of, the County Manager but reports to the Governing Board of the MPO. It is the duty and responsibility of the Secretariat to coordinate the activities of the component structures and substructure comprising the MPO; prepare the meeting agendas for the Governing Board and the Transportation Planning Council (TPC); prepare resolutions, agreements and other such documents; schedule meetings and give notice of same; record and keep minutes; prepare an annual report; prepare such interim reports as may be required; develop operating procedures for conduct of the Secretariat function; direct implementation of policies established by the Governing Board, and perform such other duties as may from time to time be assigned by the Governing Board.

The Transportation Planning Council - The Transportation Planning Council is appointed by the County Manager pursuant to the Management Services Agreement between the County and the MPO. It is composed of voting members and non-voting members. The membership is selected from among the department heads of County departments participating in the transportation planning

process, senior technical staff of the Florida Department of Transportation, technical staff of concerned Federal agencies who are non-voting members and the Secretariat, who is a non-voting member.

The Transportation Planning Council (TPC) is a mission-oriented structure designed to oversee the collection, evaluation, assemblage, development and utilization of transportation, socio-economic, demographic and environmental data to develop and maintain a transportation system consistent with an adopted Comprehensive Development Master Plan (CDMP) and to conform with the Federal guidelines for conducting a continuing, cooperative transportation planning process. The TPC is the production arm of the MPO. It is responsible for the technical adequacy of the transportation planning and programming process performance through the supervision of the four major technical subdivisions in MPO structure. These technical subdivisions are, the Unified Planning Work Program (UPWP) division, a Transportation Improvement Program (TIP) division, a Long Range division, a Transportation Systems Management (TSM) division and a Special Projects division, each headed by a division chief appointed by the County Manager. Each division is charged with the responsibility for producing its pertinent work product.

Control and coordination of these functions is the responsibility of the Transportation Planning Council. By virtue of the interdependency of the divisions, an important function of the Transportation Planning Council is to assure there is timely production of data by any one division which must be used sequentially by another. The completed work product of each division is reviewed by the Transportation Planning Council and thereafter either returned for revision or recommended to the MPO Governing Board for its approval.

It is the further function of the Transportation Planning Council to provide the Governing Board recommendations and counsel with respect to alternative transportation policies and strategies consistent with the goals and objectives of the Comprehensive Development Master Plan.

The Transportation Planning Council develops and formally adopts procedures to carry out its responsibilities and duties including: review and approval of proposals for planning projects to be included in the Unified Planning Work Program; review and approval of transportation projects proposed for inclusion in the Transportation Improvement Program; review and approval of the proposed Transportation Plan consisting of the Long Range element and the Transportation Systems Management element and any proposed changes to the adopted plan.

The Chairperson and members of the Transportation Planning Council are appointed by the County Manager.

The Secretariat, subject to consultation with the Transportation Planning Council Chairperson, prepares the Transportation Planning Council agenda, gives notice of its meetings, keeps minutes and records of its proceedings, prepares resolutions and reports and sees that the policies and directives of the Council are carried out.

Public Involvement Policy Committee - The Public Involvement Policy Committee is responsible for providing a forum for citizens to evaluate the products and recommendations flowing from the technical subdivision of the planning and programming process. It is the function of the Public Involvement Policy Committee to ensure that a broadly based cross-section of citizens is encouraged to participate in the decision-making process so as to create community understanding and support for transportation policies and strategies.



It is the responsibility of this Committee to provide a mechanism for timely and organized citizen input to the transportation planning and decision-making process in order that transportation facilities and service are not only technically sound and feasible but that they are responsive to the community's established and/or perceived needs and goals. The public involvement process has been organized so that it will relate to each individual division of the Transportation Planning Council through established Ad Hoc Committees. It is intended that there will be a formal interaction of input and feedback between the citizenry, the elected public officials, and the professional/technical staffs before major policies are adopted or decisions made. The broad base of citizens will be drawn from two groups: the general public and civic organizations, so as to provide the public with the opportunity to become involved in the transportation planning process either by geographic area or through some special interest. The process is open to all persons and groups wishing to participate.

Responsibility for the control and coordination of the citizens groups rests with the Public Involvement Policy Committee. The Committee will formulate its own rules of conduct and procedure, subject to approval by the MPO Governing Board, including procedures to coordinate the public involvement effort; to form or dissolve special purpose committees; to provide for exchange of information; procedures for the conduct of its meetings; and provide a method to settle differences and disputes, should they arise. It is its further responsibility to ensure that no citizen is arbitrarily denied the right to participate in the public involvement process.

The Chairperson and members of the Public Involvement Policy Committee are appointed by the Governing Board upon recommendation of the County Manager.

The duties of the Council include: review and screening of the work product and the decisions of the citizens groups before transmitting such input to the Transportation Planning Council for reaction, response or inclusion, as the case may be; providing direction and guidance to the public involvement staff with respect to carrying out the policies and strategies of the Metropolitan Planning Organization; monitoring the public involvement process and making recommendations for improving its effectiveness or overcoming perceived deficiencies; establishing and maintaining reporting procedures and developing and preparing an annual report of activities.

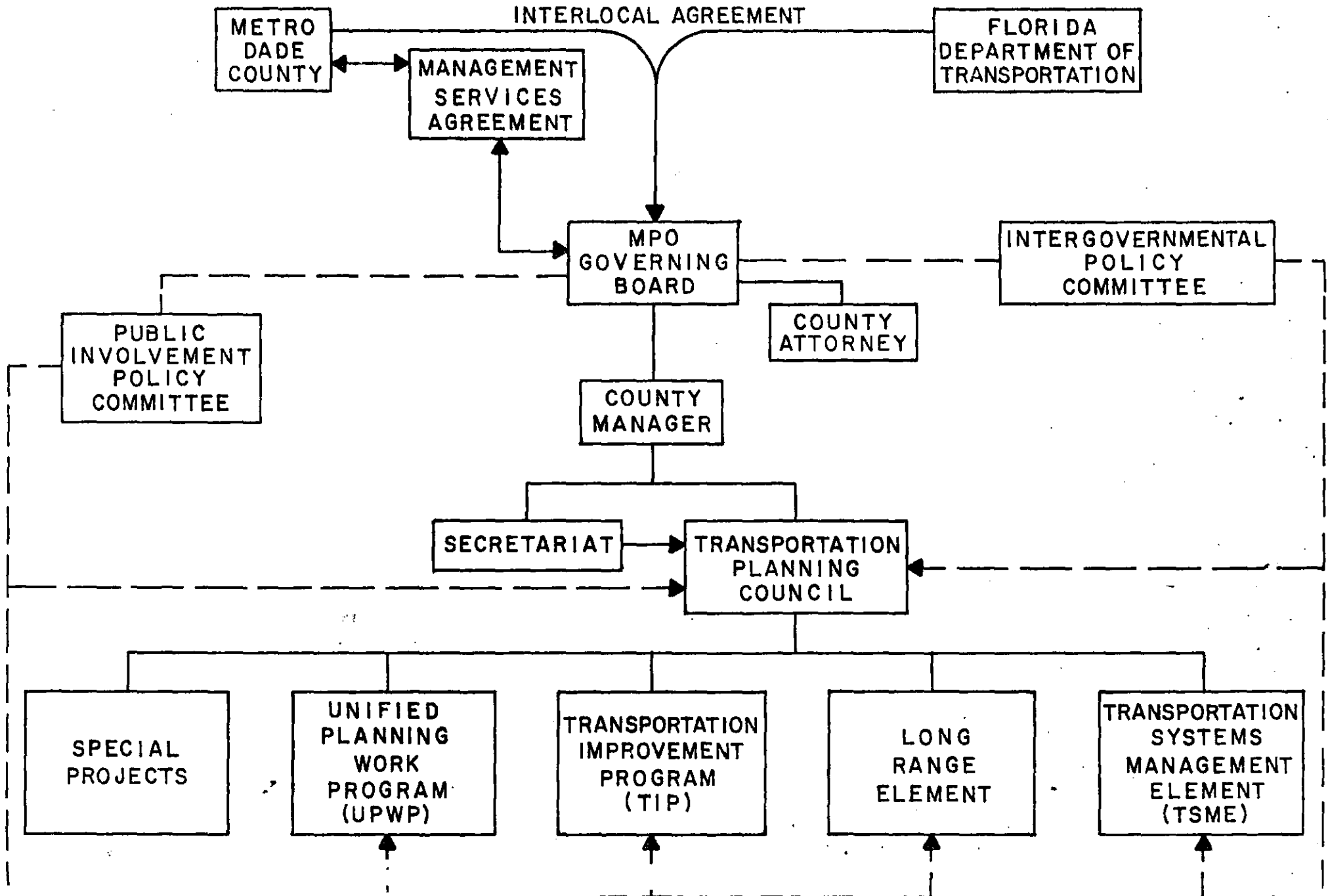
Intergovernmental Policy Committee - The Miami Urban Area, in addition to the Metropolitan Government (County), has twenty-seven independent municipalities, an areawide elected School Board, plus a large number of special purpose appointed boards and agencies that are either autonomous or nearly so. The transportation planning and programming process has a direct or indirect impact upon the interests and activities of many. In the case of a municipality, its elected officials believe that it is incumbent upon them to represent what is perceived to be the interests of their jurisdiction directly, irrespective of the fact that the Board of County Commissioners is an elected central government representing the same constituency. In order to provide a forum for these interests to evaluate the products and recommendations flowing from the planning process, an Intergovernmental Policy Committee has been established to satisfy the interests of Municipalities, the School Board and Public Boards. The Intergovernmental Policy Committee is to provide elected officials and appointed officials with a forum where each may provide timely and organized input to the transportation planning process through established Ad Hoc Subcommittees.

The Chairperson and membership are appointed by the Governing Board upon recommendation of the County Manager. The Committee will formulate its own rules of conduct and procedure subject to approval by the MPO Governing Board.

Ad Hoc Committee - To further ensure a broad spectrum of input from the public at large and to expand the advisory base of the MPO, the Public Involvement Policy Committee and the Intergovernmental Policy Committee will each appoint members to serve on Ad Hoc Sub-Committees formed to address particular phases of the Transportation Planning Process. For example, an Ad Hoc Committee known as the Interdisciplinary Team (IDT) provides input to the Long Range Element Plan Development through its evaluation of alternative proposals for the 2000 Update Interim Reports. This Ad Hoc Committee will also provide its input with respect to the priorities established in the Comprehensive Development Master Plan and the Prospectus as it relates to the 2000 Update Interim Reports. Another Ad Hoc Committee known as the TSME Select Committee will be providing input into the development of the Transportation Systems Management Element of the Transportation Plan. And, the Ad Hoc Committee known as the TIP Select Committee will provide input concerned with priorities and alternatives investment strategies in the Transportation Improvement Program.

The Chairperson of the Public Involvement Policy Committee and the Chairperson of the Intergovernmental Policy Committee shall each appoint a Liaison Committee to interact with the Transportation Planning Committee appointed by the County Manager.

FIGURE 1  
MPO  
MASTER ORGANIZATION CHART



M P O  
 LONG RANGE ELEMENT PLAN DEVELOPMENT  
 PROCESS ORGANIZATION CHART

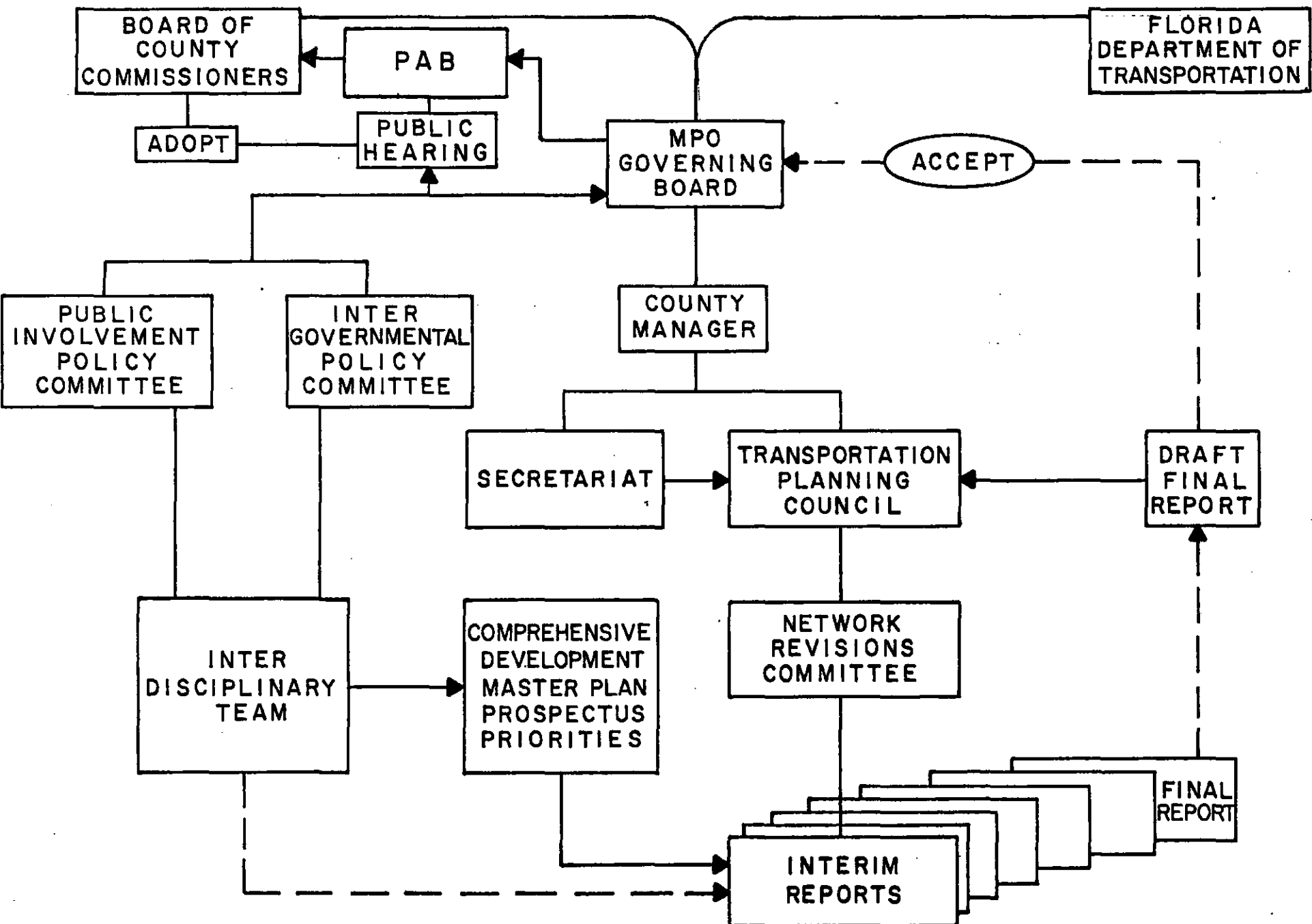




FIGURE 4  
MPO  
TIP DEVELOPMENT  
PROCESS ORGANIZATION CHART

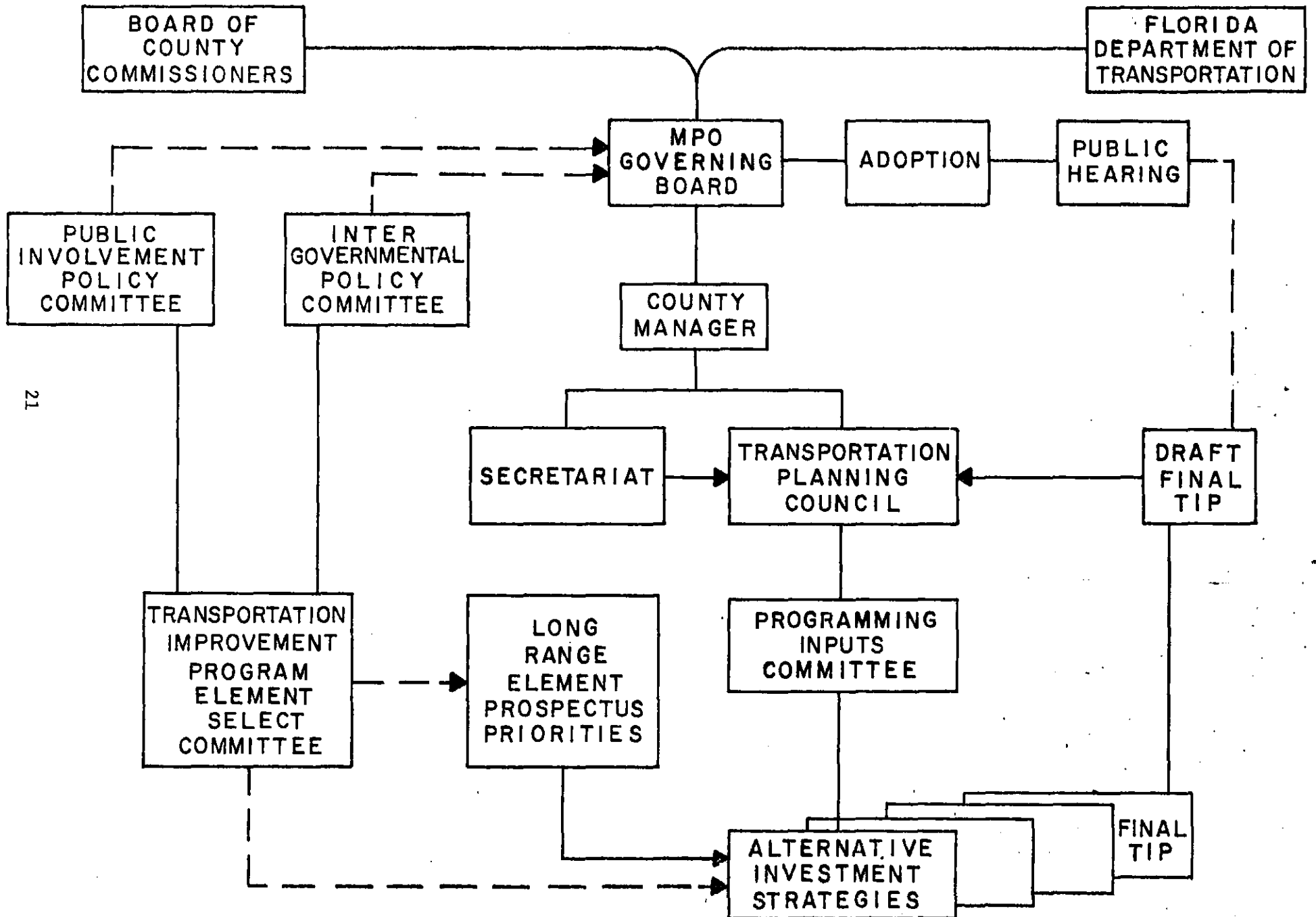
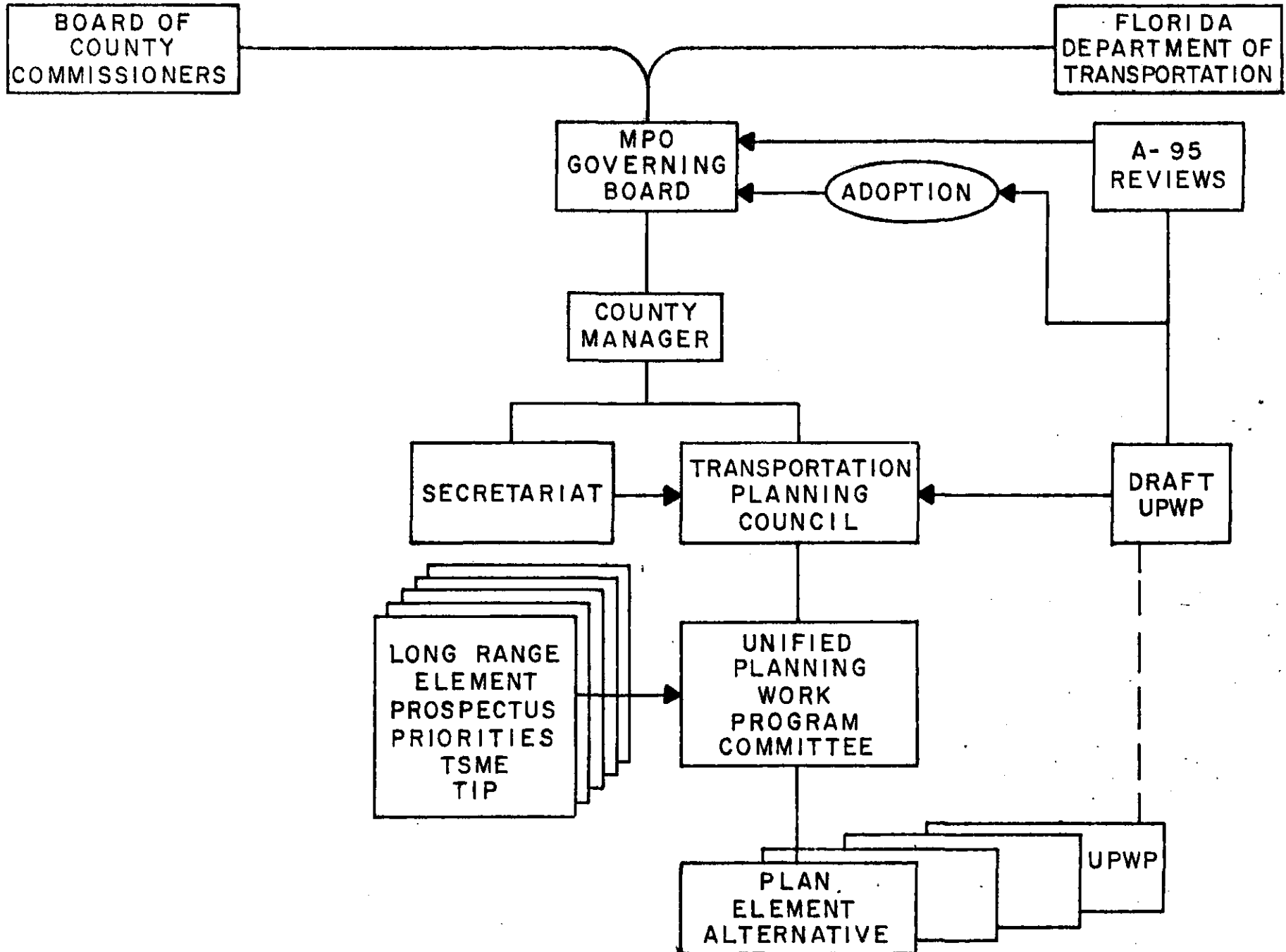


FIGURE 3  
MPO  
UPWP DEVELOPMENT  
PROCESS ORGANIZATION CHART





Participating Agencies - The staff resources of the MPO are those of its participating agencies. The professional, technical, administrative, and clerical staff carrying out MPO functions are shared personnel assigned from the participating agencies to perform specific MPO duties as the need and occasion arises. The MPO is not, nor is it intended to be, another layer of government or bureaucracy. It is intended to be, and it is, a cooperative effort of existing agencies operating within a defined and formalized structure organized along the functional lines dictated by its mission and purpose.

Annually, the County Manager orders prepared a detailed listing of all of the personnel needed to carry out the tasks and assignments incident to development and monitoring of the planning and programming process. The listing specifies the number of anticipated man-hours, the necessary qualifications of the personnel and names the participating agency which will supply the personnel. It is further specified that personnel will, when on MPO assignment, perform such assignment under the direction of the person charged with supervising the performance of the task.

The agencies providing staff resources for the MPO are:

1. Office of the County Manager, Dade County
2. Office of Transportation Administration, Dade County
3. Dade County Planning Department
4. Dade County Public Works Department
5. Dade County Department of Traffic and Transportation
6. Dade County Seaport Department
7. Dade County Aviation Department
8. Dade County Environmental Resources Management Department
9. Dade County Metropolitan Transit Agency
10. Florida Department of Transportation
11. South Florida Regional Planning Council

The MPO draws upon the Dade County Data Processing Division and the Tallahassee office of the Florida Department of Transportation for computer

services. Additionally, the South Florida Regional Planning Council and the Broward County Planning Council provide liaison where required.

D. Functional Responsibilities of Participating Agencies

Each participating agency has been assigned a level of responsibility commensurate with its normal involvement in the development and operation of urban transportation facilities. The County's Aviation Department and Seaport Department, for example, not only have a relationship to the main effort but are included so as to maintain the integrity of the total transportation system concept. The County's Environmental Resources Management Department is included for two purposes: 1) so that the environmental impact of motor vehicle emissions may be kept under continuing surveillance and 2) so that if levels become too high, corrective measures can be studied for inclusion in the short and long range transportation plans. The South Florida Regional Planning Council is included in order that it may provide guidance and technical input during the formative development of the UPWP to the end that the program will be consistent with regional goals and policies. Each participating agency receives staff assignments to the four planning divisions; thereby each major area of interest is represented. Additionally, this approach ensures the highest level of expertise and competency for development of the assigned task. The offices and agencies are (See figure 6, page 34):

County Manager - The County Manager bears the ultimate responsibility for the effectiveness of the planning process and for the timely production of its products and is ultimately responsible for the efficient management of the administrative affairs of the organization. The County Manager directly participates in the transportation planning and programming process by performing the following functions and duties:

- Principal advisor to Governing Board
- Overall direction and control of planning process
- Overall direction and control of administrative affairs

Legal Counsel - The County Attorney of Dade County is the legal counsel to the MPO. It is the duty of the Legal Counsel to attend all meetings of the MPO Governing Board and to perform the following functions and duties:

- Principal legal advisor to Governing Board
- Reviews and approves all legal documents, contracts and other instruments for form and legal sufficiency
- Represents and defends MPO in all legal actions

Office of Transportation Administration - It is the responsibility of this agency to assume the principal responsibility and leadership for the preparation and monitoring of the annual UPWP, TIP, and the TSME of the TP. Additionally, this agency assigns professional, technical, or other personnel to perform the tasks, functions or duties shown:

- Operation of the Secretariat
- Preparation of MPO annual budget
- Management of MPO accounts and records
- Preparation and processing of grant applications
- Identify TSME improvements
- Develop traffic assignments
- Develops transportation network and data file (with State)
- Develops plan for elderly and handicapped
- Develops plans for para-transit
- Preparation of quarterly and annual reports
- Staff support for Public Involvement structure

- Staff support for Intergovernmental structure
- Transportation Plan Development
- Transit Ridership and Surveillance
- Administration of FHWA 112 Funds
- Development TIP priority factors
- Provide liaison between MPO/UMTA
- Short range transit improvement
- Seaport access plans
- Airport access plans
- Seaport Inter-Modal interface with highway/transit plans
- Airport Inter-Modal interface with highway/transit plans
- Air quality/noise impact of highway/transit plans

The Dade County Transportation Coordinator directs this agency and serves as a voting member of the Transportation Planning Council.

Dade County Planning Department - The Planning Department shall function in its role as the official areawide comprehensive planning agency for the Miami metropolitan area in performing MPO related technical planning activities. It is the responsibility of the Planning Department to ensure the Transportation Plan's consistency and coordination with other functional plan elements of the County's Comprehensive Development Master Plan. In addition, it is the responsibility of the Planning Department to monitor on an annual basis, changes in transportation and development indicators in conjunction with the annual reappraisal of the Transportation Plan. The Planning Department has the principal responsibility and leadership role in the preparation and updating of the Transportation Plan (Long Range Element). It is the further responsibility of the Planning Department to establish

data on the transportation (socio-economic and land-use) variables based on the County's Comprehensive Development Master Plan. The Planning Department is also the Office of Management and Budget (OMB) designated areawide A-95 Clearinghouse for the Miami metropolitan area. Additionally, the agency assigns professional, technical or other personnel to perform the tasks, functions or duties shown:

- Reviews TP for consistency with other elements of the  
Comprehensive Development Master Plan
- Collects, develops, and evaluates land use and socio-economic data for input into travel demand forecasts
- Land use and socio-economic forecasting
- Determines environmental impacts
- Transportation Plan Development
- Develops transportation network and data file

The Director of this agency serves as a voting member of the Transportation Planning Council.

Dade County Public Works Department - It is the responsibility of this agency to carry on the highway surveillance activity and to ensure that plans, programs, and priorities developed for street and highway improvements are evaluated in terms of their Transportation Systems Management Element impacts. Staff from this agency are assigned to each of the Planning Divisions to ensure that highway impacts are appropriately considered and evaluated. Additionally, this agency assigns professional, technical or other personnel to perform the tasks, functions or duties shown:

- Develops plans and priorities for arterial street  
improvements consistent with TSME objectives

- Determines roadway physical condition factors to be considered when establishing the order of priorities for arterial improvements
- Ensures coordination between local and State highway plans as they relate to the TIP
- Evaluates air quality/noise impact of highway/transit plans
- Evaluates impact of highway/transit plans on Airport/Seaport
- Furnishes design traffic data
- Transportation Plan Development

The Director of the agency serves as a voting member of the Transportation Planning Council.

Dade County Department of Traffic and Transportation - It is the responsibility of this agency to ensure that planned transportation facilities and land use changes are consistent with established criteria for traffic capacity constraints. The agency develops measures for improving the efficiency of the existing highway network and in cooperation with the FDOT and the Dade County OTA, develops traffic assignments for proposed facilities. Staff from this agency are assigned to each of the Planning Divisions to ensure that traffic flow, traffic safety, signalization and other traffic control measures input are appropriately addressed and evaluated. Additionally, this agency assigns professional, technical and other personnel to perform the tasks, functions or duties shown:

- Conducts surveillance activities relating to:
  - Traffic volumes
  - Highway accidents
  - Vehicular and pedestrian traffic

- Develops traffic assignments for proposed facilities
- Identifies traffic engineering and street operations improvements for TSME
- Develops support data for establishment of TIP priorities
- Develops transportation network of data file (with State)
- Transportation Plan Development
- Evaluates impact of highway/transit/plans on Airport/Seaport

The Director of the agency serves as a voting member of the Transportation Planning Council.

Dade County Metropolitan Transit Agency - It is the responsibility of this agency to ensure that transit needs and modal balance are appropriately addressed and evaluated in the development of all transportation plans and programs. Staff from this agency are assigned to work with each Division to assure that result. Additionally, this agency assigns professional, technical and other personnel to perform the tasks, functions, or duties shown:

- Conducts surveillance activities relating to transit ridership and costs
- Identifies measures to increase transit ridership
- Develops plans for elderly and handicapped
- Develops plans for para-transit
- Develops plans for short range transit improvements
- Develops plans for Sections 3 and 5 projects for inclusion in TIP
- Transportation Plan Development
- Develops TIP priority factors

The Director of this agency is a voting member of the Transportation Planning Council.

Dade County Seaport Department - It is the responsibility of this agency to ensure that appropriate consideration is given to its access requirements and to evaluate planned transportation facilities or policies for their impact upon operation of the seaport facilities under its jurisdiction. Staff assignments to the various Planning Division activities may be requested as the need arises. The agency has the responsibility for performing the following tasks:

- o Evaluates highway and transit plans with respect to impact upon seaport
- o Develops seaport plans for inclusion in TIP
- o Evaluates highway/transportation plans for intermodal interface
- o Develops TIP priority factors
- o Transportation Plan Development

The Director of this agency serves as a voting member of the Transportation Planning Council.

Dade County Aviation Department - It is the responsibility of this agency to ensure that appropriate consideration is given to its access requirements and to evaluate planned transportation facilities or policies for their impacts upon operation of the airport facilities under its jurisdiction. Staff assignments to the various Planning Division activities may be requested as the need arises. The agency is responsible for performing the following tasks:

- o Evaluate highway and transit plans with respect to impact upon airport
- o Develops airport plans for inclusion in TIP
- o Evaluates highway/transportation plan for intermodal interface



- o Develops TIP priority factors
- o Transportation Plan Development

The Director of this agency serves as a voting member of the Transportation Planning Council.

Dade County Environmental Resources Management Department - It is the responsibility of this agency to monitor the motor vehicle emissions and to determine the impact of various levels of emission upon air quality standards. The agency also makes determinations as to the environmental consequences of new facilities with respect to air pollution and noise. Staff assignments to the various Planning Division activities other than the surveillance activity are requested as needed. The agency is responsible for performing the following tasks:

- o Evaluates highway and transit plans with respect to  
air quality and noise impact
- o Conducts surveillance activity relating to air quality and noise
- o Transportation Plan Development

The Director of this agency serves as a voting member of the Transportation Planning Council.

Florida Department of Transportation - It is the responsibility of this agency to provide for staff participation in all planning activities to the extent feasible, and to ensure that there is coordination between the State and County programs. This agency also provides the liaison between the MPO and the FHWA and administers the State share of FHWA 112 funds.

The District Engineer, District IV, serves as a non-voting member of the MPO Governing Board and recommends to the County Manager the person to represent the agency on the Transportation Planning Council.

The Deputy Director, Division of Transportation Planning, also serves as a non-voting member of the MPO Governing Board and provides liaison between the MPO and the central headquarters of the Department of Transportation as well as other state agencies.

Additionally, the agency assigns professional, technical and other personnel to perform the tasks, functions or duties shown:

- Develops plans and priorities for primary roads  
construction and improvements for inclusion in TIP
- Provides design traffic data for projects in MPO jurisdiction
- Develops transportation network and data file in cooperation  
with County
- Ensures coordination between local and State highway plans  
as they relate to TIP
- Provides liaison between MPO and FHWA
- Distributes State FHWA 112 funds
- Transportation Plan Development
- Traffic volume surveillance
- Vehicular and pedestrian traffic surveillance
- Development TIP priority factors
- Identifies TSME improvements
- Ensures coordination between local and State transit improvement  
plans
- Evaluates impact of highway/transit plans on Airport/Seaport

South Florida Regional Planning Council - It is the primary responsibility of the South Florida Regional Planning Council to conduct the area-wide (other) A-95 review to ensure that plans and programs developed by the MPO will be consistent with the plans of the other counties in its multi-county jurisdiction. Additionally, the agency may assign professional or technical personnel to assist or act as liaison in the performance of the following:

- Reviews UPWP and TIP for consistency with regional goals and policies
- Transportation Plan Development

METROPOLITAN PLANNING ORGANIZATION  
FOR  
MIAMI URBAN AREA  
FUNCTIONAL RESPONSIBILITIES PARTICIPATING AGENCIES

	AGENCIES											
	DCMO	DCA	DCOTA	DCPD	DCPWD	DCDOTT	DCMTA	DCSD	CCAD	DCERM	FDOT	SFRPC
<b>MANAGEMENT</b>	●											
<b>LEGAL AFFAIRS</b>		●										
<b>ADMINISTRATION</b>	●											
SECRETARIAT OPERATION			●									
BUDGET			●									
ACCOUNTS AND RECORDS			●									
GRANT APPLICATION PREPARATION			●									
QUARTERLY AND ANNUAL REPORTS			●									
F.H.W.A. 112 FUND ADMINISTRATION			●									○
<b>DATA COLLECTION AND DEVELOPMENT</b>	●											
NETWORK AND DATA FILE			●	○			○					●
SOCIO-ECONOMIC / LAND USE (COLLECTION)			●									
SOCIO-ECONOMIC / LAND USE (FORECASTING)			●									
TRAFFIC VOLUME SURVEILLANCE							●					○
HIGHWAY ACCIDENT SURVEILLANCE							●					
VEHICULAR AND PEDESTRIAN TRAFFIC SURVEILLANCE							●					○
TRANSIT RIDERSHIP AND COSTS SURVEILLANCE			○				●					
AIR QUALITY SURVEILLANCE										●		
<b>SUPPORT ACTIVITIES</b>	●											
STAFF SUPPORT PUBLIC INVOLVEMENT STRUCTURE			●									
STAFF SUPPORT INTERGOVERNMENTAL STRUCTURE			●									
DEVELOPMENT TIP PRIORITY FACTORS			●			○	○	○	○		○	○
DEVELOPMENT TRAFFIC ASSIGNMENTS			●									○
IDENTIFICATION TSME IMPROVEMENTS			●				○					○
IDENTIFICATION MEASURES TO INCREASE TRANSIT RIDERSHIP			○				●					○
FURNISH DESIGN TRAFFIC DATA			●									●
PROVIDE LIAISON BETWEEN MPO / FHWA			○									●
PROVIDE LIAISON BETWEEN MPO / UMTA			●									○
ELDERLY AND HANDICAPPED			●									○
PARA-TRANSIT			●				○					○
ARTERIAL STREETS - CONSTRUCTION IMPROVEMENTS					●							○
ARTERIAL STREETS - OPERATIONAL IMPROVEMENTS					●							○
SHORT RANGE TRANSIT IMPROVEMENTS			●				○					○
UMTA TIP PROJECTS			●					○				○
SEAPORT TIP PROJECTS								○				○
AIRPORT TIP PROJECTS								○				○
PRIMARY ROAD - CONSTRUCTION IMPROVEMENTS			○		○							●
PRIMARY ROAD - OPERATIONAL IMPROVEMENTS			○		○							●
<b>PLAN DEVELOPMENT</b>	●											
UPWP			●	○	○	○	○	○	○	○	○	○
TIP			●	○	○	○	○	○	○	○	○	○
TP (LR)			●	○	○	○	○	○	○	○	○	○
TP (TSME)			●	○	○	○	○	○	○	○	○	○
<b>EVALUATION ACTIVITIES</b>	●											
TP / CDMP CONSISTENCY				●								
ENVIRONMENTAL AND SOCIO-ECONOMIC IMPACTS				●								○
SEAPORT ACCESS PLANS				○								○
AIRPORT ACCESS PLANS				○		○			●			○
SEAPORT - INTERMODAL INTERFACE WITH HWY/TRANSIT PLANS				○		○			●			○
AIRPORT - INTERMODAL INTERFACE WITH HWY/TRANSIT PLANS				○		○			●			○
AIR QUALITY / NOISE IMPACT HWY/TRANSIT PLANS				○		○			●			○
TP/SFRPC GOALS AND POLICY CONSISTENCY										●		

**ABBREVIATIONS**

DCMO — DADE COUNTY MANAGER OFFICE  
DCA — DADE COUNTY ATTORNEY  
DCOTA — DADE COUNTY OFFICE TRANSPORTATION ADMINISTRATION  
DCPD — DADE COUNTY PLANNING DEPARTMENT  
DCPWD — DADE COUNTY PUBLIC WORKS DEPARTMENT  
DCDOTT — DADE COUNTY DEPARTMENT OF TRAFFIC AND TRANSPORTATION  
DCMTA — DADE COUNTY METROPOLITAN TRANSIT AGENCY  
DCSD — DADE COUNTY SEAPORT DEPARTMENT  
CCAD — DADE COUNTY AVIATION DEPARTMENT  
DCERM — DADE COUNTY ENVIRONMENTAL RESOURCES MANAGEMENT DEPARTMENT  
FDOT — FLORIDA DEPARTMENT OF TRANSPORTATION  
SFRPC — SOUTH FLORIDA REGIONAL PLANNING COUNCIL  
TIP — TRANSPORTATION IMPROVEMENT PROGRAM  
TP (LR) — TRANSPORTATION PLAN (LONG RANGE)  
TP (TSME) — TRANSPORTATION PLAN (TRANSPORTATION SYSTEMS MANAGEMENT ELEMENT)  
UPWP — UNIFIED PLANNING WORK PROGRAM

**LEGEND**

● — RESPONSIBLE AGENCY  
○ — PARTICIPATING AGENCY

## PART III

### METROPOLITAN DEVELOPMENT POLICIES

#### A. Comprehensive Development Master Plan

The successful development of a community as a desirable place to live, work and play is to a large extent dependent upon how effectively and efficiently its transportation system provides for the movement of people and goods. Ideally, the planning for an effective and efficient transportation system should only take place within the context of a well-defined general development plan. Additionally, such a plan should express that community's sense of priorities as well as its immediate and long range goals and objectives. Essentially, the transportation plan becomes an important element of the general development plan. It has been so considered in Dade County's planning efforts and is reflected by the extensive work which went into the Miami Urban Area Transportation Study completed in 1968. The 1968 plan was developed to support the original 1985 General Land Use Master Plan. Since then, the County has adopted a new master plan titled "Comprehensive Development Master Plan" with a year 2000 extrapolation. This part of the Prospectus describes that plan and its relationship to the transportation plan update now underway.

The Comprehensive Development Master Plan for Metropolitan Dade County was adopted and accepted by the Board of County Commissioners in two separate actions. On December 4, 1974, it adopted and accepted by Ordinance Number 74-100 the Metropolitan Development Policies (Part 1 of the Plan); and on March 31, 1975, similar action was taken by Ordinance 75-22 on the Environmental Protection Guide and Metropolitan Development Guide (Parts 2 and 3, respectively). Thus, after over three years of intensive fact finding, analysis, and citizen involvement, Dade County had completed an official

guide for its growth and development, and a comprehensive statement of its goals and aspirations.

The Comprehensive Development Master Plan supersedes the General Land Use Master Plan adopted by the Commission in 1965. Both Plans were formulated under the mandate contained in the Metropolitan Home Rule Charter which gives the Commission the power to "prepare and enforce comprehensive plans for the development of the County".

The Comprehensive Development Master Plan is the official guide for managing growth and development of the Metropolitan Dade County area. Its principal purpose is to direct and accomplish coordinated and harmonious development, in a manner which will permit the provision of adequate community services and protect the ecological balance of the environment, in order to promote the public health, safety, convenience, prosperity and general welfare of Dade County's citizens and visitors.

The Plan represents over three years of intensive work by the Metropolitan Dade County government. It is primarily the product of the Dade County Planning Department; however, very close cooperation with other County departments and agencies was maintained throughout the long formulation period. Essential assistance was also provided by Dade County's municipalities. The Planning Advisory Board and the Citizens Task Force appointed by the Board produced the basis for the Metropolitan Development Policies, and, thereby provided citizen direction from the very early stages of plan formulation. A Technical Coordinating Committee, representing federal, state and local agencies and organizations, provided expert direction in the establishment of the Environmental Protection Guide. The proposals of the Metropolitan Development Guide (and the other two parts of the Plan upon which it is based), therefore reflect the best thinking available from many key sources in the County.

A wide variety of completed municipal and neighborhood development plans, community plans for transportation and other facilities, and technical studies and special reports provided a considerable resource of basic information utilized in the preparation of the Metropolitan Development Guide.

The first of the three part Comprehensive Development Master Plan, the Metropolitan Development Policies, consists of goals and objectives for managing development in Dade County. These statements provided a foundation for the preparation of the other neighborhood plans and other planning activities that are beyond the scope of this particular Plan. The ordinance adopting and accepting Part 1 is found in Appendix A.

The Environmental Protection Guide (Part 2) provides detailed guidelines to be used in determining how different types of land should be developed without seriously damaging the ecology of the County. It delineates geographic areas that are generally suitable for urban development, areas that should be conserved and protected to the maximum degree possible.

Part 3, the Metropolitan Development Guide, includes a graphically-illustrated 1985 Development Pattern and a year 2000 Conceptual Development Pattern, which show densities, the extent of urbanization, activity centers, open spaces and transportation facilities. Also included are written guidelines for new communities, activity centers, urban design and aesthetics, community services, residential development, commercial and business development, industrial development and transportation. Estimations of population by subarea round out the important features of this part of the Plan.

The transportation goals which were adopted are well defined and explicit. They serve to give clear direction for the development of a

transportation plan which both supports and leads urban development in a manner consonant with the CDMP. The goals are:

#### V. TRANSPORTATION

PROVIDE ACCESS TO EMPLOYMENT AND THE FACILITIES AND SERVICES OF THE ENTIRE METROPOLITAN AREA; PLAN FOR MOBILITY, OPPORTUNITY, VARIETY, ENERGY CONSERVATION AND MINIMUM TRAVEL TIMES AND COSTS, SAFETY COMFORT AND CONVENIENCE WHILE TRAVELING; AND PROVIDE FOR EFFICIENCY, ECONOMY AND A WELL-BALANCED, INTEGRATED TRANSPORTATION SYSTEM WITHIN DADE COUNTY WITHOUT DETRACTING FROM THE QUALITY OF LIFE OF THE COMMUNITY.

Public or mass transportation should be given top priority as a positive tool to support and improve the viability of the County and the region.

Provide a system of transportation facilities which will anticipate the need for the movement of people and storage of goods and vehicles.

Coordinate and integrate the County transportation facilities with surrounding activities so that these facilities contribute to the enrichment of the physical environment of Dade County.

Transportation facilities should be planned and designed to conserve energy and other natural resources and existing man-made facilities and to reduce the total need for new public investment.

Development within a reasonable radius of Rapid Transit Terminals should be considered as having county-wide impact and managed as consistent with overall county-wide goals.

In addition to the above goals, the Board of County Commissioners accepted twenty-two (22) objectives and policies as guidelines. They are included in the appendices to the Prospectus.



## B. Priorities

The citizens of Dade County have made several critical decisions during recent years which, to a significant degree, will control the direction and priorities of the transportation system. The first decision was to reject six additional expressways which were included in the proposed transportation plan element of the original 1985 General Land Use Master Plan. The second decision was the approval of a bond issue which contained \$132,500,000 to assist in construction of a modern rapid transit system plus expansion of the bus system and \$113,500,000 for extensive improvements to the existing arterial street system. These events occurred prior to the 1973 fuel crisis which had operated to focus public attention on the potential disruption of its auto-dominated transportation system. It is therefore reasonable to assume that the citizens of Dade County were already aware of and prepared to adopt measures to change the highway/transit imbalance by reason of their own value perceptions rather than for reasons imposed by necessity. These actions therefore mandate that the order of priorities will be based upon a clear recognition that the multi-modal system must have better balance and that existing facilities must be improved and better managed.

The difficulty in carrying out the mandate for a balanced transportation system is considerable. Priority choices are constrained and limited by Federal and State funding sources and formulae as well as by the inflexible institutional policies and regulations which regulate the administration of such funds. As a result of this circumstance, priorities can only be addressed within the context of given categories; for example, interstate highways, primary roads, secondary roads, urban system roads, mass transit capital improvements, mass transit operations and so forth.

New public perceptions and assessments of the cost and effects of maintaining the prevailing automobile-dominated transportation system are operating to raise questions concerning traditional transportation funding concepts and the philosophies of the institutions which have historically administered these funds. There appears to be a growing effort to provide increased funding for transit, or to permit greater flexibility in the use of transportation funds for that purpose.

Until these changes occur, priority decisions will be, to a great extent, dictated by the availability and sources of funds. In brief, the assignment of priorities at the local level is conditioned upon Federal/State funding sources, formulae, and institutional rules and guidelines.

To the extent permitted by the above described constraints, the following priorities will be assigned in the rank order shown:

By Category:

1. Transportation System Management Projects
2. Transit Improvement Projects
3. Highway Improvement Projects

Within Categories:

A. Transportation System Management Projects

1. Traffic Operations Improvements
2. Measures to encourage transit use
3. Preferential treatment for high occupancy vehicles
- ✓4. Parking control, management and pricing
5. Reduction in the need to travel
6. Flexible work hours

B. Transit Improvement Projects

1. Construction of Rapid Transit System
2. Raise service levels of surface system to adopted service standards
3. Maintenance and service reliability improvements
4. Marketing Improvements
5. Modernize management system and technique

C. Highway Improvement Projects

1. Maintenance of existing network
2. Increase capacity of existing primary and arterial network consonant with 2000 Plan
3. New facilities for system continuity

C. Policy and Plan Interrelationships

The Transportation Plan for Dade County is based upon the Comprehensive Development Master Plan assumption and requirements extrapolated to the year 2000. All alternatives to be considered viable must be compatible with the CDMP adopted policies. The Transportation Plan will integrate the highway network and mass transit facilities to provide support for the planned urban development of the area including airports, seaport and railway terminals. Additionally, the Transportation Plan, insofar as is possible, minimizes the adverse effects of the transportation system upon the natural environment.

In essence, the CDMP prescribes the policies for the development of the transportation system which in turn both supports and guides the urban development contemplated by the CDMP. Policy and Planning thereby are integrated in concept and implementation.

PART IV

TRANSPORTATION PLANNING PROGRAM

A. The Transportation Plan

The Miami Urban Area Transportation Study (MUATS) was organized in 1963 for the purpose of providing Dade County with a continuous, cooperative and comprehensive transportation planning process in conformance with the Federal Aid Highway Act of 1962, Urban Mass Transportation Act of 1964, various amendments to both acts, and subsequent refinements in Federal requirements. In 1969, the MUATS completed its initial comprehensive planning effort and proposed a comprehensive plan for the provision of balanced transportation facilities to meet transportation needs for 1985. The Transportation Master Plan proposals, which included elements for highways, mass transit, seaports, airports and terminals, was based upon and represented a refinement of the transportation proposals presented in a very broad-brush manner in the General Land Use Master Plan for 1985 adopted by the County Commission on November 30, 1965.

Although the Transportation Master Plan was published in 1969, no public hearings were held until 1971 and 1972. At that time, a series of public hearings held throughout Dade County by the Planning Advisory Board revealed strong opposition from neighborhood groups to many of the expressway proposals contained in the Plan. During these same years, the Dade County Planning Department initiated the update of the General Land Use Master Plan, which later resulted in the new Comprehensive Development Master Plan for the year 1985 and the year 2000.

One of the most significant activities of the MUATS program during the past several years has been an in-depth evaluation of the proposed

Transportation Master Plan completed in 1969. This evaluation was made within the general parameters of the Comprehensive Development Master Plan for Dade County (then under development) to determine alternative travel facilities and services within corridors where certain expressways proposed in the 1969 plan were found to be controversial.

This MUATS activity culminated in an October 1974 summary report entitled "Controversial Corridors Review: Recommended Transportation Alternatives". The study recommended deletion of several proposed controversial expressways. It also concluded that the original MUATS arterial improvements, plus certain others, and the transit improvements contemplated at present in conjunction with the County's Comprehensive Development Master Plan, would constitute the most acceptable transportation network for 1985. The MUATS Policy Committee accepted these recommendations for planning purposes and instructed that further evaluations be made to advance the ground transportation plan elements to a year 2000 planning horizon. This effort is currently underway, and is directed towards the development of a long range multi-modal transportation plan within the framework of the goals and objectives of the Comprehensive Development Master Plan as adopted by the County Commission on March 31, 1975.

The plan for the transportation system to serve the projected year 2000 growth and development is now approximately 80% completed and it is anticipated that alternatives will be presented for review and public hearings by the fall of 1977. The plan development procedures and technical processes are documented in six interim reports and a final report. Interim reports 1 through 5 have been completed to date and approved as to their

technical adequacy by the U.S. Department of Transportation modal agencies. Adoption of the plan is expected to take place by early spring 1978. This plan then becomes the long range element of the area's Transportation Plan.

The Long Range Element: The long range element for purposes of identification in the local planning processes has been named "Year 2000 Plan Update". This plan, upon its adoption, will contain the policies, strategies, and guidelines which, in conjunction with the CDMP will form the basis for future Transportation Improvement Programs (TIP), and the Transportation System Management Element (TSME).

The continuing phase of the long range planning effort will build upon the Continuing Surveillance Program designed to analyze existing conditions of travel, transportation facilities and system management, as well as changes in area's economic, demographic and land use activities. Some of the more significant activities to be undertaken during the continuing phase of the development and maintenance of an updated Transportation Plan are listed below:

- (a) Impact analysis of the adopted Transportation Plan through assessment of environmental, social and economic impacts of the transportation policies and planned transportation systems.
- (b) Annual reappraisal of the Transportation Plan in conjunction with the CDMP annual amendment and review cycles, based upon changes in transportation and development indicators, including revised travel forecasts based upon any changes of policies in the CDMP and the latest land use forecasts.

- (c) Development and structuring of the administrative, institutional and planning processes related to developmental planning decision-making in order to ensure integrated implementation and updating of the Transportation Plan (TP) and CDMP.
- (d) Refinement of the technical planning procedures developed in the 2000 Update Study including transportation demand models and plan evaluation techniques, etc.; as well as development of procedures meriting investigations.

The Transportation System Management Element - The effective and efficient management of the urban transportation system is one of Dade County's most serious challenges. The provision of transportation facilities and services strongly influences the quality of life of individuals, the shape and form of the community, and strains existing physical facilities and public budgets. As travel demand increases, the problems grow more severe and far reaching. Urban growth, so welcome to economic interests because of the attendant creation of jobs and wealth, merely exacerbates the problem of the transportation system.

Historically, the multiplicity of agencies charged with the responsibility of dealing with the problem has constituted one of the major administrative defects. Control over the street system and traffic control in a metropolitan area, for example, often has been fragmented among municipal, county and state agencies plus semi-autonomous parking, bridge, toll road and transit authorities.

The citizens of Dade County recognized the need for, and took steps toward, more efficient management of its transportation system as early as 1958, when its Metropolitan form of government went into operation.

Among the first important steps taken by the new government were:

1) the adoption of a uniform traffic control ordinance, 2) the consolidation of responsibilities for street control and traffic engineering into a Metropolitan Department of Traffic and Transportation, 3) the creation of a Metro Transit Authority charged with consolidating the several transit operations into a single unified metropolitan system, and 4) the creation of a Metropolitan Planning Department to conduct comprehensive planning, including the development of a metropolitan land use plan.

These important steps went a long way toward removing the institutional constraints mitigating against effective transportation system management. It also provided the first semblance of a structure to begin addressing system modal balance and ancillary measures for improving transportation system operation.

Some fifteen years later, the metropolitan government made an administrative change to further mitigate against any administrative constraints upon effective transportation system management. The semi-autonomous Metro Transit Authority was dissolved and a Metro Transit Agency was created. Further, all transportation responsibilities of the Metro Transit Agency, and those of the Dade County Planning Department, Department of Traffic and Transportation and the Public Works Department were to be coordinated by the Office of the Transportation Coordinator. Additionally, certain responsibilities regarding taxicab operations were to be administered by the Office of the Transportation Coordinator.

In interpreting the joint FHWA/UMTA Federal Regulations concerning the development of a Transportation System Management, it is apparent that an overall framework for relating long and short range transportation planning and programming has been established. This framework contains four major elements that attempt to relate transportation planning and



programming into a definable mechanism of transportation decision-making that is commensurate with the established policy-base of an urban area. The four elements: 1) the Prospectus, 2) the Transportation Plan, 3) the Unified Planning Work Program, and 4) the Transportation Improvement Program, are each viewed as distinct yet inter-related parts of the overall planning and management effort needed to develop and operate an urban area's multi-modal transportation system.

For Dade County, each of these four elements is viewed as being a necessary aspect of properly coordinating and administering adopted policies that clearly places a high priority on integrating an improved multi-modal transportation system with its Comprehensive Development Master Plan.

It is the purpose of the Transportation Systems Management element (TSM) to coordinate public transit, automobiles, taxis, pedestrians and bicycles through operating, regulatory and service policies and strategies so as to achieve maximum efficiency and productivity from the existing transportation system.

The Transportation Systems Management element which has been adopted provides for the short range transportation needs of the urbanized area by making more efficient use of existing transportations resources, 2) identifies traffic engineering, public transportation, regulatory, pricing, management, operational and other improvements to the existing system (excluding major new transportation facilities or major changes to existing facilities), and 3) provides the policy or framework for continued transportation considerations not involving new facilities or major changes.

Formulation of an overall policy strategy, assessment of candidate measures, and selection, programming and implementation of actions are clearly a responsibility and an opportunity to be carried out as a part of the continuing transportation planning and implementation process in the Miami urban area. The TSM plan sets forth the underlying goals and policy objectives and the strategy selected to accomplish them. Since the plan is endorsed by the Metropolitan Planning Organization, it has official status as a product of the areawide comprehensive transportation planning process, and it represents agreement on the part of those agencies identified as responsible for carrying out each action. The programming for implementation of Transportation Systems Management projects in the annual element of the Transportation Improvement Program represents a commitment for carrying out each action.

The four major strategies which have been adopted are:

- A. TO ENSURE THE EFFICIENT USE OF EXISTING ROAD SPACE
- B. TO REDUCE VEHICLE USE IN CONGESTED AREAS
- C. TO IMPROVE TRANSIT SERVICE
- D. TO INCREASE INTERNAL TRANSIT MANAGEMENT EFFICIENCY

Under each strategy there are a number of activities prescribing the types of projects which are to be undertaken. The activities are fully described in the technical appendices to this document.

The long range element, upon its adoption, will contain the policies, strategies and guidelines which, in conjunction with the CDMP, will form the basis for future Transportation Programs (TIP) and the Transportation Systems Management Element (TSME).

B. Transportation Improvement Program

The Transportation Improvement Program is developed as a mechanism to bring about a transportation system that is consonant with the adopted Comprehensive Development Master Plan and the adopted Transportation Plan which is an integral part thereof.

Projects from both the Long Range Element and the Transportation and the Transportation Systems Management (TSM) element of the Transportation Plan (TP) are included for advancement during the program period.

The TSM projects which are included serve to introduce a better balance between construction of fixed facilities intended to benefit the area in the future and improvements to transportation service which can provide benefits in the very short term. UMTA Section 3 and 5 funds and Federal aid highway funds are utilized to provide: Reserved lanes to give preferential treatment for transit and other high occupancy vehicles; park/ride facilities to reduce commuter induced traffic congestion; reductions in transit fares for the elderly and handicapped; replacements and additions to the bus fleet; bus shelters for passengers; new maintenance facilities; two-way radio communication for the buses; and an expanded information program. Additionally, Dade County's Secondary Road Program and the Decade of Progress Arterial Road Program, both of which are non-Federally funded, contain projects which are supportive of the TSM effort. These include traffic signal improvements, landscaping in median strips, lighting safety equipment projects and other related projects which provide for greater safety and better management and control of traffic flow.

The TIP also includes such long range projects as relate to the design, construction and equipping of Stage I of the rapid transit system and to

and to the development of the Downtown People Mover project.

The Transportation Planning Process developed by the Miami Urban Area Transportation Study (MUATS) was directed toward establishing an overall framework for relating long and short term transportation plans to the area's comprehensive development plan. Projects were programmed which favored the use of the traffic management and operational techniques to improve system efficiency, conserve energy, improve air quality and reduce the excessive use of automobiles. Additionally, projects were included which would encourage the use of mass transit service. The TIP projects of previous years were utilized to develop and support these concepts. Now, projects flowing from TSM strategies and activities will be programmed to accomplish the same purposes.

The TIP is developed in consonance with the thrust of the joint FHWA/UMTA rules and regulations promulgated on September 17, 1975. It is also in concert with the supplementary guidelines on the development of the Transportation Systems Management Element contained in that document.

The TIP document categorizes all transportation improvements, identifies priorities and establishes fiscal programming for a three-or-more-year period. It is developed from long range and staged elements of the Transportation Plan. The annual element represents the list of projects which are proposed for implementation during the program year and is viewed as the "capital improvements" budget for transportation facilities as well as a partial operating budget with respect to utilization of UMTA Section 5 monies.

The TIP document identifies all sources of funding which are known, or anticipated, to be available during the program period and is consistent with current estimates. Priorities in the program are identified by relative

staging of projects for implementation during a particular year, consistent with the amount of funding expected to be available.

The annual element may be amended at any time during a program year by the same procedures required for developing and adopting the original program. The amendment(s) may be for the purpose of rescinding projects, adding projects, revising the funding of a project, or modifying a project.

C. Unified Planning Work Program

The annual program of technical studies and related activities that support the transportation planning and improvement programs, will be described in the Unified Planning Work Program in accordance with Federal guidelines. Planning activities that impact the MPO's programs include: administrative duties; data surveillance efforts; community involvement projects; highway, transit aviation, seaport, freight movement and other special technical studies; regional plans; and other aspects of technical support necessary to the entire transportation improvement program. In the work program the local or State agencies involved in each phase of the program will be described, as are the costs and the methodologies used in the process. The entire work program will be in support of the goals and objectives established by the MPO, as relevant to State or national transportation needs. The levels and sources of Federal, State or local funds to support the program will be described and hoped for products from the various technical or support activities will be identified. Annual allocations of UMTA Sec. 9 funds, FHWA 112 funds and additional Federal, State, or local resources will support the planning program. Often related planning efforts, such as community development, environmental studies or special social planning activities which relate

to transportation issues will be identified and included. The normal annual activities of the Unified Planning Work Program can be summarized as follows:

- To develop and support the long-range transportation planning programming
- To facilitate the administration and coordination of the MPO's planning activities as required by Federal, State or local practices, including grant management
- To develop and coordinate a transportation management program for all transportation modes in support of the MPO's goals and objectives and the long-range plan
- To develop the Transportation Improvement Program and monitor its progress
- To allow necessary data collection and surveillance activities in support of the planning and decision-making processes
- To permit research and the application of transportation and land use related projections and forecasting techniques as tools for various technical efforts
- To encourage citizen involvement, participation and education related to transportation planning activities
- To allow coordination of transportation programs that are multi-county in nature
- To facilitate special transportation related studies impacting special economic, social or geographically defined interests or groups of people
- To coordinate multi-modal or inter-modal transportation activities
- To support the refinement of the County CDMP's long-range transportation programs and those of the State government

These activities will normally constitute the scheduled technical or support activities that constitute the Unified Planning Work Program. These activities will be described as previously stated to allow the MPO, Federal, State and local agencies, citizens and other parties to follow the planning process and understand its direction.

The document will be developed under the guidance of the Secretariat and will be approved by the MPO's Governing Board before submission to appropriate State and Federal agencies. An A-95 review of the annual work program will be required.

## PART V

### MONITORING REVIEW AND REPORTING

#### A. Program Management

Management control over each task in the transportation planning process will be exercised by the head of the division to whom the task is assigned. Review and approval of a work product flowing from the performance of a task will rest with the Transportation Planning Committee.

A continuing process will be instituted to monitor and evaluate the entire planning process including administrative procedures, the implementation framework for carrying out MPO Governing Board policy decisions and directives, the roles and assignments of participating agencies and the effectiveness of the various structures of the MPO. Special care will be taken to assure that the input/feedback relationship between the technical structure and public involvement structure functions in a manner that is timely, effective and in accordance with design.

#### B. Monitoring

The monitoring process will be used as a control mechanism to determine what the results should be or what is to be expected from the transportation planning and programming process. In order to achieve that purpose a set of performance standards and criteria will be developed and implemented to determine the extent to which:

- Programs are consonant with adopted goals and objectives
- Programs are responsive to issues and problems
- Transportation and developmental changes reinforce or vitiate the

CDMP and the TP



- The surveillance program produces the data required to accurately assess or develop the transportation system
- The products of the planning work program serve their intended purpose and are cost effective
- The financial affairs and records of the MPO are efficiently managed and administered

#### C. Review

The review process, in order to be an effective mechanism for correcting deficiencies surfaced by the monitoring process, will be established as a continuing function following prescribed procedures. Responsibility for the overall direction and control of the review process will rest with the Transportation Planning Council. The review process will be used to ascertain the extent of deviation from goals and standards to develop recommendations for desirable changes in the planning process in terms of policy, technical procedures, administration and coordination.

#### D. Reporting

A reporting system will be developed as a mechanism to review periodically the status, progress, and achievements of the MPO at all levels. An annual report will be issued after the close of each fiscal year and be given general distribution. Quarterly reports required by Federal regulations will be prepared and submitted on a scheduled and timely basis.

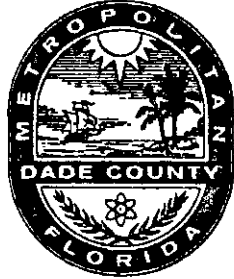
A regular system of reports will be established for management and control purposes. These reports will be the mechanism by which the Transportation Planning Council, the Public Involvement Policy Committee and the

Intergovernmental Policy Committee evaluate the performance and progress of the processes under their supervision.

The Secretariat will periodically prepare summary reports to the Governing Board informing it of performance, progress and compliance with its policies and directives.

I. LEGAL APPENDICES





**THE  
HOME RULE AMENDMENT  
AND  
CHARTER**

**(AS AMENDED THROUGH  
SEPTEMBER 28, 1976)**

**METROPOLITAN DADE COUNTY  
FLORIDA**

# Charter

## Preamble

*We, the people of this County, in order to secure for ourselves the benefits and responsibilities of home rule, to create a metropolitan government to serve our present and future needs, and to endow our municipalities with the rights of self determination in their local affairs, do under God adopt this home rule Charter.*

## CITIZENS' BILL OF RIGHTS

(A). This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administrative management, to make government more accountable, and to insure to all persons fair and equitable treatment, the following rights are guaranteed:

1. **Convenient Access.** Every person has the right to transact business with the County and the municipalities with a minimum of personal inconvenience. It shall be the duty of the County Manager and the Commission to provide, within the County's budget limitations, reasonably convenient times and places for registration and voting, for required inspections, and for transacting business with the County.
2. **Truth in Government.** No County or municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.
3. **Public Records.** All audits, reports, minutes, documents and other public records of the County and the municipalities and their boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public.
4. **Minutes and Ordinance Register.** The Clerk of the Commission and of each municipal council shall maintain and make available for public inspection an ordinance register separate from the minutes showing the votes of each member on all ordinances and resolutions listed by descriptive title. Written minutes of all meetings and the ordinance register shall be available for public inspection not later than 30 days after the conclusion of the meeting.
5. **Right to be Heard.** So far as the orderly conduct of public business permits, any interested person has the right to appear before the Commission or any municipal council or any County or municipal agency, board or department for the presentation, adjustment or determination of an issue, request or controversy within the jurisdiction of the governmental entity involved. Matters shall be scheduled for the convenience of the public, and the agenda shall be divided into approximate time periods so that the public may know approximately when a matter will be heard. Nothing herein shall prohibit any governmental entity or agency from imposing reasonable time limits for the presentation of a matter.
6. **Right to Notice.** Persons entitled to notice of a County or municipal hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Failure by an individual to receive such notice shall not constitute mandatory grounds for cancelling the hearing or rendering invalid any determination made at such hearing. Copies of proposed ordinances or resolutions shall be made available at a reasonable time prior to the

hearing, unless the matter involves an emergency ordinance or resolution.

7. **No Unreasonable Postponements.** No matter once having been placed on a formal agenda by the County or any municipality shall be postponed to another day except for good cause shown in the opinion of the County Commission, the municipal council or other governmental entity or agency conducting such meeting, and then only on condition that any person so requesting is mailed adequate notice of the new date of any postponed meeting. Failure by an individual to receive such notice shall not constitute mandatory grounds for cancelling the hearing or rendering invalid any determination made at such hearing.

8. **Right to Public Hearing.** Upon a timely request of any interested party a public hearing shall be held by any County or municipal agency, board, department or authority upon any significant policy decision to be issued by it which is not subject to subsequent administrative or legislative review and hearing. This provision shall not apply to the Law Department of the County or of any municipality, nor to any body whose duties and responsibilities are solely advisory.

At any zoning or other hearing in which review is exclusively by certiorari, a party or his counsel shall be entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The decision of any such agency, board, department or authority must be based upon the facts in the record. Procedural rules establishing reasonable time and other limitations may be promulgated and amended from time to time.

9. **Notice of Action and Reasons.** Prompt notice shall be given of the denial in whole or in part of a request of an interested person made in connection with any County or municipal administrative decision or proceeding when the decision is reserved at the conclusion of the hearing. The notice shall be accompanied by a statement of the grounds for denial.

10. **Managers' and Attorneys' Reports.** The County Manager and County Attorney and each City Manager and City Attorney shall periodically make a public status report on all major matters pending or concluded within their respective jurisdictions.

11. **Budgeting.** In addition to any budget required by state statute, the County Manager shall prepare a budget showing the cost of each program for each budget year. Prior to the County Commission's first public hearing on the proposed budget required by state law, the County Manager shall make public a budget summary setting forth the proposed cost of each individual program and reflecting all major proposed increases and decreases in funds and personnel for each program, the purposes therefore, the estimated millage cost of each program and the amount of any contingency and carryover funds for each program.

12. **Quarterly Budget Comparisons.** The County Manager shall make public a quarterly report showing the actual expenditures during the quarter just ended against one quarter of the proposed annual expenditures set forth in the budget. Such report shall also reflect the same cumulative information for whatever portion of the fiscal year that has elapsed.

13. **Adequate Audits.** An annual audit of the County and each municipality shall be made by an independent certified public accounting firm in accordance with generally accepted auditing standards. A summary of the results, including any deficiencies found, shall be made public. In making such audit, proprietary functions shall be audited separately and adequate depreciation on proprietary facilities shall be accrued so the public may determine the amount of any direct or indirect subsidy.

14. **Regional Offices.** Regional offices of the County's administrative services shall be maintained at locations in the County for the convenience of the residents.

15. **Financial Disclosure.** The Commission shall by ordinance make provision for the filing under oath or affirmation by all County and municipal elective officials, candidates for County and municipal elective offices, such employees as may be designated by ordinance, and such other public officials, and outside consultants who receive funds from the County or municipalities within the County and who may legally be included, of personal financial statements, copies of personal Federal income tax returns, or itemized source of income statements. Provision shall be made for preparing and keeping such reports current from time to time, and for public disclosure.

The Commission shall also make provision for the filing monthly under oath of a report by full-time County and municipal employees of all outside employment and amounts received therefrom.

16. **Representation of Public.** The Commission shall endeavor to provide representation at all proceedings significantly affecting the County and its residents before State and Federal regulatory bodies.

(B). The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of Dade County. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the County. The orderly, efficient and fair operation of government requires the intelligent participation of individual citizens exercising their rights with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual prerogatives, and for individual citizens to grant respect for the dignity of public office.

(C). **Remedies for Violations.** In any suit by a citizen alleging a violation of this Article filed in the Dade County Circuit Court pursuant to its general equity jurisdiction, the plaintiff, if successful, shall be entitled to recover costs as fixed by the Court. Any public official or em-

ployee who is found by the Court to have willfully violated this Article shall forthwith forfeit his office or employment.

(D). **Construction.** All provisions of this Article shall be construed to be supplementary to and not in conflict with the general laws of Florida. If any part of this Article shall be declared invalid, it shall not affect the validity of the remaining provisions.

## ARTICLE-1

### BOARD OF COUNTY COMMISSIONERS

#### SECTION 1.01. POWERS.

A. The Board of County Commissioners shall be the legislative and the governing body of the county and shall have the power to carry on a central metropolitan government. This power shall include but shall not be restricted to the power to:

1. Provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; provide and regulate parking facilities; and develop and enforce master plans for the control of traffic and parking.
2. Provide and operate air, water, rail, and bus terminals, port facilities, and public transportation systems.
3. License and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire operating in the county.
4. Provide central records, training, and communications for fire and police protection; provide traffic control and central crime investigation; provide fire stations, jails, and related facilities; and subject to Section 1.01A(18) provide a uniform system for fire and police protection.
5. Prepare and enforce comprehensive plans for the development of the county.
6. Provide hospitals and uniform health and welfare programs.
7. Provide parks, preserves, playgrounds, recreation areas, libraries, museums, and other recreational and cultural facilities and programs.



8. Establish and administer housing, slum clearance, urban renewal, conservation, flood and beach erosion control, air pollution control, and drainage programs and cooperate with governmental agencies and private enterprises in the development and operation of these programs.
9. Provide and regulate or permit municipalities to provide and regulate waste and sewage collection and disposal and water supply and conservation programs.
10. Levy and collect taxes and special assessments, borrow and expend money and issue bonds, revenue certificates, and other obligations of indebtedness in such manner, and subject to such limitations, as may be provided by law.
11. By ordinance, establish, merge, and abolish special purpose districts within which may be provided police and fire protection, beach erosion control, recreation facilities, water, streets, sidewalks, street lighting, waste and sewage collection and disposal, drainage, and other essential facilities and services. All county funds for such districts shall be provided by service charges, special assessments, or general tax levies within such districts only. The Board of County Commissioners shall be the governing body of all such districts and when acting as such governing body shall have the same jurisdiction and powers as when acting as the Board.
12. Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public.
13. Adopt and enforce uniform building and related technical codes and regulations for both the incorporated and unincorporated areas of the county; provide for examinations for contractors and all parties engaged in the building trades and for the issuance of certificates of competency and their revocation after hearing. Such certificates shall be recognized and required for the issuance of a license in all municipalities in the county. No municipality shall be entitled to require examinations or any additional certificate of competency or impose any other conditions for the issuance of a municipal license except the payment of the customary fee. The municipality may issue building permits and conduct the necessary inspections in accordance with the uniform codes and charge fees therefor.
14. Regulate, control, take over, and grant franchises to, or itself operate gas, light, power, telephone, and other utilities, sanitary and sewage collection and disposal systems, water

supply, treatment, and service systems, and public transportation systems, provided, however, that:

(a) Franchises under this subsection may only be granted by a two-thirds vote of the members of the Board present and approved by a majority vote of those qualified electors voting at either a special or general election.

(b) The county shall not operate a light, power, or telephone utility to serve any territory in the county which is being supplied with similar service except by a majority vote of those qualified electors voting in an election held not less than six months after the Board has passed an ordinance to that effect by a two-thirds vote of the members of the Board present. Such ordinance shall contain information on cost, method of financing, agency to regulate rates, agency to operate, location, and other information necessary to inform the general public of the feasibility and practicability of the proposed operation.

15. Use public funds for the purposes of promoting the development of the county, including advertising of the area's advantages.
16. Establish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas and approve municipal regulations on hours of sale of alcoholic beverages.
17. Enter into contracts with other governmental units within or outside the boundaries of the county for joint performance or performance by one unit in behalf of the other of any authorized function.
18. Set reasonable minimum standards for all governmental units in the county for the performance of any service or function. The standards shall not be discriminatory as between similar areas. If a governmental unit fails to comply with such standards, and does not correct such failure after reasonable notice by the Board, then the Board may take over and perform, regulate, or grant franchises to operate any such service. The Board may also take over and operate, or grant franchises to operate any municipal service if:

(a) In an election called by the Board of County Commissioners within the municipality a majority of those voting vote in favor of turning the service over to the county; or

(b) The governing body of the municipality requests the county to take over the service by a two-thirds vote of its members, or by referendum.

19. (a) By ordinance, abolish or consolidate the office of constables, or any county office created by the Legislature, or provide for the consolidation and transfer of any of the functions of such officers, provided, however, that there shall be no power to abolish the Superintendent of Public Instruction, or to abolish or impair the jurisdiction of the Circuit Court or to abolish any other Court, provided by the Constitution or by general law, or the judges or clerks thereof.
20. Make investigations of county affairs, inquire into the conduct, accounts, records, and transactions of any department or office of the county, and for these purposes require reports from all county officers and employees, subpoena witnesses, administer oaths, and require the production of records.
21. Exercise all powers and privileges granted to municipalities, counties, and county officers by the Constitution and laws of the state, and all powers not prohibited by the Constitution or by this Charter.
22. Adopt such ordinances and resolutions as may be required in the exercise of its powers, and prescribe fines and penalties for the violation of ordinances.
23. Perform any other acts consistent with law which are required by this Charter or which are in the common interest of the people of the county.
24. Supersede, nullify, or amend any special law applying to this county, or any general law applying only to this county, or any general law where specifically authorized by the Constitution.

B. No enumeration of powers in this Charter shall be deemed exclusive or restrictive and the foregoing powers shall be deemed to include all implied powers necessary and proper to carrying out such powers. All of these powers may be exercised in the incorporated and unincorporated areas, subject to the procedures herein provided in certain cases relating to municipalities.

C. The Board shall have the power of eminent domain and the right to condemn property for public purposes. The Board shall make fair and just compensation for any properties acquired in the exercise of its powers, duties, or functions. The Board shall also provide for the acquisition or transfer of property, the payment, assumption, or other satisfaction of the debts, and the protection of pension rights of affected employees of any governmental unit which is merged, consolidated, or abolished or whose boundaries are changed or functions or powers transferred.

D. The Board shall be entitled to levy in the unincorporated areas all taxes authorized to be levied by

municipalities and to receive from the state any revenues collected in the unincorporated areas on the same basis as municipalities.

## SECTION 1.02. RESOLUTIONS AND ORDINANCES.

A. The Board shall adopt its own rules of procedure and shall decide which actions of the Board shall be by ordinance or resolution, except as otherwise provided in this Charter and except that any action of the Board which provides for raising revenue, appropriating funds, or incurring indebtedness, or which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed shall be by ordinance.

B. Every ordinance shall be introduced in writing and shall contain a brief title. The enacting clause shall be "Be it Ordained by the Board." After passage on first reading, a short summary of the ordinance shall be published in a daily newspaper of general circulation at least once together with a notice of the time and place where it will be given a public hearing and be considered for final passage. The first such publication shall be at least one week prior to the time advertised for hearing. No ordinance shall be declared invalid by reason of any defect in publication or title if the published summary gives reasonable notice of its intent.

C. At the time and place so advertised, or at any time and place to which such public hearing may from time to time be adjourned, the ordinance shall be read by title and a public hearing shall be held. After the hearing, the Board may pass the ordinance with or without amendment.

D. The Board may adopt in whole or in part any published code by reference as an ordinance in the manner provided by law.

E. The effective date of any ordinance shall be prescribed therein, but the effective date shall not be earlier than ten days after its enactment.

F. To meet a public emergency affecting life, health, property, or public safety the Board by two-thirds vote of the members of the Board may adopt an emergency ordinance at the meeting at which it is introduced, and may make it effective immediately, except that no such ordinance may be used to levy taxes, grant or extend a franchise, or authorize the borrowing of money. After the adoption of an emergency ordinance, the Board shall have it published in full within ten days in a daily newspaper of general circulation.

G. Each ordinance and resolution after adoption shall be given a serial number and shall be entered by the clerk in a properly indexed record kept for that purpose.

H. Within two years after adoption of this Charter the Board shall have prepared a general codification of all county ordinances and resolutions having the effect

of law. The general codification thus prepared shall be adopted by the Board in a single ordinance. After adoption the Board shall have the codification printed immediately in an appropriate manner together with the Charter and such rules and regulations as the Board may direct. Additions or amendments to the code shall be prepared, adopted, and printed at least every two years.

#### SECTION 1.03. DISTRICTS.

A. There shall be eight County Commission districts. The initial boundaries of these districts shall be as shown on the map attached as Exhibit A and made a part hereof.

B. The Board may by ordinance adopted by two-thirds vote of the members of the Board change the boundaries of the districts from time to time. The boundaries shall be fixed on the basis of the character, population, and geography of the districts.

#### SECTION 1.04. COMPOSITION OF THE BOARD

The Board shall consist of nine members elected as follows:

1. From each of the eight districts there shall be elected by the qualified electors of the county at large a County Commissioner who shall be a qualified elector residing within the district at least six months and within the county at least three years before qualifying.
2. There shall be elected by the qualified electors of the county at large a Mayor who shall be a qualified elector residing within the county at least three years before qualifying. The Mayor shall also serve as a member of the Board and shall be subject to all restrictions provided in this Charter applying to all other Commissioners.

Beginning with the state primary elections in 1968, the Mayor and each Commissioner shall be elected for a term of four years.

#### SECTION 1.05. FORFEITURE OF OFFICE.

A. Any member of the Board of County Commissioners who ceases to be a qualified voter of the county or removes himself from the county or the district from which he was elected, or who fails to attend meetings without good cause for a period of six months, shall immediately forfeit his office. Any Commissioner except the Mayor who ceases to reside in the district which he represents shall also immediately forfeit his office.

B. Any elected or appointed county official who holds any other elective office, whether federal, state or municipal, shall forfeit his county position, provided that the provisions of this subsection shall not apply to any officials presently holding such other office during the remainder of the present terms.

C. Any appointed official or employee of Dade County who qualifies as a candidate for election to any federal, state or municipal office shall immediately forfeit his county position.

#### SECTION 1.06. SALARY.

Each County Commissioner shall receive a salary of \$6,000 per year payable monthly and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.

#### SECTION 1.07. VACANCIES.

Any vacancy in the office of Mayor or the other members of the Board shall be filled by majority vote of the remaining members of the Board within 30 days, or the Board shall call an election to be held not more than 45 days thereafter to fill the vacancy. The person chosen to fill the office vacated must at the time of appointment meet the residence requirements for the office to which such person is appointed. A person appointed shall serve only until the next county-wide election. A person elected shall serve for the remainder of the unexpired term of office. If a majority of the members of the Board should become appointed rather than elected to office, then the Board shall call an election to be held not more than 45 days thereafter to permit the registered electors to elect commissioners to succeed the appointed commissioners; appointed commissioners may succeed themselves unless otherwise prohibited by the Charter. If a county-wide election is scheduled to be held within 180 days from the date on which the majority of the members of the Board become appointive, the Board may elect to defer the required election until the scheduled county-wide election.

#### SECTION 1.08. ORGANIZATION OF THE BOARD.

The Mayor shall be Chairman of the Board. The Board shall select a vice-chairman who shall serve at the pleasure of the Board and who shall be known as Vice Mayor. The Clerk of the Circuit Court or his deputy shall serve as clerk of the Board. No action of the Board shall be taken except by a majority vote of those present at a meeting at which a majority of the Commissioners then in office is present. All meetings shall be public.

#### SECTION 1.09. MAYOR TO REPORT TO CITIZENRY.

The Mayor shall prepare and deliver a report on the state of the County to the people of the County between November 1 and January 31 annually. Such report shall be prepared after consultation with the County Commissioners and the County Manager.

# ARTICLE-2

## ELECTIONS

### SECTION 2.01. ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS.

A. Unless otherwise provided in the Charter, beginning in 1976, the election of the Mayor and the County Commissioners from four County Commission districts to be selected by voluntary arrangement or by lot prior to June 1, 1976 shall be held at the time of the state primary elections in 1976 and every four years thereafter at the same time. The County Commissioners from the other four County Commission districts shall also be elected in 1976 in the same manner, but only for two year terms; the election of County Commissioners from these four County Commission districts will be held again in 1978 and every four years thereafter at the time of the state primary elections.

B. A candidate must receive a majority of the votes cast to be elected. If no candidate receives a majority of the votes cast there will be a runoff election at the time of the state second primary election between the two candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot.

C. Except as otherwise provided in this Charter, the terms of office of the Mayor and the other County Commissioners shall commence on the second Tuesday next succeeding the date provided for the state second primary election.

### SECTION 2.02. ELECTION OF COUNTY COMMISSIONERS FROM MUNICIPALITIES.

Repealed at special election November 5, 1963.

### SECTION 2.03. NONPARTISAN ELECTIONS.

All elections for Mayor and the other members of the Board shall be nonpartisan and no ballot shall show the party designation of any candidate. No candidate shall be required to pay any party assessment or state the party of which he is a member or the manner in which he voted or will vote in any election.

### SECTION 2.04. QUALIFICATIONS AND FILING FEE.

All candidates for the office of Mayor or County Commissioner shall qualify with the Clerk of the Circuit Court no earlier than the 63rd day and no later than noon on the 49th day prior to the date of the election at which he is a candidate in the method provided by law or ordinance, and shall pay a filing fee of \$300. All filing fees shall be paid into the general funds of the county.

### SECTION 2.05. INVALIDITY.

Repealed at special election November 5, 1963.

### SECTION 2.06. ADDITIONAL REGULATIONS AND STATE LAWS.

A. The Board may adopt by ordinance any additional regulations governing elections not inconsistent with this Charter.

B. Except as otherwise provided by this Charter or by ordinance adopted hereunder the provisions of the election laws of this state shall apply to elections held under this Charter.

### SECTION 2.07. CANVASSING ELECTIONS.

All elections under this Charter shall be canvassed by the County Canvassing Board as provided under the election laws of this state.

# ARTICLE-3

## THE COUNTY MANAGER

### SECTION 3.01. APPOINTMENT AND REMOVAL.

The Board of County Commissioners shall appoint a County Manager who shall be the chief executive officer and head of the administrative branch of the county government. The Board shall fix the Manager's compensation, and he shall serve at the will of the Board.

### SECTION 3.02. QUALIFICATIONS.

The Manager shall be chosen by the Board on the basis of his executive and administrative qualifications. At the time of his appointment he need not be a resident of the state. No County Commissioner shall be eligible for the position of Manager during or within two years after the expiration of his latest term as Commissioner.

### SECTION 3.03. ABSENCE OF MANAGER.

The Board may designate a qualified administrative officer of the county to assume the duties and authority of the Manager during periods of temporary absence or disability of the Manager.

### SECTION 3.04. POWERS AND DUTIES.

A. The Manager shall be responsible to the Board of County Commissioners for the administration of all units of the county government under his jurisdiction, and for carrying out policies adopted by the Board. The Manager, or such other persons as may be designated by resolution of the Board, shall execute contracts and other instruments, sign bonds and other evidences of indebtedness, and accept process.

B. Unless otherwise provided for by civil service rules and regulations, the Manager shall have the power to appoint and suspend all administrative department

heads of the major departments of the county, to-wit: Tax Collector, Tax Assessor, Department of Public Works, Department of Public Safety, Building and Zoning Department, Planning Department, Finance Department, Park and Recreation Department and Internal Auditing Department, except that before any appointment shall become effective, the said appointment must be approved by the County Commission and if the same is disapproved the said appointment shall be void. In the event such appointment shall be disapproved by the County Commission the appointment shall forthwith become null and void and thereupon the County Manager shall make a new appointment or appointments, each of which shall likewise be submitted for approval by the County Commission. However, the right to suspend, remove or discharge any department head with or without cause, is reserved at all times to the County Manager.

#### SECTION 3.05. RESTRICTION ON BOARD MEMBERS.

Neither the Board nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the Manager or any of his subordinates, or take part in the appointment or removal of officers and employees in the administrative services of the county. Except for the purpose of inquiry, as provided in Section 1.01A(20), the Board and its members shall deal with the administrative service solely through the Manager and neither the Board nor any members thereof shall give orders to any subordinates of the Manager, either publicly or privately. Any wilful violation of the provisions of this Section by a member of the Board shall be grounds for his removal from office by an action brought in the Circuit Court by the State Attorney of this county.

## ARTICLE-4

### ADMINISTRATIVE ORGANIZATION AND PROCEDURE

#### SECTION 4.01. DEPARTMENTS.

There shall be departments of finance, personnel, planning, law, and such other departments as may be established by administrative order of the Manager. All functions not otherwise specifically assigned to others by this Charter shall be performed under the supervision of the Manager.

#### SECTION 4.02. ADMINISTRATIVE PROCEDURE.

The Manager shall have the power to issue and place into effect administrative orders, rules, and regulations. The organization and operating procedure of departments shall be set forth in administrative regulations

which the Manager shall develop, place into effect by administrative orders, and submit to the Board. The Board may, by resolution, modify such orders, rules or regulations providing, however, no such orders, rules or regulations creating, merging, or combining departments, shall become effective until approved by resolution of the Board.

#### SECTION 4.03. FINANCIAL ADMINISTRATION.

A. The department of finance shall be headed by a finance director appointed by the Manager. The finance director shall have charge of the financial affairs of the county.

B. On or before the date established by law, the Manager shall recommend to the Board a proposed budget presenting a complete financial plan, including capital and operating budgets, for the ensuing fiscal year. A summary of the budget shall be published and the Board shall hold hearings on and adopt a budget.

C. No money shall be drawn from the county treasury nor shall any obligation for the expenditure of money be incurred except pursuant to appropriation and except that the Board may establish working capital, revolving, pension, or trust funds and may provide that expenditures from such funds can be made without specific appropriation. The Board, by ordinance, may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund, or agency to another, subject to the provisions of ordinance. Any portion of the earnings or balance of the several funds, other than sinking funds for obligations not yet retired, may be transferred to the general funds of the county by the Board.

D. Contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. Formal sealed bids shall be secured for all such contracts and purchases when the transaction involves the expenditure of \$1,000 or more. The transaction shall be evidenced by written contract submitted and approved by the Board. The Board, upon written recommendation of the Manager, may by resolution adopted by two thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the county.

E. Any county official or employee of the county who has a special financial interest, direct or indirect, in any action by the Board shall make known that interest and shall refrain from voting upon or otherwise participating in such transaction. Wilful violation of this Section shall constitute malfeasance in office, shall effect forfeiture of office or position, and render the transaction voidable by the Board.

F. Such officers and employees of the county as the Board may designate shall give bond in the amount and with the surety prescribed by the Board. The bond premiums shall be paid by the county.

G. At the end of each fiscal year the Board shall provide for an audit by an independent certified public accountant designated by the Board of the accounts and finances of the county for the fiscal year just completed.

H. The Budget Commission created by Chapter 21874, Laws of Florida, 1943, is hereby abolished, and Chapter 21874 shall no longer be of any effect.

#### SECTION 4.04. ASSESSMENT AND COLLECTION OF TAXES.

A. Beginning with the tax year 1961, the county tax rolls prepared by the county shall be the only legal tax rolls in this county for the assessment and collection of county and municipal taxes. Thereafter no municipality shall have an assessor or prepare an ad valorem tax roll. Each municipality shall continue to have the right to adopt its own budget, fix its own millage, and levy its own taxes. Each municipality shall certify its levies to the County Manager not later than 30 days after the county tax rolls have been finally approved by the Board. Any municipality may obtain a copy of this tax roll upon payment of the cost of preparing such a copy, and copies of the tax rolls shall be available for public inspection at reasonable times. Maps showing the assessed valuation of each parcel of property may be prepared and made available for sale to the public at a reasonable price.

B. All county and municipal taxes for the tax year beginning January 1, 1961, and all subsequent tax years, shall be collected by the county on one bill prepared and sent out by the county. The amounts of county and municipal taxes shall be shown as separate items, and may be paid separately.

C. Delinquent municipal taxes shall be collected in the same manner as delinquent county taxes.

D. All the tax revenues collected for any municipality shall be returned monthly by the county to the municipality.

#### SECTION 4.05. DEPARTMENT OF PERSONNEL.

A. The Board of County Commissioners shall establish and maintain personnel and civil service, retirement, and group insurance programs. The personnel system of the county shall be based on merit principles in order to foster effective career service in county employment and to employ those persons best qualified for county services which they are to perform.

B. The County Manager shall appoint a personnel director who shall head the department of personnel and whose duty it shall be to administer the personnel and civil service programs and the rules governing them. The standards of such programs shall not be less than those prevailing at the time of the effective date of this Charter.

C. Except as provided herein, Chapter 30255, General Laws, 1955, as it exists on the effective date of this Charter, shall remain in effect until amended or changed

by ordinance of the Board of County Commissioners adopted by two-thirds vote of the members present after recommendation from either the Personnel Advisory Board or the County Manager.

D. Employees of municipalities who, by merger, transfer, or assignment of governmental units or functions become county employees, shall not lose the civil service rights or privileges which have accrued to them during their period of employment with such municipality, and the county shall use its best efforts to employ these employees within the limits of their capabilities. However, if because of the merger of a department or division of a municipality with the county, all of the employees of such department or division are unable to be employed by the county either because of lack of funds or lack of work, the employee possessing the greater amount of service shall be retained in accordance with civil service rules and regulations. Those employees who are not retained shall be placed on a priority list for employment by the county subject to seniority. Any non-retained employee shall have the option, if a vacancy occurs or exists in another department, and if he is qualified to render the service required, to either accept such employment or remain on the priority list until such time as employment shall be available for him in his own or similar classification.

E. The pension plan presently provided by the state for county employees shall not be impaired by the Board. Employees of municipalities, who by merger, transfer, or assignment of governmental units or functions become county employees shall not lose their pension rights, or any reserves accrued to their benefit during their period of employment with such municipality. The Board of County Commissioners shall provide a method by which these employees' rights and reserves shall be protected, and these employees shall continue until retirement, dismissal, or death in a pension status no less beneficial than the status held by them at the time of merger or assignment.

F. The Board of County Commissioners shall provide and place into effect a practical group insurance plan for all county employees.

#### SECTION 4.06. DEPARTMENT OF LAW.

There shall be a county attorney appointed by the Board of County Commissioners who shall serve at the will of the Board and who shall head the department of law. He shall devote his full time to the service of the county and shall serve as legal counsel to the Board, Manager, and all county departments, offices, and agencies, and perform such other legal duties as may be assigned to him. With the approval of the Board, he may appoint such assistants as may be necessary in order that his duties may be performed properly. The Board may employ special counsel for specific needs.

#### SECTION 4.07. DEPARTMENT OF PLANNING.

The department of planning shall be headed by a planning director appointed by the County Manager. The planning director shall be qualified in the field of planning by special training and experience. Under the supervision of the Manager and with the advice of the Planning Advisory Board elsewhere provided for in this Charter, the planning director shall among other things:

1. Conduct studies of county population, land use, facilities, resources, and needs and other factors which influence the county's development, and on the basis of such studies prepare such official and other maps and reports as, taken together, constitute a master plan for the welfare, recreational, economic, and physical development of the county.
2. Prepare for review by the Planning Advisory Board, and for adoption by the Board of County Commissioners, zoning, subdivision and related regulations for the unincorporated areas of the county and minimum standards governing zoning, subdivision, and related regulations for the municipalities; and prepare recommendations to effectuate the master plan and to coordinate the county's proposed capital improvements with the master plan.
3. Review the municipal systems of planning, zoning, subdivision, and related regulations and make recommendations thereon with a view to coordinating such municipal systems with one another and with those of the county.

#### SECTION 4.08. BOARDS.

(A) The Board of County Commissioners shall by ordinance create a Planning Advisory Board, a Zoning Appeals Board, and such other boards as it may deem necessary, prescribing in each case the number, manner of appointment, length of term, and advisory or quasi-judicial duties of members of such boards, who shall serve without compensation but who may be reimbursed for necessary expenses incurred in official duties, as may be determined and approved by the Board of County Commissioners.

(B) The Board of County Commissioners may by ordinance provide for the expansion of the City of Miami Water and Sewer Board to an agency county-wide in scope and authority, with the power to acquire, construct and operate water and sewer systems within the incorporated and the unincorporated areas of Dade County, which agency shall be known as the Miami-Dade Water and Sewer Authority. The Miami-Dade Water and Sewer Authority shall have the responsibility to develop and operate a county-wide water and sewer system for the purpose of providing potable water, sewage collection and disposal and water pollution abatement to the citizens of Dade County.

(C) Dade County shall retain all its powers, including but not limited to that of eminent domain, in relation to the

creation of a county-wide water and sewer system, for the purpose of cooperating with the Miami-Dade Water and Sewer Authority.

*Editor's note—Section 4.08 was amended by vote of the electorate on Oct. 3, 1972, adding thereto paragraphs (B) and (C).*

## ARTICLE-5

### MUNICIPALITIES

#### SECTION 5.01. CONTINUANCE OF MUNICIPALITIES.

The municipalities in the county shall remain in existence so long as their electors desire. No municipality in the county shall be abolished without approval of a majority of its electors voting in an election called for that purpose. The right of self determination in local affairs is reserved and preserved to the municipalities except as otherwise provided in this Charter.

#### SECTION 5.02. MUNICIPAL POWERS.

Each municipality shall have the authority to exercise all powers relating to its local affairs not inconsistent with this Charter. Each municipality may provide for higher standards of zoning, service, and regulation than those provided by the Board of County Commissioners in order that its individual character and standards may be preserved for its citizens.

#### SECTION 5.03. MUNICIPAL CHARTERS.

A. Except as provided in Section 5.04, any municipality in the county may adopt, amend, or revoke a charter for its own government or abolish its existence in the following manner. Its governing body shall, within 120 days after adopting a resolution or after the certification of a petition of ten percent of the qualified electors of the municipality, draft or have drafted by a method determined by municipal ordinance a proposed charter, amendment, revocation, or abolition which shall be submitted to the electors of the municipalities. Unless an election occurs not less than 60 nor more than 120 days after the draft is submitted, the proposal shall be submitted at a special election within that time. The governing body shall make copies of the proposal available to the electors not less than 30 days before the election. Alternative proposals may be submitted. Each proposal approved by a majority of the electors voting on such proposal shall become effective at the time fixed in the proposal.

B. All municipal charters, amendments thereto, and repeals thereof shall be filed with the Clerk of the Circuit Court.

**SECTION 5.04. CHANGES IN MUNICIPAL BOUNDARIES.**

A. The planning director shall study municipal boundaries with a view to recommending their orderly adjustment, improvement, and establishment. Proposed boundary changes may be initiated by the Planning Advisory Board, the Board of County Commissioners, the governing body of a municipality, or by a petition of any person or group concerned.

B. The Board of County Commissioners, after obtaining the approval of the municipal governing bodies concerned, after hearing the recommendations of the Planning Advisory Board, and after a public hearing, may by ordinance effect boundary changes, unless the change involves the annexation or separation of an area of which more than 250 residents are electors, in which case an affirmative vote of a majority of those electors voting shall also be required. Upon any such boundary change any conflicting boundaries set forth in the charter of such municipality shall be considered amended.

C. No municipal boundary shall be altered except as provided by this Section.

**SECTION 5.05. CREATION OF NEW MUNICIPALITIES.**

The Board of County Commissioners and only the Board may authorize the creation of new municipalities in the unincorporated areas of the county after hearing the recommendations of the Planning Advisory Board, after a public hearing, and after an affirmative vote of a majority of the electors voting and residing within the proposed boundaries. The Board of County Commissioners shall appoint a charter commission, consisting of five electors residing within the proposed boundaries, who shall propose a charter to be submitted to the electors in the manner provided in Section 5.03. The new municipality shall have all the powers and rights granted to or not withheld from municipalities by this Charter and the Constitution and general laws of the State of Florida.

**SECTION 5.06. CONTRACTS WITH OTHER UNITS OF GOVERNMENT.**

Every municipality in this county shall have the power to enter into contracts with other governmental units within or outside the boundaries of the municipality or the county for the joint performance or performance by one unit in behalf of the other of any municipal function.

**SECTION 5.07 FRANCHISE AND UTILITY TAXES.**

Revenues realized from franchise and utility taxes imposed by municipalities shall belong to municipalities.

**ARTICLE-6<sup>1/</sup>**

**METROPOLITAN COURT**

**SECTION 6.01. METROPOLITAN COURT ESTABLISHED.**

A court is hereby established, the name of which shall be the Metropolitan Court.

**SECTION 6.02. QUALIFICATIONS OF JUDGES.**

Metropolitan Court judges shall be citizens of the United States and of the State of Florida for three years and of the County of Dade one year, licensed to practice law in the state for at least eight years and possess any additional qualifications prescribed by law.

**SECTION 6.03. NOMINATION AND APPOINTMENT.**

A. The Board of County Commissioners shall fill any vacancy in an office of Metropolitan Court judge by appointing one of three nominees for each vacancy presented to it by the Metropolitan Court Nominating Council.

B. If within 60 days from the date a vacancy occurs the Metropolitan Court Nominating Council fails to submit to the Board of County Commissioners three nominees for any such vacancy, then the Board of County Commissioners shall fill such vacancy by appointment in any manner not otherwise inconsistent with the provisions of this Article.

C. If the Board of County Commissioners shall fail to make an appointment within 60 days from the date the list of nominees is presented to it, the appointment shall be made by the Chairman of the Metropolitan Court Nominating Council from the same list of nominees.

**SECTION 6.04. APPROVAL OR REJECTION.**

**A. Declaration of Candidacy.**

1. Any Metropolitan Court judge who desires to continue in office after the expiration of his term, and as a condition precedent thereto, shall file with the Clerk of the Board of County Commissioners a written Declaration of Candidacy for election to succeed himself not less than 60 days nor more than 90 days preceding the date of the first state primary election at which his name is to be submitted to the electors.

**B. Term of Office.**

1. Each Metropolitan Court judge shall, in the manner provided by law, be subject to approval or rejection on a nonpartisan ballot at the first state primary election held more than one year after his appointment.

<sup>1/</sup> This Article is no longer operative. The Metropolitan Court was merged into the County Courts system with implementation of the new State judicial system. Article V of the Constitution of 1968, as amended.



2. Thereafter, such Metropolitan Court judge shall be subject to approval or rejection in a like manner every sixth year, provided, however, that upon the initial election held after the effective date of this Article the seven candidates receiving the highest number of affirmative votes shall each be elected for a six year term and the remaining six candidates shall each be elected for a four year term. Should a tie result, the outcome shall be determined by lot.

**C. Form of Ballot.**

At each election for judge, the ballot should be as follows:

Shall Judge (name of Judge) of the Metropolitan Court be retained in office?

For \_\_\_\_\_ Against \_\_\_\_\_

**SECTION 6.05. VACANCY.**

The offices of all incumbent judges of the Metropolitan Court become vacant on May 1, 1964, provided, however, that the judges of the Metropolitan Court then in office may remain in office until their respective successors are appointed in the manner as herein provided. Thereafter, a vacancy occurs upon the happening of any of the following:

1. Ninety days after the election at which a judge is rejected by a majority of those voting on the question;
2. Upon the expiration date of the term of a judge who fails to file a written Declaration of Candidacy to succeed himself;
3. An increase in the number of judges by the Board of County Commissioners;
4. The death, resignation, retirement, removal from office or recall of any judge.

**SECTION 6.06 METROPOLITAN COURT NOMINATING COUNCIL.**

**A. Duty.**

There shall be a Metropolitan Court Nominating Council, the primary duty of which shall be to prepare a list of three nominees for each vacancy occurring on the Metropolitan Court Bench for submission to the Board of County Commissioners.

**B. Members, Number, Type and Selection.**

1. The Metropolitan Court Nominating Council shall serve without compensation except for reimbursement for necessary expenses incurred in official duties, and shall consist of nine as follows:
  - (a) The Presiding Circuit Judge of the Eleventh Judicial Circuit in and for Dade County shall act as Chairman. In the event the Presiding Circuit Judge shall fail to accept the appointment, or having assumed office shall

for any reason cease to continue to act or there be no Presiding Circuit Court Judge, the Board of County Commissioners shall appoint any judge of the Eleventh Judicial Circuit in and for Dade County, Florida, to act as Chairman;

(b) Three active members of The Florida Bar, in good standing, residing in Dade County, shall be elected by the active members of The Florida Bar, in good standing, residing in Dade County, under such procedure as established by the Board of County Commissioners.

(c) Five shall be residents of Dade County, not admitted to practice law, who shall be appointed by the Board of County Commissioners.

**C. Members' Terms.**

The members of the Metropolitan Court Nominating Council shall be appointed or elected within 45 days of the effective date of this Article and the initial terms of office for members of the Metropolitan Court Nominating Council, other than the Chairman shall be as follows:

2 Lay Members	6 Year Term
2 Lay Members	5 Year Term
1 Lay Member	4 Year Term
1 Lawyer Member	6 Year Term
1 Lawyer Member	5 Year Term
1 Lawyer Member	4 Year Term

Thereafter, each member shall be appointed or elected, consistent with other provisions of this Article, for a six year term.

**D. Vacancies.**

Vacancies shall be filled for the unexpired term in like manner as provided for initial selection of members of the Metropolitan Court Nominating Council.

**E. Regulation of Members.**

No member of the Metropolitan Court Nominating Council, except the Chairman, shall hold any other public office for profit or office in a political party or organization and shall not be eligible for appointment to the Metropolitan Court Bench while a member of the Metropolitan Court Nominating Council and for a period of five years thereafter.

**F. Additional Duties.**

1. The Metropolitan Court Nominating Council is empowered to initiate removal proceedings against any Metropolitan Court judge for non-feasance, malfeasance or misfeasance in office.
2. The Metropolitan Court Nominating Council shall conduct studies for improvement of the administration of justice and make reports and recommendations to the Board of County Commissioners at intervals of not more than two years.
3. The Metropolitan Court Nominating Council shall perform such other duties as may be assigned by law.

#### SECTION 6.07. INCAPACITY OF JUDGES.

Whenever the Metropolitan Court Nominating Council certifies to the Board of County Commissioners that a Metropolitan Court judge appears to be so incapacitated as substantially to prevent him from performing his judicial duties, the Board of County Commissioners shall inquire into the circumstances and may retire the judge.

#### SECTION 6.08. RECALL.

Metropolitan Court judges shall be subject to recall in the manner as provided in Section 7.02 of the Home Rule Charter

#### SECTION 6.09. REMOVAL OF JUDGES.

Upon initiation of removal proceedings by the Metropolitan Court Nominating Council, or by the Board of County Commissioners, judges of the Metropolitan Court may be subject to removal for nonfeasance, malfeasance or misfeasance in the performance of official duties by two-thirds vote of the members of the Board of County Commissioners, after appropriate hearing.

#### SECTION 6.10. RETIREMENT OF JUDGES.

Every judge of the Metropolitan Court shall retire at the age of 70 years.

#### SECTION 6.11. NUMBER OF JUDICIAL POSITIONS

The Board of County Commissioners shall determine the number of judges of the Metropolitan Court as in its opinion is deemed necessary to administer promptly and expeditiously the business of the Court.

In the event the Board of County Commissioners determines to decrease the number of judicial positions on the Metropolitan Court, such decision can only take effect upon the expiration of a regular term of office.

At such time as the decrease in the number of judicial positions on the Metropolitan Court becomes effective, those judges whose terms of office expire may run for election for the then existing offices, consistent with other provisions of this Article. In this event, those judges receiving the highest number of affirmative votes shall fill the said judicial vacancies.

#### SECTION 6.12. COMPENSATION OF JUDGES.

Judges of the Metropolitan Court shall receive compensation as prescribed by law. Compensation of judges shall not be diminished during their terms of office.

#### SECTION 6.13. RESTRICTIONS ON JUDGES.

No judge of the Metropolitan Court shall, during his term of office, engage in the practice of law. No judge shall, during his term of office, run for elective office other than the judicial office which he holds, or directly or indirectly make any contribution to, or hold any office in, a political party or organization, or take part in any political campaign.

#### SECTION 6.14. EFFECTIVE DATE.

The provisions of this Article shall become effective February 1, 1964.

#### SECTION 6.15. JURISDICTION AND PROCEDURE.

A. The Court shall have jurisdiction to try all cases arising under ordinances adopted by the Board.

B. The clerk of the Metropolitan Court shall be appointed by the Board. The clerk may appoint deputy clerks upon approval of the Manager. The Court may hold sessions in such places as the Board may designate.

C. Arrests, complaints, prosecutions, and convictions shall be instituted and processed in the manner provided by the rules of the Court. When the complaint is made in the name of the county, a formal complaint shall not be necessary to give the Court jurisdiction of offenses triable in such Court, but the accused may be tried for the offense for which he is docketed, provided such docket entry is sufficient to put the accused upon notice of the offense with which he is charged.

D. No person shall upon conviction for the violation of any county ordinance be punished by a fine exceeding \$1,000 or imprisonment in the county jail for more than one year or by both such fine and imprisonment. If the offense is punishable by a fine exceeding \$500 or imprisonment in the county jail for more than 60 days, the accused shall be entitled to a trial by jury upon demand.

E. All prosecutions for violations of any ordinance punishable by fine or imprisonment shall be conducted by the State Attorney of this county, if he be willing, and, if not, by the department of law. The Board may by ordinance provide for a public defender.

F. Appeals will lie to the Circuit Court of this county from any final judgment. All such appeals shall be taken within 20 days from the entry of the judgment in the manner provided by the rules of the Circuit Court. The decision of the Circuit Court shall be subject to review in the same manner and within the same time as any other decision of the Circuit Court.

G. The judges of the Metropolitan Court are hereby empowered to adopt rules of procedure governing the Court, to punish for contempt of court including imprisonment not in excess of 48 hours, to issue search warrants, and to fix the amount of bail and appeal bonds. The judges and the clerks or their deputies may administer oaths, issue witness subpoenas, and warrants for arrest.

# ARTICLE-7

## INITIATIVE, REFERENDUM, AND RECALL SECTION 7.01. INITIATIVE AND REFERENDUM.

The electors of the county shall have the power to propose to the Board of County Commissioners passage or repeal of ordinances and to vote on the question if the Board refuses action, according to the following procedure:

1. The person proposing the exercise of this power shall submit the proposal to the Board which shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire.
2. The person or persons circulating the petition shall, within one month of the approval of the form of the petition, obtain the signatures of voters in numbers at least equal to five percent of the total vote in the county for the office of Governor at the last preceding gubernatorial general election, or 10,000, whichever is less. Each signer of a petition shall place thereon, after his name, the date, and his place of residence or precinct number. Each person circulating a copy of the petition shall attach to it a sworn affidavit stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.
3. The signed petition shall be filed with the Board which shall within 30 days order a canvass of the signatures thereon to determine the sufficiency of the signatures. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this Section, the Board shall notify the person filing the petition and allow 30 days for filing of additional petition papers, at the end of which time the sufficiency or insufficiency of the petition shall be finally determined.
4. The Board shall within 30 days after the date a sufficient petition is presented either:
  - (a) Adopt the ordinance as submitted in an initiatory petition or repeal the ordinance referred to by a referendary petition, or
  - (b) Determine to submit the proposal to the electors.
5. The vote of the electors, if required, shall take place within 120 days after the date the petition is presented to the Board, preferably in an election already scheduled for other purposes, otherwise in a special election. The result shall be determined by a majority vote of the electors voting on the proposal.
6. An ordinance proposed by initiatory petition or the repeal of an ordinance by referendary

petition shall be effective on the day after the election, except that:

(a) Any reduction or elimination of existing revenue or any expenditures not provided for by the current budget or existing bond issues shall not take effect until the beginning of the next succeeding fiscal year; and

(b) Rights accumulated under an ordinance between the time a certified referendary petition against the ordinance is presented to the Board and the repeal of the ordinance by the voters, shall not be enforced against the county; and

(c) Should two or more ordinances adopted at the same election have conflicting provisions, the one receiving the highest number of votes shall prevail as to those provisions.

7. An ordinance adopted by the electorate through initiatory proceedings shall not be amended or repealed by the Board for a period of one year after the election at which it was adopted, but thereafter it may be amended or repealed like any other ordinance.

## SECTION 7.02. RECALL.

Any member of the Board of County Commissioners or the Sheriff or any Constable may be removed from office by the electors of the county, district, or municipality by which he was chosen. The procedure on a recall petition shall be identical with that for an initiatory or referendary petition, except that:

1. The Clerk of the Circuit Court shall approve the form of the petition.
2. The person or persons circulating the petition must obtain signatures of electors of the county, district, or municipality concerned in numbers at least equal to ten percent or 10,000 whichever is smaller, of the qualified voters in the county, district, or municipality.
3. The signed petition shall be filed with and canvassed and certified by the Clerk of the Circuit Court.
4. The Board of County Commissioners must provide for a recall election not less than 45 nor more than 90 days after the certification of the petition.
5. The question of recall shall be placed on the ballot in a manner that will give the elector a clear choice for or against the recall. The result shall be determined by a majority vote of the electors voting on the question.
6. If the majority is against recall the officer shall continue in office under the terms of his previous election. If the majority is for recall he shall, regardless of any defect in the recall

petition, be deemed removed from office immediately.

7. No recall petition against such an officer shall be certified within one year after he takes office nor within one year after a recall petition against him is defeated.
8. Any vacancy created by recall in the offices of Sheriff or Constables shall be filled for the remaining term by appointment by the Board of County Commissioners, or the Board may require the office to be filled at the next regular election or at a special election called for that purpose.

## ARTICLE-8

### GENERAL PROVISIONS

#### SECTION 8.01. ABOLITION OF CERTAIN OFFICES AND TRANSFER OF FUNCTIONS.

A. On May 1, 1958, the following offices are hereby abolished and the powers and functions of such offices are hereby transferred to the County Manager who shall provide for the continuation of all the duties and functions of these offices required under the Constitution and general laws of this state: County Assessor of Taxes, County Tax Collector, County Surveyor, County Purchasing Agent, and County Supervisor of Registration.

B. The County Manager may delegate to suitable persons the powers and functions of such officers, provided however that until the term of office for which they were elected shall terminate the County Assessor of Taxes, the County Tax Collector, the County Supervisor of Registration, and the County Purchasing Agent shall each if he so desires remain in his position and receive the same salary as presently provided for by statute.

C. In the event that other elective officers are abolished by the Board, the Board shall provide that any person duly elected to such office shall if he so desires remain in the same or similar position and receive the same salary for the remainder of the term for which he was elected, and shall provide for the continuation of all duties and functions of these offices required under the Constitution and general laws.

D. On November 9, 1966, the Office of Sheriff is hereby abolished and the powers and functions of such office are hereby transferred to the County Manager, who shall provide for the continuation of all the duties and functions of this office required under the Constitution and General Laws of this State. The County Manager may delegate to a suitable person or persons the powers and

functions of such officer. Section 1.01 A (19) (a) of this Charter is amended by deleting the word "Sheriff" and subsections (b) and (c) are repealed.

#### SECTION 8.02. RESERVED

#### SECTION 8.03. TORT LIABILITY.

The county shall be liable in actions of tort to the same extent that municipalities in the State of Florida are liable in actions in tort. However, no suit shall be maintained against the county for damages to persons or property or for wrongful death arising out of any tort unless written notice of claim shall first have been given to the county in the manner and within the time provided by ordinance, except that the time fixed by ordinance for notice shall be not less than 30 days nor more than 120 days.

*Note: Waiver of County's tort immunity held unconstitutional in Kaulakis v. Boyd, Fla. 1962, 138 So.2d 505.*

#### SECTION 8.04. SUPREMACY CLAUSE.

A. This Charter and the ordinances adopted hereunder shall in cases of conflict supersede all municipal charters and ordinances, except as herein provided, and where authorized by the Constitution, shall in cases of conflict supersede all special and general laws of the state.

B. All other special and general laws and county ordinances and rules and regulations not inconsistent with this Charter shall continue in effect until they are superseded by ordinance adopted by the Board pursuant to this Charter and the Constitution.

#### SECTION 8.05. EXISTING FRANCHISES, CONTRACTS, AND LICENSES.

All lawful franchises, contracts, and licenses in force on the effective date of this Charter shall continue in effect until terminated or modified in accordance with their terms or in the manner provided by law or this Charter.

#### SECTION 8.06. EFFECT OF THE CHARTER.

A. This Charter shall be liberally construed in aid of its declared purpose, which is to establish effective home rule government in this county responsive to the people. If any Article, Section, subsection, sentence, clause, or provision of this Charter or the application thereof shall be held invalid for any reason, the remainder of the Charter and of any ordinances or regulations made thereunder shall remain in full force and effect.

B. Nothing in this Charter shall be construed to limit or restrict the power and jurisdiction of the Florida Railroad and Public Utilities Commission.

**SECTION 8.07. AMENDMENTS.**

A. Amendments to this Charter may be proposed by a resolution adopted by the Board of County Commissioners or by petition of electors numbering not less than ten percent of the total number of electors registered in Dade County at the time the petition is submitted to the Board. Initiatory petitions shall be certified in the manner required for initiatory petitions for an ordinance.

B. Amendments to this Charter may be proposed by initiatory petitions of electors biennially, only during even numbered years in which state primary and general elections are held. All elections on charter amendments proposed by initiatory petitions shall be held in conjunction with state primary or general elections, unless the Board of County Commissioners shall determine to call a special election by two-thirds vote of the entire membership.

C. Amendments to this Charter may be proposed by the Board of County Commissioners at any time. Elections on charter amendments proposed by the Board shall be held not less than 60 nor more than 120 days after the Board adopts a resolution proposing any amendment.

D. The result of all elections on charter amendments shall be determined by a majority of the electors voting on the proposed amendment.

**SECTION 8.08. REVISIONS.**

At least once in every 5 year period the Board shall review the Charter and determine whether or not there is a need for revision. If the Board determines that a revision is needed, it shall establish a procedure for the preparation of a proposed revision of the Charter. The proposed revision shall then be presented to the Board for review, modification and approval. If the Board approves such proposed revision, either with or without modification, it shall present such proposed revision to the electorate in accordance with the provisions of Section 8.07 (C) and (D). Simultaneous elections may be held on a proposed revision and on individual amendments that are proposed.

**SECTION 8.09. EFFECTIVE DATE.**

This Charter shall become effective 60 days after it is ratified by a majority of the qualified electors of the county voting on the Charter.

**SIGNERS OF METROPOLITAN CHARTER**

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- 23 -

The Metropolitan Charter Board of Dade County, Florida, hereby delivers to E. B. Leatherman as Clerk of the Circuit Court of Dade County, Florida, the foregoing proposed Charter for Dade County, and certifies that it has been prepared by the Metropolitan Charter Board pursuant to Chapter 31420, Laws of Florida, Acts of 1956 Extraordinary Session.

*Charles H. Crandon* *William L. Pallot*  
 Charles H. Crandon William L. Pallot

*Maxine E. Baker* *Franklin Parson*  
 Maxine E. Baker Franklin Parson

*George H. Cooper* *Kurt Peiser*  
 George H. Cooper Kurt Peiser

*William Grogan* *W. Keith Phillips*  
 William Grogan W. Keith Phillips

*Melvina W. Liebman* *J. D. Ryan*  
 Melvina W. Liebman J. D. Ryan

*George S. Okell, Sr.* *William D. Singer*  
 George S. Okell, Sr. William D. Singer

*Max Orovitz* *H. Franklin Williams*  
 Max Orovitz H. Franklin Williams

*Joseph J. Orr* *Mitchell Wolfson*  
 Joseph J. Orr Mitchell Wolfson

*S. D. Phillips, Jr.*  
 S. D. Phillips, Jr.

April 15, 1957

*E. B. Paul*  
 Attorney for the Board

*E. B. Paul*  
 Attorney for the Board

ORDINANCE NO. 74-100

ORDINANCE ADOPTING AND ENACTING AS PART I OF THE COMPREHENSIVE DEVELOPMENT MASTER PLAN FOR METROPOLITAN DADE COUNTY, FLORIDA, ALL CAPITALIZED SECTION HEADINGS CONTAINED IN DOCUMENT ENTITLED, "RECOMMENDED METROPOLITAN DEVELOPMENT POLICIES AS PROPOSED BY METROPOLITAN DADE COUNTY PLANNING ADVISORY BOARD AND METROPOLITAN DADE COUNTY PLANNING DEPARTMENT"; ACCEPTING THE REMAINDER OF THE SAID DOCUMENT AS A FURTHER GUIDE FOR THE PREPARATION AND IMPLEMENTATION OF THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; REQUIRING ALL COUNTY AGENCIES TO BE GUIDED BY SAID DEVELOPMENT POLICIES; INSTRUCTING PLANNING DEPARTMENT AND PLANNING ADVISORY BOARD TO PREPARE AND IMPLEMENT PARTS II AND III OF METROPOLITAN DADE COUNTY COMPREHENSIVE MASTER PLAN CONSISTENT WITH SAID DEVELOPMENT POLICIES; PROVIDING FOR INCLUSION IN CODE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Metropolitan Dade County Planning Department and Planning Advisory Board have recommended, following numerous public hearings, the adoption of Part I of the Comprehensive Development Master Plan, said document entitled "Recommended Metropolitan Development Policies as Proposed by Metropolitan Dade County Planning Advisory Board and Metropolitan Dade County Planning Department", which is a basic summary of the goals, objectives and policies enunciated by the six citizen advisory task forces; and

WHEREAS, it is the desire of the County Commission to enact policies, goals and objectives to further guide the development and implementation of Parts II and III of the Comprehensive Development Master Plan and the growth and development of Metropolitan Dade County, Florida; and

WHEREAS, the recommendation of the Planning Advisory Board and Planning Department contains a summary of the work of six citizen advisory task forces and contains broad goals, policy statements and objectives, some of which state measures to be implemented rather than policy statements per se; and

WHEREAS, it is the Board's desire to enact policy statements to be later followed by specific ordinances for implementation purposes; and

WHEREAS, the document entitled "Recommended Metropolitan Development Policies as Proposed by Metropolitan Dade County Planning Advisory Board and Metropolitan Dade County Planning Department" has been reviewed for the purpose of extracting those statements which represent policy statements,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that:

Section 1. . The Board of County Commissioners of Metropolitan Dade County, Florida, hereby adopts and enacts as Part I of the Comprehensive Development Master Plan the following capitalized section headings contained in the document entitled "Recommended Metropolitan Development Policies as Proposed by Metropolitan Dade County Planning Advisory Board and Metropolitan Dade County Planning Department":

I. GROWTH MANAGEMENT

DADE COUNTY MUST PLAN FOR AND MANAGE ITS POPULATION GROWTH IN A MANNER COMPATIBLE WITH PRESERVING THE NATURAL ENVIRONMENT, INSURING THE PROVISION OF SERVICES, AND PROTECTING NATURAL AND MAN-MADE AMENITIES.

II. PROVISION OF SERVICES

INSURE THAT APPROPRIATE SERVICES, INCLUDING ENERGY, ARE COORDINATED WITH DEVELOPMENT AND REDEVELOPMENT, AND ARE AVAILABLE TO ALL.

III. ENVIRONMENTAL PROTECTION

ACHIEVE A HARMONIOUS RELATIONSHIP BETWEEN MAN AND HIS ENVIRONMENT AND ASSURE FOR ALL CITIZENS AND TOURISTS A HEALTHY AND AESTHETICALLY PLEASING SURROUNDING, AND EDUCATE DADE COUNTY'S RESIDENTS AS TO THEIR ROLE WITHIN AND RELATIONSHIP TO THE TOTAL ENVIRONMENT.

#### IV. DEVELOPMENT PATTERN

PROVIDE THE BEST POSSIBLE DISTRIBUTION OF LAND USES, BY TYPE AND DENSITY, TO MEET THE PHYSICAL, SOCIAL, CULTURAL AND ECONOMIC NEEDS OF THE PRESENT AND FUTURE RESIDENT AND TOURIST POPULATION IN A MANNER WHICH WOULD MAINTAIN OR IMPROVE THE QUALITY OF THE NATURAL AND MAN-MADE ENVIRONMENT.

Plans for the development or redevelopment of municipalities should be consistent with the policies of the County's Comprehensive Development Master Plan.

To provide adequate housing for all segments of the community, including for low and moderate income persons.

#### V. TRANSPORTATION

PROVIDE ACCESS TO EMPLOYMENT AND THE FACILITIES AND SERVICES OF THE ENTIRE METROPOLITAN AREA; PLAN FOR MOBILITY, OPPORTUNITY, VARIETY, ENERGY CONSERVATION AND MINIMUM TRAVEL TIMES AND COSTS, SAFETY, COMFORT AND CONVENIENCE WHILE TRAVELING; AND PROVIDE FOR EFFICIENCY, ECONOMY AND A WELL-BALANCED, INTEGRATED TRANSPORTATION SYSTEM WITHIN DADE COUNTY WITHOUT DETRACTING FROM THE QUALITY OF LIFE OF THE COMMUNITY.

Public or mass transportation should be given top priority as a positive tool to support and improve the viability of the County and the region.

Provide a system of transportation facilities which will anticipate the need for the movement of people and storage of goods and vehicles.

Coordinate and integrate the County transportation facilities with surrounding activities so that these facilities contribute to the enrichment of the physical environment of Dade County..

Transportation facilities should be planned and designed to conserve energy and other natural resources and existing man-made facilities and to reduce the total need for new public investment.

Development within a reasonable radius of Rapid Transit Terminals should be considered as having county-wide impact and managed consistent with overall county-wide goals.

#### VI. ECONOMIC AND SOCIAL NEEDS

FOSTER THAT TYPE OF ECONOMIC GROWTH AND INSTITUTE THOSE SOCIAL PROGRAMS THAT WILL IMPROVE THE QUALITY OF LIFE OF ALL DADE COUNTY'S RESIDENTS.

To support and promote the cultural arts and spiritual values of our citizens.



VII. GOVERNMENTAL REGULATION AND ADMINISTRATION

IMPROVE THE PROCESS OF EVALUATING DEVELOPMENT AND REDEVELOPMENT PROJECTS TO ACHIEVE CREATIVE DEVELOPMENTS WHICH ARE COORDINATED WITH SERVICES AND TO INSURE THE HARMONIOUS RELATIONSHIP BETWEEN MAN AND HIS ENVIRONMENT.

PLANS MADE AT VARIOUS LEVELS OF GOVERNMENT SHOULD BE COORDINATED WITH EACH OTHER AND SHOULD INVOLVE CITIZEN PARTICIPATION AND INPUT DURING THE ENTIRE PROCESS.

PROVIDE MORE EFFICIENT TOOLS AND SYSTEMS OF IMPLEMENTING THE COMPREHENSIVE DEVELOPMENT MASTER PLAN.

Section 2. It is hereby determined that the remaining statements of policies, goals and objectives contained on pages 1 through 27 of the document entitled "Recommended Metropolitan Development Policies as Proposed by Metropolitan Dade County Planning Advisory Board and Metropolitan Dade County Planning Department" are accepted as a guideline for further implementation by the Board of County Commissioners and all agencies of Metropolitan Dade County in the further preparation and implementation of Parts II and III of the Comprehensive Development Master Plan for Metropolitan Dade County, Florida.

Section 3. It is hereby determined that all agencies of Metropolitan Dade County, Florida, shall be guided by the development policies contained in Section 1 of this ordinance.

Section 4. The Metropolitan Dade County Planning Advisory Board and Planning Department are hereby instructed to further prepare and implement Parts II and III of the Comprehensive Development Master Plan for Metropolitan Dade County, Florida, in a manner consistent with the development policies contained in Section 1 of this ordinance. Further, in carrying out this said duty, the Planning Advisory Board and Planning Department shall be guided by those goals, policies and objectives referred to in Section 2 hereof.

Section 5. It is the intention of the County Commission, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of Metropolitan Dade County, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 6. 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 7. The provisions of this ordinance shall become effective ten (10) days after the date of its enactment.

PASSED AND ADOPTED: December 4, 1974

Approved by County Attorney as to  
form and legal sufficiency. ASG

ORDINANCE NO. 75-22

ORDINANCE ACCEPTING AND ADOPTING THE COMPREHENSIVE DEVELOPMENT MASTER PLAN FOR METROPOLITAN DADE COUNTY, FLORIDA; PROVIDING FOR INCORPORATION OF WHEREAS CLAUSES BY REFERENCE; ESTABLISHING DECLARATIONS AND FINDINGS OF FACT IN PREAMBLE; PROVIDING FOR LEGAL STATUS OF SAID PLAN; ESTABLISHING RELATIONSHIP OF SAID PLAN TO COUNTY AGENCIES, BOARDS AND DEPARTMENTS; ESTABLISHING NECESSITY FOR FURTHER IMPLEMENTATION AND CREATING PROCESS FOR AMENDMENT; PROVIDING FOR REPEAL; PROVIDING FOR INCLUSION IN CODE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Metropolitan Dade County has engaged in comprehensive metropolitan planning in order to guide its future growth and development and to encourage the most appropriate use of land, water and resources consistent with the public interest; to conserve, promote, protect and improve the public health, safety, comfort, good order, appearance, convenience and general welfare; to prevent the overcrowding of land and avoid undue concentration of population; to facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, cultural, historical, recreational facilities, housing and other requirements and services, and to conserve, develop, utilize and protect natural resources within its jurisdiction; and

WHEREAS, the metropolitan planning program for Dade County has been and shall continue to be a continuous and ongoing process; and

WHEREAS, in furtherance of the matters heretofore set forth, the Dade County Board of County Commissioners approved by Resolution No. 11485 a General Land Use Master Plan on November 30, 1965; and

WHEREAS, pursuant to Resolution No. R-723-71, adopted May 18, 1971, the Dade County Board of County Commissioners acknowledged the submission of the initial phase of the Miami Urban Area Transportation Study which is presently being revised; and

WHEREAS, pursuant to Resolution No. R-285-70, adopted March 11, 1970, the Dade County Board of County Commissioners approved a Recreation and Open Space Master Plan; and

WHEREAS, on June 4, 1969, the Dade County Board of County Commissioners adopted a Library Facilities Master Plan; and

WHEREAS, pursuant to Resolution No. R-918-73, adopted July 31, 1973, the Dade County Board of County Commissioners approved a Water Quality Management Master Plan; and

WHEREAS, pursuant to Resolution No. R-456-73, adopted April 16, 1973, the Dade County Board of County Commissioners adopted a Solid Waste Management Master Plan; and

WHEREAS, the Metropolitan Dade County Planning Department is presently preparing a Fire Protection and Rescue Facilities Master Plan, with completion estimated in 1975; and

WHEREAS, in 1973, the Metropolitan Dade County Planning Department prepared an Educational Facilities and Programs Master Plan; and

WHEREAS, in 1973, the Metropolitan Dade County Planning Department prepared a Cultural Facilities Master Plan; and

WHEREAS, in 1974, the Metropolitan Dade County Planning Advisory Board proposed to the Dade County Board of County Commissioners a Bikeways Master Plan; and

WHEREAS, in 1968, the Dade County Board of County Commissioners initiated a Comprehensive Public Housing Program for Dade County, Florida, and said program is being continually reviewed and updated; and

WHEREAS, pursuant to the Decade of Progress Bond Issue, the Board of County Commissioners has adopted ordinances for the issuance of General Obligation Bonds for sanitary sewerage systems; for a unified transportation system; for street and safety improvements; for solid waste disposal facilities; for constructing and improving public library buildings; for providing health care facilities; for recreational and cultural improvements and facilities and for a zoological park, and has provided funding for numerous other capital improvements, facilities and projects; and

WHEREAS, by Ordinance No. 74-100, adopted December 4, 1974, the Dade County Board of County Commissioners has enacted and adopted the Metropolitan Development Policies as Part I of the Comprehensive Development Master Plan,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that:

Section 1.      Incorporation By Reference.    The matters set forth above are hereby incorporated by reference and are made a part of this ordinance as exhibits attached hereto.

Section 2.      Preamble. [Declarations and Findings of Fact].    The Board of County Commissioners for Metropolitan Dade County, Florida, hereby declares and finds that uncoordinated use of lands within the County threatens the orderly development, the environment of the County, and the health, safety,

order, convenience, prosperity and welfare of the people of this County. The Board of County Commissioners recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; in recognizing further the profound impact of man's activity on the inter-relations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource utilization and exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of Metropolitan Dade County, Florida, in cooperation with federal, state, regional and local governments, and other concerned public and private organizations, to use all reasonable means and measures to: a) foster and promote the general welfare; b) to create and maintain conditions under which man and nature can exist in productive harmony; and c) to fill the social, economic and other requirements of the present and future generations of citizens of Metropolitan Dade County, Florida. Accordingly, it is the purpose of this Commission in adopting the Metropolitan Dade County Comprehensive Land Use Master Plan to declare a County policy which will encourage productive and enjoyable harmony between man and his environment, to promote reasonable efforts which will prevent or eliminate unreasonable or unnecessary damage to the environment and the biosphere; to stimulate the health and welfare of man, and to enrich the understanding of the ecological systems and natural resources important to the County, the state and the nation. It is the purpose of this plan to assure for

all people of Dade County an attempt to create safe, healthful, productive and aesthetically and culturally pleasing surroundings; to attain the widest range of beneficial uses of the environment without unreasonable degradation, risk to the health or safety, or other undesirable and unintended consequences, to preserve important historic, cultural and natural aspects of our national heritage; to maintain, wherever possible, environment which supports diversity and variety of individual choice; to achieve a balance between population and resource which will permit the high standards of living and a wide-sharing of life's amenities, and to enhance the quality of renewal resources and approach the maximum attainable recycling of depletable resources. Accordingly, this Commission hereby recognizes that each person has a fundamental and inalienable right to a healthful environment, and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

Section 3. Acceptance and Adoption. The Board of County Commissioners of Metropolitan Dade County, Florida, hereby a) reaffirms the Metropolitan Development Policies previously adopted and enacted as Part I of the Comprehensive Development Master Plan by Ordinance No. 74-100, and further adopts and enacts as the Comprehensive Development Master Plan for Metropolitan Dade County, hereinafter referred to in its entirety as the "Comprehensive Development Master Plan" or "Plan", the Environmental Protection Zone Descriptions and Map (Part II, Environmental Protection Guide, pages 105-152); the 1985 Metropolitan Development Pattern Map for Metropolitan Dade County, Florida (Part III, Appendix - Metropolitan Development Guide); the Year 2000 Conceptual Metropolitan Development Pattern Map for Metropolitan Dade

County, Florida (Part III, Appendix - Metropolitan Development Guide); the Estimated Population Distribution Map (Part III, Figure 28 of the Metropolitan Development Guide, page 191), and the Metropolitan Development Planning Proposals (Part III, Metropolitan Development Guide, pages 187-206); and, b) accepts the Metropolitan Development Guidelines (Part III, Metropolitan Development Guide, pages 91-112 and 121-184) as guidelines for Plan application and evaluation and as guides for the preparation of studies, ordinances, and codes; and c) accepts the Environmental Protection Guidelines (Part II, Environmental Protection Guide, pages 155-161); the Environmental Protection Implementation Recommendations (Part II, Environmental Protection Guide, pages 163-168), and the Metropolitan Development Guide Implementation Recommendations (Part III, Metropolitan Development Guide, pages 209-238) as guides for the preparation of studies, ordinances, and codes; and d) accepts the remaining portions of the Environmental Protection Guide (Part II) and the Metropolitan Development Guide (Part III) as background and informational material used for the preparation of the Comprehensive Development Master Plan. All of the above documents shall be appended hereto and shall be deemed a part of this Section as if set forth in full in the manner heretofore specified.

Section 4. Legal Status. That portion of the Comprehensive Development Master Plan, adopted pursuant to Section 3 above, which contains expressions of public policy in the form of policy statements, generalized maps, standards and guidelines, is hereby declared to be the official long-range and comprehensive guide for the orderly growth and development of Metropolitan Dade County, Florida, and is adopted to direct and achieve coordinated and harmonious



development and land use in a manner which will permit the planning for adequate community facilities and protect the ecological balance of the environment, in order to promote the public health, safety, convenience, prosperity and general welfare of Dade County's citizens and visitors. In furtherance hereof, this Commission hereby declares its policy and intent to evaluate and consider all its public actions involving or affecting land use or development, including action on applications for zoning relief, as to conformity with the policies, objectives, guidelines and standards expressed by and through the Comprehensive Development Master Plan, and as to whether such action or actions will better serve the community. Pursuant hereto, all master plan elements, including, but not limited to, those for capital improvements, transportation, housing, health, parks, recreation, culture and libraries shall be coordinated and rendered consistent with the Comprehensive Development Master Plan. Further, in recognition that zoning has been and shall continue to be a major tool for the implementation of land use and development policies, it shall henceforth be required that applicants for zoning relief shall affirmatively establish the manner in which the development proposal and requested change in land use conforms to and is consistent with the policies, objectives, guidelines and standards expressed by the Comprehensive Development Master Plan. In furtherance hereof, the Board of County Commissioners directs the County Manager and the County Attorney to prepare and submit within sixty (60) days, an ordinance establishing procedures which shall implement and give further effect to the requirements hereinabove set forth. This ordinance shall create and establish a comprehensive method and procedure

for evaluating and assessing the nature and extent to which the development proposal and the requested change in land use is in conformance with the Comprehensive Development Master Plan and has a positive or negative impact thereon, and the extent to which such request serves a public benefit that would warrant the granting of the application at the time it is considered. Further, in the case of developments of County or regional impact, such evaluation may include and be predicated upon neighborhood or area studies or development impact reports which identify and describe the natural and man-made environmental impact, together with the economic impact, of the development proposal on the neighborhood or area involved.

Section 5. Relationship to County Agencies, Boards and Departments. All County agencies, boards and departments shall take into consideration and be guided by the policies, objectives, guidelines and standards expressed by the Comprehensive Development Master Plan when considering and taking action affecting land use and development in Dade County. In accordance herewith, copies of this ordinance, together with the Comprehensive Development Master Plan, shall be furnished to all County boards, departments and agencies and shall be made a part of the public records.

Section 6. Necessity for Further Implementation. It is hereby declared that the Comprehensive Development Master Plan shall be the basis for more specific rules, regulations and ordinances which shall implement the policies, standards and objectives expressed, including the adoption of ordinances providing for the coordination of both municipal

comprehensive plans and neighborhood or area studies for the unincorporated area, with the Comprehensive Development Master Plan. Further, such implementation shall include and encourage the continuance of an affirmative action program for the construction and development of low and moderate income housing within Metropolitan Dade County, Florida.

Section 7. Amendment. So often as it is desirable, but at least once each year, the Planning Director for Metropolitan Dade County shall prepare and submit to the Planning Advisory Board a status report on the Comprehensive Development Master Plan which shall identify whether changes in the area or other reasons, including revised population projections or comprehensive land use refinements identified by neighborhood or area studies (as may be recommended by the Planning Advisory Board and approved by the Board of County Commissioners), make it necessary or desirable, in the interest of the public health, safety, convenience, prosperity or general welfare, to adopt long-range and comprehensive modifications, amendments or additions to the Plan or any component or part thereof. In preparing such status report the Planning Director shall consult with such other County personnel, departments or agencies, as directed or required by the County Manager, for the purpose of monitoring and evaluating the effectiveness of the policies, goals, guidelines and objectives of the Comprehensive Development Master Plan. Further, the Planning Advisory Board, at least once each year, shall accept applications for such amendments, modifications or changes to the Comprehensive Development Master Plan, or any component or part thereof, in a manner further established by ordinance. The Planning Advisory Board shall consider such report and applications after holding public hearings thereon, and, within sixty (60) days after receipt, shall certify any such amendments, modifications

or additions, including, within its discretion, the updating of the 1985 Metropolitan Development Pattern Map, the Year 2000 Conceptual Metropolitan Development Pattern Map, the Estimated Population Distribution Map, and the Environmental Protection Zone Map, to the Board of County Commissioners in the manner provided for the original adoption and approval of the Master Plan. In the alternative, the Planning Advisory Board shall certify to the County Commission its reasons for not recommending modifications, changes or additions to the Plan. Upon receipt of such certified action of the Planning Advisory Board, the Board of County Commissioners, following public hearing, shall consider the adoption of any such amendments, additions or modifications to the Comprehensive Development Master Plan, or to any part or element thereof, or may refer the matter back to the Planning Advisory Board for further consideration and study, with or without recommendation.

Section 8. Repeal. Sections 2-113, 2-114 and 2-115 of the Metropolitan Dade County Code are hereby repealed as being inconsistent with the provisions of this ordinance.

Section 9. Inclusion in Code. It is the intention of the County Commission and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Metropolitan Dade County, Florida; that Sections 1 through 7 of this ordinance shall be numbered as Sections 2-112.1, 2-113, 2-113.1, 2-114, 2-115, 2-115.1, and 2-116, and the now existing Section 2-116 shall be renumbered as Section 2-116.1; that the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 10. Severability. 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 11. Effective Date. The provisions of this ordinance shall become effective ten (10) days after the date of its enactment.

PASSED AND ADOPTED:            March 31, 1975

Approved by County Attorney as to  
form and legal sufficiency.           AJS

MAR 4 3 59 PM 1977

AT THE TIME & DATE HOTEL PAUL F. HARTSFIELD CLERK OF CIRCUIT COURT

INTERLOCAL AGREEMENT

*March* THIS AGREEMENT, made and entered into this 2nd day of , 1977, by and between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION hereinafter called the DEPARTMENT, the BOARD OF COUNTY COMMISSIONERS, DADE COUNTY, FLORIDA hereinafter called the County and the DADE COUNTY SCHOOL BOARD, hereinafter called the School Board:

WITNESSETH:

WHEREAS, the Department, the County and the School Board, under the authority of Section 163.01, Chapter 163 Florida Statutes may enter into an interlocal agreement to carry out a project which is advantageous to the parties and which agreement permits the joint exercise of such powers or authority which the agencies share in common or which might be exercised separately, and

WHEREAS, the U.S. Department of Transportation, under the authority of 23 U.S.C. 104 (f) (3), 134 and 315, and Section 3, 4 (a) and 5 of the UMT Act (49 U.S.C. 1602, 1603 (a), and 1604) and the delegation of authority by the Secretary of the U.S. Department of Transportation at 49 CFR 1.48 (b) and 1.50 (f), Chapter I of title 23 and Chapter VI of title 49 of the Code of Federal Regulations has promulgated rules which provide that as a condition for the receipt of Federal Capital or operating assistance the Governor of each State shall designate a Metropolitan Planning Organization for each urbanized area which MPO is to have a continuing, cooperative and comprehensive transportation planning process that results in plans and programs consistent with the comprehensive planned development of the urbanized area, and stipulates that the State and the Metropolitan Planning Organization shall enter into an agreement clearly identifying the responsibilities for cooperatively carrying out such transportation planning, and

WHEREAS, it is the purpose of this agreement to create and establish a Metropolitan Planning Organization and to confer upon it the power, authority and responsibility necessary to organize and structure itself in a manner most suitable for conducting a continuing, cooperative and comprehensive transportation planning process in cooperation with the Department of Transportation.

WHEREAS, Chapter 334, Florida Statutes grants the broad authority for the Department's role in transportation; Section 334.02(5), Florida Statutes, evidences the legislative intent that the Department be the custodian of the state highway and transportation systems, and be given sufficiently broad authority to function

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adequately and efficiently in all areas of appropriate jurisdiction; Section 334.211(2) Florida Statutes, requires the Department to develop comprehensive plans, in conjunction with local governmental bodies and regional planning agencies, for all standard metropolitan statistical areas, and

WHEREAS, in fulfillment of the aforesaid purpose and in the exercise of the various powers granted by Chapter 334, Florida Statutes, the parties to this agreement shall observe all provisions of Section 163.3161 - 163.3211, the Local Government Comprehensive Planning Act and its successors, and shall take particular care that the planning processes and planning integrity of local governments as set forth in the Local Government Comprehensive Planning Act and as evidenced by the legislative intent expressed in Sections 334.22(7), Florida Statutes not be infringed upon.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations herein, the parties agree as follows:

1.00 Definitions

The terms employed in this Agreement shall have the following meanings unless the context clearly implies a different intent:

- .01 "GOVERNOR" shall mean the Governor of the State of Florida.
- .02 "COUNTY" shall mean the Board of County Commissioners, Dade County, Florida.
- .03 "SCHOOL BOARD" shall mean the Dade County School Board.
- .04 "MPO" shall mean the Metropolitan Planning Organization for the Miami Urbanized Area designated by the Governor.
- .05 "DEPARTMENT" shall mean the State of Florida Department of Transportation.
- .06 "A-95 AGENCY" shall mean the areawide clearinghouses established pursuant to United States Office of Management and Budget Circular A-95.
- .07 "GOVERNING BOARD" shall mean those persons designated by the Governor to serve on the MPO.
- .08 "MTA" shall mean the publicly owned mass transit operator in Dade County known as the Metropolitan Transit Agency, an agency of the Metropolitan Dade County government.
- .09 "STATE" shall mean the State of Florida and its various departments, agencies and/or officials.
- .10 "URBANIZED AREA" that area wholly contained within Dade County which by definition and boundary limitations is to be urbanized for planning projects.

ILLEGIBLE

- .11 "UMTA" shall mean the Urban Mass Transportation Administration of the U.S. Department of Transportation.
- .12 "FHWA" shall mean the Federal Highway Administration of the U.S. Department of Transportation.
- .13 "SECRETARIAT" shall mean that person who shall be appointed to serve as Secretary to the MPO and as the administrator of its business and affairs in accordance with the rules, regulations and procedures adopted by the MPO pursuant to Section 5.06.

## 2.00 Purpose

For the reasons recited in the preamble, which are hereby adopted as part hereof, this agreement is to create and establish an MPO for the Miami Urbanized Area for the purpose of implementing and ensuring a continuing, cooperative and comprehensive transportation planning process that results in coordinated plans and programs consistent with the comprehensively planned development of the said urbanized area, in cooperation with the Department, and in accordance with Federal requirements.

## 3.00 The Project

The project is defined as the continuing, cooperative, and comprehensive transportation planning process for the Miami urbanized area, including the programming of transportation improvements for such area.

## 4.00 MPO - Created and Established

The MPO for transportation planning in the Miami Urbanized Area is hereby created, established, and vested with the power, rights, privileges, immunities and responsibilities to perform all obligations provided in Section 163.01 Florida Statutes, subject to the limitations imposed by Section 5.00 of this agreement. The MPO shall be headed by a Governing Board designated by the Governor of Florida. The Governing Board of the MPO shall consist of nine (9) members of the Dade County Commission and one (1) member of the Dade County School Board as voting members, plus two (2) non-voting members of the Florida Department of Transportation. Provided:

- (a) The designees selected to serve from the above named Commission, Board and Agency shall be appointed by the Governor and serve at his pleasure.
- (b) In the event that any of the Commissions, Boards or Agencies decline to participate in forming the MPO by execution of the Interlocal Agreement or withdraw from the agreement at a future date, the Governor shall designate replacement(s) from any appropriate entity in the urbanized area.



- (c) Further, if the performance of a member of the MPO is unsatisfactory to the Governor and the member is, therefore, removed from the MPO, the Governor shall appoint a replacement from any appropriate entity in the urbanized area.
- (d) Where vacancies on the MPO occur for any reason, the Governor may also exercise the option of designating no replacement to fill the vacancies.

#### 5.00 MPO - Powers

The MPO, in cooperation with the Department, shall have the power to carry on the project as defined in Section 3.00 of this agreement. In addition, the MPO shall have the power to:

- .01 Enter into contracts or agreements, other than Interlocal Agreements, with local and/or State agencies to utilize the staff resources of those agencies.
- .02 Administer its affairs and business.
- .03 Enter into agreements other than Interlocal Agreements, with the Department, operators of public mass transportation services, and the areawide and regional A-95 agencies.
- .04 Enter into contracts for professional services.
- .05 Acquire, own, operate, maintain, sell, or lease any real or personal property, subject to written approval of the parties to this agreement.
- .06 Promulgate rules to effectuate its powers, responsibilities, and obligations provided said rules do not supercede or conflict with applicable local and state laws, rules and regulations.
- .07 Accept funds, grants, assistance gifts, or bequeaths from local, state, and federal sources.

#### 6.00 MPO - Organization

To effectuate the powers, duties, functions and authority conferred by this agreement, the MPO shall provide for an appropriate organization to administer the affairs and business of the MPO, including a Secretariat, a Public Involvement structure, a structure to evaluate the technical adequacy of the work product, as well as to advise the Governing Board in the decision making process, and such other structures or committees as it may deem necessary.

#### 7.00 Particular Covenants

It is understood and agreed by and between the parties to this Agreement that:

- .01** The MPO shall enter into an Urban Transportation Planning Agreement with the Department, which agreement shall set forth the responsibilities of each entity with respect to jointly and cooperatively carrying out the transportation planning and programming activities required by this agreement and by the applicable federal, state and local laws and regulations as they now exist, or as they hereafter may be changed or modified.
- .02** The MPO shall enter into a Memorandum of Understanding with Metropolitan Dade County, operator of the Metropolitan Transit Agency, which Memorandum of Understanding shall set forth procedures to optimize the role of public mass transit within Dade County as a function of the planning and programming process of the MPO.
- .03** The MPO shall enter into a Memorandum of Understanding with Metropolitan Dade County (on behalf of the Metropolitan Dade County Planning Department) and the South Florida Regional Planning Council as the areawide A-95 agencies, which Memorandum of Understanding shall prescribe the means by which the activities of the MPO and the A-95 agencies will be coordinated as required by Part IV of DMB Circular A-95. This Agreement shall specify how transportation planning and programming will be part of the comprehensively planned development of the urbanized area.
- .04** Plans and programs developed within the framework of the urban transportation planning process may be modified in a manner consistent with the procedure established for initial development.
- .05** The MPO shall receive its proportionate share of the one-half percent Metropolitan Planning (PL) Funds made available by 23 U.S.C. 104 (f). It is understood that the PL Funds are apportioned by the Federal Government and are distributed to the State on a reimbursable basis to the MPO. The State shall distribute the PL Funds to assist in carrying out those projects defined in the annual Unified Work Program. Such reimbursement shall be in accordance with the terms and conditions stated in the Agreement between the MPO and the Department. It is also understood that the MPO, to the extent possible, shall be the local recipient of any Federal funds distributed under Section 9 of the Urban Mass Transportation Act of 1964, as amended.
- .06** The MPO shall establish an annual budget on a October 1 to September 30 fiscal year basis. The budget shall identify funding sources, participating agencies, and levels of participation by the various agencies. The amount of fiscal participation shall be determined by resolution adopted by each MPO participant, subject to approval and lawful appropriation by the respective member bodies.

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- .07 It is understood and agreed by the Board of County Commissioners and the Dade County School Board that when the Governor designates any member of either body to serve as a member of the MPO, that member is hereby authorized to so serve in accordance with the provision of this agreement.
- .08 The MPO in cooperation with the Department shall ensure the technical adequacy of the transportation planning process. The appointment of planners, engineers and members of other appropriate disciplines to serve in an advisory capacity shall be subject to the concurrence of the employer of any such person so appointed.
- .09 The MPO shall develop and establish a Public Involvement Program and a Citizen's Participation Structure.
- .10 Any rules and regulations, promulgated by the MPO in accordance with Section 5.06 of this agreement, which relate to the planning process or the technical adequacy of the plans shall be developed in cooperation with the Department.

8.00 Pursuant to Federal, State, and Local Law

In the event that any election, referendum, approval, permit, notice, or other proceeding or authorization is requisite under applicable law to enable the MPO to enter into this Agreement or to undertake the Project hereunder, or to observe, assume, or carry out any of the provisions of the Agreement, the MPO, will to the extent of its legal capacity, work towards the accomplishment and fulfillment of said needs.

9.00 Submission of Proceedings, Contract, and Other Documents

The MPO shall submit to the Department such data, reports, records, contracts, and other documents relating to the Project as the Department may require.

10.00 Rights of Review

All parties to the Agreement, the FHWA, and UMTA shall have the rights of technical review and comment of MPO projects.

11.00 Contracts of the MPO

All contractual agreements, if involving FHWA, UMTA, and/or Department funds, must be appropriately approved by the affected federal agency and the Department.

Except as otherwise authorized in writing by the Department, FHWA, and UMTA, where state or federal funds are to be used, the MPO shall not execute any contract or obligate itself in any other manner with any third party with respect to the Project without the prior

written concurrence of the Department, FHWA, and UMCA. Subletting of consultants contracts involving funds administered by FHWA shall be in accordance with the requirements of Paragraph 65(3) of Volume 4, Chapter 1 Section 2, Subsection 2, of the Federal-Aid Highway Program Manual.

## 12.00 Miscellaneous Provisions

### .01 How Contract Affected by Provisions Being Held Invalid

If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

### .02 State or Territorial Law

Nothing in the Agreement shall require the MPO to observe or enforce compliance with any provision thereof, perform any other act or do any other thing in contravention of any applicable state law: Provided, that if any of the provisions of the Agreement violate any applicable state law, the MPO will at once notify the Department in order that appropriate changes and modifications may be made by the Department and MPO to the end that the MPO may proceed as soon as possible with the Project.

## 13.00 Execution of Agreement

This Interlocal Agreement may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

## 14.00 Constitutional or Statutory Duties and Responsibilities of

### Parties to the Agreement

This Agreement shall not be construed to authorize the delegation of the constitutional or statutory duties of any of the parties. In addition, this Agreement does not relieve any of the parties of an obligation or responsibility imposed upon them by law except to the extent of actual and timely performance thereof by one or more of the parties to this Agreement or any legal or administrative entity created or authorized by this Agreement, in which case the performance may be offered in satisfaction of the obligation or responsibility.

## 15.00 Duration of Agreement and Withdrawal Procedure

This Agreement shall remain in effect until terminated by the parties to the Agreement. Any party may withdraw from said Agreement after presenting, in written form, a notice of intent to withdraw, to the other parties, at least 60 days prior to the

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intended date of withdrawal, provided financial commitments made prior to withdrawal are effective and binding for their full terms and amount regardless of withdrawal.

16.00 Amendment of Agreement

Amendments to this Agreement may be initiated by the MPO. Amendments shall be formally ratified and approved by the parties to this Agreement and approved by the Department of Legal Affairs pursuant to Section 163.01(11), Florida Statutes.

17.00 Confirmation of Agreement

The Agreement shall be reviewed annually by the MPO to confirm the validity of the contents and to recommend the type of amendments, if any, that are required.

18.00 Agreement Format

All words used herein in the singular form shall extend to and include the plural. All words used in the plural form shall extend to and include the singular. All words used in any gender shall extend to and include all genders.

IN WITNESS WHEREOF, the undersigned parties have caused this Interlocal Agreement to be duly executed in their behalf and hereby establish the above designated MPO this 2nd day of March, 1977.

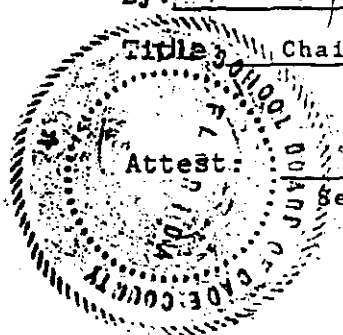
THE SCHOOL BOARD OF  
DADE COUNTY, FLORIDA

By: [Signature]

Title: Chairman

Attest: [Signature]

Secretary Seal



BOARD OF COUNTY COMMISSIONERS  
DADE COUNTY, FLORIDA

By: [Signature]

Title: County Manager

Attest: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

[Handwritten initials]

By: [Signature]

Title: DIRECTOR OF ADMINISTRATION

Attest: [Signature]

RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA.  
RECORD VERIFIED

RICHARD P. BRINKER,  
CLERK CIRCUIT COURT

[Handwritten initials]  
DOT. EISCAL APPROVED  
FEB 24 1977

RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA.  
RECORD VERIFIED

RICHARD P. BRINKER,  
CLERK CIRCUIT COURT

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requirement for recording in the public

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
DIVISION OF PLANNING AND PROGRAMMING

URBAN TRANSPORTATION PLANNING AGREEMENT

THIS AGREEMENT, made and entered into on the date specified herein by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida, hereinafter called the Department, and the METROPOLITAN PLANNING ORGANIZATION for METROPOLITAN DADE COUNTY, FLORIDA, hereinafter called the MPO:

W I T N E S S E T H:

WHEREAS, the parties of this Agreement desire to participate cooperatively in the performance, on a continuing basis, of a coordinated, comprehensive transportation planning and programming process to assure that highway, mass transit, rail, water, air and other transportation facilities will be properly located and developed in relation to the urbanized area's overall plan of development; and

WHEREAS, the Federal Government, under authority of 23 U.S.C. 134 and Sections 3 (a) (2), 4(a), 5(g) (1), and 5(1) of the Urban Mass Transportation Act of 1964, as amended 49(U.S.C. 1602 (a) (2), 1603(a), and 1604(g)(1) and (1), requires that each urbanized area, as a condition to the receipt of federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning that results in plans and programs consistent with the comprehensively planned development of the urbanized area, and stipulates that the State and the Metropolitan Planning Organization (MPO) shall enter into an agreement clearly identifying the responsibilities for cooperatively carrying out such transportation planning; and

WHEREAS, the existence, organization, powers, jurisdiction, and responsibilities of the Metropolitan Planning Organization for Metropolitan Dade County, Florida were established in Interlocal Agreement dated March 2, 1977, between the Department of Transportation, State of Florida, Metropolitan Dade County, and the Dade County School Board; and

WHEREAS, Chapter 334, Florida Statutes grants the broad authority for the Department's role in transportation; Section 334.02(5), Florida Statutes evidences the legislative intent that the Department be the custodian of the state highway and transportation systems and be given sufficiently broad authority

to function adequately and efficiently in all areas of appropriate jurisdiction; Section 334.211(2) Florida Statutes, requires the Department to develop comprehensive plans, in conjunction with local governmental bodies and regional planning agencies, for all standard metropolitan statistical areas; and

WHEREAS, in fulfillment of the purpose and in the exercise of the various powers granted by Chapter 334, Florida Statutes, the parties to this Agreement shall observe all provisions of Section 163.3161 - 163.3211, the Local Government Comprehensive Planning Act and its successors, and shall take particular care that the planning processes and planning integrity of local governments as set forth in the Local Government Comprehensive Planning Act and as evidenced by the legislative intent expressed in Section 334.02(7), Florida Statutes not be infringed upon.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representation herein, the parties agree as follows:

#### 1.00 Purpose

For the purposes recited in the preamble, and which purposes are adopted as a part hereof, this agreement is to set forth the responsibilities of the Department and the MPO in carrying out the continuing, cooperative, and comprehensive transportation planning and programming process in Metropolitan Dade County, Florida, and to describe the cooperative procedures under which such planning and programming will be carried out.

#### 2.00 The Project

The Project is defined as the continuing, cooperative, and comprehensive transportation planning process for Metropolitan Dade County, Florida, including the programming of transportation improvements for such area.

#### 3.00 Definitions

- .01 "MPO" shall mean the Metropolitan Planning Organization designated by the Governor for the Miami urbanized area.
- .02 "DEPARTMENT" shall mean the Florida Department of Transportation.
- .03 "A-95 AGENCY" shall mean the areawide clearinghouses pursuant to United States Office of Management and Budget Circular A-95.
- .04 "MTA" shall mean the Dade County Metropolitan Transit Agency.

- .05 "UMTA" shall mean the Urban Mass Transportation Administration of the U.S. Department of Transportation.
- .06 "FHWA" shall mean the Federal Highway Administration of the U.S. Department of Transportation.

#### 4.00 PRODUCT DEVELOPMENT ROLES AND RESPONSIBILITIES

- .01 The MPO in cooperation with the Department shall carry out the urban transportation planning process as required by the applicable federal regulations as they now exist or as they may hereafter be changed or modified. The MPO and the Department hereby agree to comply with all federal, state or local laws and regulations that pertain to the urban transportation planning process. The MPO shall develop and implement a Public Involvement Program and a Citizens Participation Structure. It is intended that the citizens of Dade County will have an opportunity to become informed of the transportation needs of the community, participate in the planning process, and support those resolutions and programs which are developed as a result of this agreement. The planning process envisaged by this agreement will cover all of the area defined as urbanized within Dade County, and adjacent vital non-urbanized areas in accordance with planning projections.
- .02 The MPO, in cooperation with the Department, shall develop and maintain plans and programs, including at least the following as presently required by 23 Chapter I, Part 450.
  - a) A multi-year multi-modal planning program (Prospectus),
  - b) A Transportation Plan consisting of a long-range element and a Transportation Systems Management Element,
  - c) A Unified Planning Work Program prepared on an annual or biannual basis,
  - d) An annually updated Transportation Improvement Program, and
  - e) Other documents and reports necessary to support the urban transportation planning process.
- .03 The MPO shall, on an annual basis, approve the Prospectus and the Transportation Plan and submit them and any modifications thereto to the Department for review. The Department shall, by formal administrative action, either concur in the documents as submitted or return



them to the MPO with suggested revisions. The MPO, after consideration of any suggested revisions, shall submit the documents to the appropriate agencies for Federal approval. The Department may submit any comments concerning any documents to the appropriate Federal agencies.

- .04 The MPO shall produce and approve a final draft of the annual Unified Planning Work Program. The MPO shall submit this draft of the Unified Planning Work Program and any modifications thereto to the Department and to the state and areawide A-95 clearinghouses no less than one hundred twenty (120) days before the end of the Department's fiscal year. The Department shall review the Unified Planning Work Program and, in cooperation with the MPO, evaluate any comments received from the A-95 agencies. The Department shall submit the document with its comments to the Federal Region IV Inter-modal Planning Group. Eligibility for payment under Section 112 of the 1973 Federal-aid Highway Act will be contingent upon Federal approval of the Unified Planning Work Program.
- .05 The Transportation Improvement Program including an annual element and a program element for four (4) or more succeeding years shall be endorsed annually by the MPO. The Department shall, by formal administrative action, either concur in the document as submitted or return it to the MPO with suggested revisions. The MPO, after consideration of any suggested revisions, shall submit the Transportation Improvement Program no less than thirty (30) days before the end of the Department's fiscal year:
- a) to the Governor of Florida
  - b) to the Urban Mass Transportation Administration
  - c) to the Federal Highway Administration (through the Department)
  - d) to the State, Regional and areawide A-95 clearinghouses

Additions, deletions and modifications to projects in the Transportation Improvement Program shall be made only when formally approved by the MPO, in cooperation with the Department and other affected agencies.

- .06 The Department, in cooperation with the MPO, shall make every effort to include all projects programmed in the Transportation Improvement Program in the Department's Five Year Construction Plan in the earliest year possible. It is recognized by the MPO that all projects must be properly phased as to preliminary engineering,

design, and right-of-way acquisition prior to scheduled actual construction. When such projects involve Department activity, it is understood and agreed that Department scheduling determinations are required subject to the cooperative nature of this agreement.

- .07 The Department shall at least annually notify the MPO of actions taken relative to the Department's Five Year Construction Plan. In the event that proposed program changes jeopardize or affect adversely the Department's or MPO's objective of obligating all available federal funds or necessary production requirements, the Department may defer the obligation of such funds to a later period of time in accordance with a reasonable development schedule. The Department is authorized to advance or delay proposed projects to accommodate development time variances, provided however, that in the event any change of more than one year is to be made, the Department shall notify the MPO at the time of such change.
- .08 The official file of the project shall be kept in two counterparts each of which shall be deemed to be an original. One counterpart shall be kept and maintained by the Department, and the other by the MPO. The official file shall include the officially approved network and all relevant supporting data. No change shall be made to the approved network or the supporting data without joint written concurrence of the parties. Each counterpart shall be kept and maintained such as to be an exact duplicate of the other. The development of a transportation plan, including the long-range and transportation system management elements, shall be based upon the official transportation network and supporting data file. The traffic data required by FHWA for individual project design will be computed by the Department utilizing its official file. Traffic design data shall be supplied to the MPO for projects within its jurisdiction as expeditiously as possible in the same manner that other data are communicated that are necessary to keep the two official project files identical.
- .09 The MPO and the Department hereby recognize the responsibility of the areawide A-95 clearinghouse (specifically to the Dade County Planning Department and the South Florida Regional Planning Council) to review all pertinent projects included within the Unified Planning Work Program and the Transportation Improvement Program.

- .10 The Department hereby recognizes the right and responsibility of the Metropolitan Dade County Board of County Commissioners to represent the MTA as the public transit operator in Dade County, and for the County Commissioners or their designated representative to review and comment on MPO actions with respect to activities arising from the Unified Planning Work Program and the Transportation Improvement Program which would impact public transit operations in the urban area, as recognized in Section 7.02 of the Interlocal Agreement between the Department, the Board of County Commissioners, and the School Board.

#### 5.00 Pursuant to Federal, State, and Local Law

In the event that any election, referendum, approval, permit notice, or other proceeding or authorization is requisite under applicable law to enable either the MPO or the Department to enter into this Agreement or to undertake the Project hereunder, or to observe, assume or carry out any of the provisions of the Agreement, the effected party hereby agrees to initiate and consummate, as provided by law, all actions necessary with respect to any such matters.

#### 6.00 Submission of Proceedings, Contract, and other Documents

The MPO and the Department shall submit to each other such data, (reports, records, contract, and other documents relating to the Project) as may be reasonably required by either party to fulfill its obligations under this agreement.

#### 7.00 Rights of Review

The Department, the FHWA and UMTA shall have the right of technical review of the Project and inspection of records pertaining to this project.

#### 8.00 Miscellaneous Provisions

- .01 Government Not Obligated to Third Parties - The Department shall not be obligated or liable hereunder to any party other than the MPO.
- .02 How Contract Affected by Provisions Being Held Invalid- If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.
- .03 State or Territorial Law - Nothing in the Agreement shall require the MPO to observe or enforce compliance with any provision thereof, perform any other act or do any other thing in contravention of any applicable

state law: Provided, that if any of the provisions of the Agreement violate any applicable state law, the MPO will at once notify the Department in writing in order that appropriate changes and modifications may be made by the Department and MPO to the end that the MPO may proceed as soon as possible with the Project.

- .04 Responsibility for Claims and Liability - The MPO shall save harmless the Department from all claims and liability due to the MPO's negligent acts or the negligent acts of its subcontractors, agents, or employees. The Department shall save harmless the MPO from all claims and liability due to the Department's negligent acts or the negligent acts of its subcontractors, agents, or employees. The liability of each party under this section is subject to the provision of Section 768.28, Florida Statutes.

#### 9.00 Execution of Agreement

This contract may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

#### 10.00 Constitutional or Statutory Duties and Responsibilities of the Parties to the Agreement

This agreement shall not be construed nor deemed to authorize the delegation of the constitutional or statutory duties of any of the parties.

In addition, this agreement does not relieve any of the parties of an obligation or responsibility imposed upon them by law except to the extent of actual and timely performance thereof by one or more of the parties to this agreement on any legal or administrative entity created or authorized by this agreement, in which case the performance may be offered in satisfaction of the obligation or responsibility.

#### 11.00 Duration of Agreement and Withdrawal Procedure

This agreement shall remain in effect until terminated by either or both parties to the Agreement. Either party may withdraw from said Agreement after presenting in written form a notice of intent to withdraw to the other party, at least 60 days prior to the intended date of withdrawal.

#### 12.00 Amendment of Agreement

Amendments to this Agreement may be initiated by the MPO or the Department. Amendments shall be formally ratified and approved by resolution of the MPO and notification by the Department by letter signed by the Florida Secretary of Transportation.

13.00 Confirmation of Agreement

The Agreement shall be reviewed annually by the MPO and the Department to confirm the validity of the contents and to recommend the types of amendments, if any, that are required.

14.00 Agreement Format

All words used herein in the singular form shall extend to and include the plural. All words used in the plural form shall extend to and include the singular. All words used in any gender shall extend to and include all genders.

IN WITNESS WHEREOF, the MPO has caused this contract to be duly executed in its behalf, and thereafter the Department has caused the same to be duly executed in its behalf this 4<sup>th</sup> day of April, 1977.

Approved:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

Ray S. L'Amoreaux  
Director of Planning and Programming

BY: Billy S. Pelham  
Director of Administration

ATTEST: Casely Scavali (SEAL)  
Executive Secretary

METROPOLITAN PLANNING ORGANIZATION

BY: Stephen Paul  
TITLE: Chairman

ATTEST: [Signature] (SEAL)  
TITLE: Secretary

APPROVED AS TO FORM AND LEGALITY

APPROVED AS TO FORM, LEGALITY AND EXECUTION  
FLORIDA DEPARTMENT OF TRANSPORTATION

Stephen P. Lee  
Attorney

BY: George L. Wass  
ATTORNEY

[Signature]  
3-30-77

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING hereinafter to be called the MPO MANAGEMENT SERVICES AGREEMENT, made and entered into this 25 day of April, 1977, by and between the METROPOLITAN PLANNING ORGANIZATION hereinafter called the MPO and the BOARD OF COUNTY COMMISSIONERS, DADE COUNTY, FLORIDA hereinafter called the COUNTY:

W I T N E S S E T H:

WHEREAS, the MPO, pursuant to the power conferred upon it by Sections 5.01 and 5.03 of the Interlocal Agreement between the Board of County Commissioners, the Dade County School Board and the Florida Department of Transportation dated March 2, 1977, may enter into agreements, other than interlocal agreements, with local and/or state agencies to utilize the staff resources of such agencies or for the performance of certain services by such agencies, and

WHEREAS, pursuant to the aforesaid Interlocal Agreement and the companion Urban Transportation Planning Agreement between the MPO and the FDOT dated March 23, 1977, it is contemplated that Dade County personnel will perform a substantial portion of each task necessary to carry out the transportation planning and programming process mandated by Federal regulations as a condition precedent to the receipt of Federal funds for the planning, construction or operation of transportation programs and projects, and

WHEREAS, it is deemed by the parties to be appropriate and necessary that the duties and obligations of the County in relation to its role as a participating agency in the planning process be defined and fixed by formal agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations herein, the parties agree as follows:

1.00 Purpose

For the reasons recited in the preamble, which are hereby adopted as part hereof, this agreement is to provide for professional services to carry out the terms of the Urban Transportation Planning Agreement between the MPO and the FDOT and to provide personnel for the administration of the MPO.

2.00 Definitions

- .01 "COUNTY" shall mean the Board of County Commissioners, Dade County, Florida.
- .02 "FDOT" shall mean the Florida Department of Transportation
- .03 "MPO" shall mean the Metropolitan Planning Organization for the Miami Urbanized Area designated by the Governor
- .04 "COUNTY MANAGER" shall mean the County Manager of Dade County, Florida.
- .05 "UPWP" shall mean the Annual Unified Planning Work Program required by Federal Regulations. (Subpart A 450.114 (c))

### 3.00 Scope of Services

It is agreed by the COUNTY that it shall furnish the MPO with the professional, technical, administrative and clerical services, the supplies, the equipment, the office and other space, and such other incidental items as may be required and necessary to manage the business and affairs of the MPO and to carry on the transportation planning and programming process specified by the Urban Transportation Planning Agreement between the MPO and the FDOT dated March 23, 1977; provided, it is understood and agreed that, unless otherwise provided for, the performance of such service and functions shall be limited to those specified and allocated to the County in the annual Unified Planning Work Program (UPWP) budget and all approved budgets under Federal or State grant contracts with the MPO. It is further agreed:

#### .01 County Manager

The County Manager of Dade County shall be responsible to the MPO for the conduct of the transportation planning process as well as the appointment, assignment, direction, and control of all personnel necessary thereto; the development of an appropriate organizational structure to carry out the responsibilities set forth in this agreement; and the development of procedures to monitor and coordinate the planning process.

#### .02 Commitment of Personnel

The County Manager shall annually have prepared a detailed listing of all tasks necessary and incident to carrying out the planning process, the manhours required to carry out such tasks, and the required skills or qualifications of the personnel assigned to MPO duties shall, when performing such duties, be under the direction of the person in charge of, and bearing the responsibility for, producing the required work product.

#### .03 Technical Advisors

The head of each county department or agency participating in the transportation planning process shall be deemed a technical advisor in the field of his competency and shall be expected to provide the MPO with expert advice or perform such duties incident thereto as the County Manager shall assign.

#### .04 County Attorney

The County Attorney shall be the legal advisor to the MPO and shall represent the MPO in all legal matter provided, that with the concurrence of the County Attorney, the MPO may employ special council for specific needs.

#### .05 Secretariat

A Secretariat, to be designated by the County Manager and serving at his pleasure, shall report to the Governing Board of the MPO and shall have the following duties and functions: coordinating the activities of the various structures established by the Interlocal Agreement heretofore mentioned; preparing the agendas of the Governing Board and Technical Advisors; preparing resolutions and other appropriate documents; scheduling meetings; giving notice; keeping minutes; coordinati

and monitoring the activities of the various sub-structures; preparing an annual report; preparing such interim reports as may be required; developing and implementing operating procedures necessary to carry out the functions and duties of the secretariat; directing the implementation of policies established by the Governing Board; and performing such other duties as may be assigned by the Governing Board.

.06 Annual Budget

The County Manager shall have prepared an annual budget on a October 1 to September 30 fiscal year basis. The budget shall identify funding sources, participating agencies and the level of participation by the various agencies.

.07 Financial Administration

- .07.1 The Records and accounts of the MPO shall be administered by the County in accordance with accounts and accounting procedures which shall be developed by the County for the MPO.
- .07.2 Contracts and bids for the purchase of materials and services shall be in accordance with County procedures for the same purposes.
- .07.3 Purchasing of materials, supplies, equipment and services shall be through the Purchasing Agent of Dade County in accordance with County procedures and practices.
- .07.4 Expenditures of money shall only be made in accordance with procedure which shall be developed by the County for the MPO.
- .07.5 Deposit of Funds - All monies received by the MPO shall be deposited with the County in a trust account and applied only in accordance with the provisions of the procedures established pursuant to Section 3.07.4 of this agreement.

4.00 Reimbursement of COUNTY

The MPO hereby agrees that it shall reimburse the COUNTY for all services rendered under this agreement as specified in the UPWP budget and all approved budgets under Federal or State grant contracts with the MPO and in accordance with the procedures established pursuant to 3.07 of this agreement. It is further agreed that in the event the COUNTY renders services for which no cash reimbursement is provided, the delivery of the specified work products of the transportation planning process such as the UPWP, the Transportation Improvement Program, the Prospectus or the Transportation Plan shall be considered sufficient reimbursement in lieu thereof.

5.00 Consultants

It is agreed by the parties that nothing in this agreement shall limit or preclude the prerogative of the MPO to enter into contracts for other professional consultant services to perform such tasks as the MPO may deem appropriate provide the control and direction of such consultants and the administration of such contracts shall be under the County Manager.



#### 6.00 Transitory Provision

During the interim period between the effective date of this agreement and the commencement of the UPWP for FY 77-78, the County shall be reimbursed for all services rendered as provided in the FY 76-77 UPWP budget and all approved budgets under Federal or State grant contracts with the COUNTY.

#### 7.00 How Contract Affected by Provisions Being Held Invalid

If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

#### 8.00 Execution of Agreement

This Agreement may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

#### 9.00 Duration of Agreement and Withdrawal Procedure

This Agreement shall remain in effect until terminated by the parties to the Agreement. Any party may withdraw from said Agreement after presenting, in written form, a notice of intent to withdraw, to the other parties, at least 60 days prior to the intended date of withdrawal, provided financial commitments made prior to withdrawal are effective and binding for their full terms and amount regardless of withdrawal.

#### 10.00 Amendment of Agreement

The COUNTY and the MPO may upon initiation of either party amend this agreement to cure any ambiguity, defect, omission or to grant any additional powers, or to confer additional duties which are consistent with the intent and purpose of this agreement.

#### 11.00 Confirmation of Agreement

The Agreement shall be reviewed annually by the MPO to confirm the validity of the contents and to recommend the type of amendments, if any, that are required.

#### 12.00 Agreement Format

All words used herein in the singular form shall extend to and include the plural. All words used in the plural form shall extend to and include the singular. All words used in any gender shall extend to and include all genders.

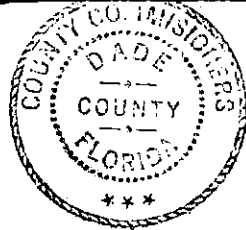
IN WITNESS WHEREOF, the undersigned parties have caused this Memorandum of Understanding to be duly executed in their behalf this 25th day of April, 1977.

By: [Signature]  
Title: COUNTY MANAGER

By: [Signature]  
Title: Chairman

Attest: [Signature]  
Deputy Clerk

Attest: [Signature]  
Secretary



MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING hereinafter to be called the AREAWIDE A-95 REVIEW AGREEMENT, made and entered into this 27 day of June, 1977 by and between the METROPOLITAN PLANNING ORGANIZATION, hereinafter called the MPO and the BOARD OF COUNTY COMMISSIONERS, DADE COUNTY, FLORIDA, hereinafter called the COUNTY;

W I T N E S S E T H:

WHEREAS, pursuant to the power conferred upon it by Section 5.01 and 5.03 of the Interlocal Agreement between the Board of County Commissioners, the Dade County School Board and the Florida Department of Transportation dated March 2, 1977, the MPO may enter into agreements, other than interlocal agreements, with local and/or state agencies to utilize the staff resources of such agencies or for the performance of certain services by such agencies, and

WHEREAS, Section 7.03 of the aforementioned Interlocal Agreement provides that the MPO shall enter into a Memorandum of Understanding with Metropolitan Dade County on behalf of its Planning Department as the areawide A-95 agency, which Memorandum of Understanding shall prescribe the means by which the activities of the MPO and the areawide A-95 agency will be coordinated as required by Part 4 of the OMB Circular A-95, and

WHEREAS, the said Memorandum of Understanding shall specify how transportation planning and programming will be part of the comprehensively planned development of the urbanized area.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations herein, the parties agree as follows:

1.00 Purpose

For the reasons recited in the preamble, which are hereby adopted as part hereof, this agreement is to provide for professional services to carry out the areawide A-95 review process as required by Part 4 of OMB Circular A-95.

2.00 Scope of Services

It is agreed by the County on behalf of its Planning Department, that the Planning Department shall perform the functions of an areawide A-95 review agency with respect to the work product of the transportation planning and programming process specified by the Urban Transportation Planning Agreement between the MPO and the FDOT dated April 4, 1977, and that such review will include but not be limited to all pertinent projects included in the Unified Planning Work Program and Transportation Improvement Program.

### 3.00 Particular Covenants

It is understood and agreed by and between the parties to this Agreement that:

.01 The MPO shall submit to the Planning Department for review a final draft of the Unified Planning Work Program no less than 120 days before the end of the FDOT fiscal year. The Department shall review the Unified Planning Work Program and within 30 days thereafter advise the MPO of its approval of the document or make such comment or suggested revisions as it deems appropriate.

.02 The MPO shall no less than 30 days before the end of the Florida Department of Transportation's fiscal year submit to the Planning Department the Transportation Improvement Program including an annual element and a program element for four or more succeeding years for its review. The Department shall thereafter complete its review within 30 days and advise the MPO of its approval or make such comments or suggested revisions as it may deem appropriate.

.03 The MPO and the County hereby recognize responsibility of the Areawide A-95 clearinghouse to review all pertinent projects included in the Unified Planning Work Program and the Transportation Improvement Program.

.04 The MPO and the County hereby recognize responsibility of the Planning Department, as the official areawide comprehensive planning agency for the Miami metropolitan area, in performing MPO related technical planning activities.

.05 The Planning Department shall be afforded the opportunity to review and evaluate MPO's proposed Prospectus for consistency with the County's Comprehensive Development Master Plan, and may present its findings and recommendations for consideration of the MPO prior to the MPO adoption of the Prospectus.

.06 The Planning Department shall be afforded the opportunity to review and evaluate MPO's proposed Transportation Plan (Long Range Element and the Transportation Systems Management Element) for consistency and coordination with other functional plan elements of the County's Comprehensive Development Master Plan, and may present its findings and recommendations for consideration of the MPO prior to MPO adoption of the Transportation Plan.

### 4.00 Reimbursement of County

.01 The annual budget for the performance of the tasks specified in this agreement shall be included in the annual budget of the MPO when same is prepared by the County Manager pursuant to Section 3.06 of the Management Services Agreement between the MPO and the Board of County Commissioners.

.02 The MPO hereby agrees that it shall reimburse the County for all services rendered under this agreement as specified in the Unified Planning Work Program budget and all approved budgets under Federal or State grant contracts with the MPO.

### 5.00 Transitory Provision

During the interim period between the effective date of this agreement and the commencement of the UPWP for FY 77-78, the County shall be reimbursed for all services rendered as provided in the FY 76-77 UPWP budget and all approved budgets under Federal or State grant contracts with the County.

6.00 How Contract Affected by Provisions Being Held Invalid

If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

7.00 Execution of Agreement

This Memorandum of Understanding may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

8.00 Duration of Agreement and Withdrawal Procedure

This Agreement shall remain in effect until terminated by the parties to the Agreement. Any party may withdraw from said Agreement after presenting, in written form, a notice of intent to withdraw, to the other parties, at least 60 days prior to the intended date of withdrawal, provided financial commitments made prior to withdrawal are effective and binding for their full terms and amount regardless of withdrawal.

9.00 Amendment of Agreement

The COUNTY and the MPO may upon initiation of either party amend this agreement to cure any ambiguity, defect, omission or to grant any additional powers, or to confer additional duties which are consistent with the intent and purpose of this agreement.

10.00 Confirmation of Agreement

The Agreement shall be reviewed annually by the MPO to confirm the validity of the contents and to recommend the type of amendments, if any, that are required.

11.00 Agreement Format

All words used herein in the singular form shall extend to and include the plural. All words used in the plural form shall extend to and include the singular. All words used in any gender shall extend to and include all genders.

IN WITNESS WHEREOF, the undersigned parties have caused this Memorandum of Understanding to be duly executed in their behalf this 27 day of June 1977.

BOARD OF COUNTY COMMISSIONERS  
DADE COUNTY, FLORIDA

By: \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

METROPOLITAN PLANNING ORGANIZATION

By: Stephen P. Hall

Title: Chairman

Attest: Daniel J. [Signature]  
Secretary

MEMORANDUM OF UNDERSTANDING

FOR

AREAWIDE (OTHER) A-95 REVIEW AGREEMENT

(to be completed)

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING hereinafter called the METROPOLITAN TRANSIT AGENCY AGREEMENT, made and entered into this 25 day of April, 1977 by and between the METROPOLITAN PLANNING ORGANIZATION, hereinafter called the MPO and the BOARD OF COUNTY COMMISSIONERS, DADE COUNTY, FLORIDA, hereinafter called the COUNTY:

W I T N E S S E T H:

WHEREAS, pursuant to the power conferred upon it by Section 5.01 and 5.03 of the Interlocal Agreement between the Board of County Commissioners, the Dade County School Board, and the Florida Department of Transportation dated March 2, 1977, the MPO may enter into agreements, other than interlocal agreements, with local and/or state agencies to utilize the staff resources of such agencies or for the performance of certain services by such agencies, and

WHEREAS, Section 7.02 of the aforementioned Interlocal Agreement provides that the MPO shall enter into a Memorandum of Understanding with Metropolitan Dade County on behalf of its Metropolitan Transit Agency, which Memorandum of Understanding shall set forth procedures to optimize the role of public mass transit within Dade County as a function of the planning and programming process of the MPO.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations herein, the parties agree as follows;

1.00 Purpose

For the reason recited in the preamble, which are hereby adopted as part hereof, this agreement is to provide that the MPO shall plan and program projects which shall lead to the optimization of public transit usage. Such plans shall include but not be limited to improvements of routes, schedules, express service, fare systems, passenger information systems, shelters and other amenities, the quality of maintenance, management procedures and controls, and preferential treatment for transit vehicles in street traffic.

2.00 Scope of Services

It is agreed by the County that the head of the Metropolitan Transit Agency shall serve as a technical advisor to the MPO and shall be involved in the Technical decision-making process as it relates to transportation planning and programming and that he shall be responsible for assuring that the needs and concerns of the transit system are appropriately addressed in the planning and programming effort. It is further agreed that the head of the MTA shall assign such personnel as may be required to carry out the transit planning studies or tasks established by the Unified Planning Work Program.

### 3.00 Ownership and Operation of MTA

The Metropolitan Transit Agency is an agency or subdivision of the government of Dade County, Florida and as such is owned and operated by the County under the direct supervision and control of the County Manager. It is agreed and understood that the transit improvement plans and proposals of the County are in fact the plans and proposals of the MTA and vice-versa.

### 4.00 How Contract Affected by Provisions Being Held Invalid

If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

### 5.00 Reimbursement of County

.01 The annual budget for the performance of the tasks incident to carrying out the transit planning studies or tasks established by the Unified Planning Work Program shall be included in the annual budget of the MPO when same is prepared by the County Manager pursuant to Section of the Memorandum of Understanding between the MPO and the Board of County Commissioners dated

.02 The MPO hereby agrees that it shall reimburse the COUNTY for all services rendered under this agreement as specified in the UPWP budget and all approved budgets under Federal or State grant contracts with the MPO.

### 6.00 Transitory Provision

During the interim period between the effective date of this agreement and the commencement of the UPWP for FY 77-78, the County shall be reimbursed for all services rendered as provided in the FY 76-77 UPWP budget and all approved budgets under Federal or State grant contracts with the COUNTY.

### 7.00 Execution of Agreement

This Memorandum of Understanding may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

### 8.00 Duration of Agreement and Withdrawal Procedure

This Agreement shall remain in effect until terminated by the parties to the Agreement. Any party may withdraw from said Agreement after presenting, in written form, a notice of intent to withdraw, to the other parties, at least 60 days prior to the intended date of withdrawal, provided financial commitments made prior to withdrawal are effective and binding for their full terms and amount regardless of withdrawal.

### 9.00 Amendment of Agreement

The COUNTY and the MPO may upon initiation of either party amend this agreement to cure any ambiguity, defect, omission or to grant any additional powers, or to confer additional duties which are consistent with the intent and purpose of this agreement.



10.00 Confirmation of Agreement

The Agreement shall be reviewed annually by the MPO to confirm the validity of the contents and to recommend the type of amendments, if any, that are required.

11.00 Agreement Format

All words used herein in the singular form shall extend to and include the plural. All words used in the plural form shall extend to and include the singular. All words used in any gender shall extend to and include all genders.

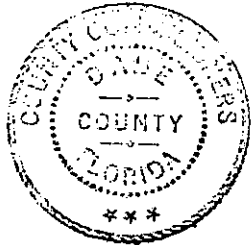
IN WITNESS WHEREOF, the undersigned parties have caused this Memorandum of Understanding to be duly executed in their behalf this 25th day of April, 1977.

By: [Signature]  
Title: COUNTY MANAGER

By: [Signature]  
Title: Chairman

Attest: [Signature]  
DEPUTY CLERK

Attest: [Signature]  
Secretary



RULES  
OF  
METROPOLITAN PLANNING ORGANIZATION  
FOR  
MIAMI URBANIZED AREA

CHAPTER 35H-1  
RULES GOVERNING INTERNAL ORGANIZATION

PART I  
GOVERNING BOARD

- 35H-1.01 Description of Organization
- 35H-1.02 Governing Board - Composition
- 35H-1.03 Governing Board - Appointment
- 35H-1.04 Governing Board - Chairman & Vice Chairman
- 35H-1.05 Quorum
- 35H-1.06 Minutes
- 35H-1.07 Resolutions and Motions
- 35H-1.08 Regular Meetings
- 35H-1.09 Special Meetings, Emergency Meetings, Hearings & Workshops
- 35H-1.10 Agenda
- 35H-1.11 Conduct of Meetings
- 35H-1.12 Rules of Debate
- 35H-1.13 Adjournment
- 35H-1.14 Files of the MPO

35H-1.01 DESCRIPTION OF ORGANIZATION - The Metropolitan Planning Organization for the Miami Urbanized Area is a quasi-legislative agency created by Interlocal Agreement pursuant to Florida Statutes Chapter 163 and is vested with the power and authority to conduct a continuing, cooperative and comprehensive transportation planning and programming process for the Miami Urbanized Area.

35H-1.02 GOVERNING BOARD - COMPOSITION - The Metropolitan Planning Organization is headed by a Governing Board consisting of voting members and non-voting members. The non-voting members shall sit with the same rights and privileges as other members except that non-voting members shall not have the right to present resolutions, motions or second same or to vote upon any motions or resolutions of the MPO.

35H-1.03 GOVERNING BOARD - APPOINTMENT - The Governing Board of the MPO shall be appointed by the Governor of Florida and shall serve at his pleasure provided:

(1) In the event that any of the Commissions, Boards or Agencies decline to participate or withdraw from the MPO, the Governor shall designate replacement(s) from any appropriate governmental entity in the urbanized area.

(2) Further, if the performance of a member of the MPO is unsatisfactory to the Governor and the member is, therefore, removed from the MPO, the Governor may appoint a replacement from any appropriate governmental entity in the urbanized area.

(3) Where vacancies on the MPO occur for any reason, the Governor may also exercise the option of designating no replacement to fill the vacancies.

35H-1.04 GOVERNING BOARD - CHAIRMAN AND VICE CHAIRMAN - The Chairman of the MPO Governing Board shall be, ex-officio, the Mayor of Dade County, Florida and shall preside at all meetings, hearings and conferences when present. In the absence of the Chairman, the Vice Chairman shall preside. The Vice Chairman shall be selected by a majority of the Governing Board and shall serve at its pleasure.

35H-1.05 QUORUM - A majority of the whole number of voting members of the Governing Board shall constitute a quorum. No resolution or motion shall be adopted by the Governing Board except upon the affirmative vote of a majority of the members present.

(1) Any member of the Governing Board who announces a conflict of interest on a particular matter shall leave the meeting chambers until the consideration of the matter is concluded. Any such member who does not leave the chambers shall be deemed absent for purposes of constituting a quorum, counting the vote, or for any other purpose.

(2) Should no quorum attend within thirty minutes after the hour appointed for the meeting of the Governing Board, the Chairman or the Vice-Chairman or in their absence, the Secretariat, may adjourn the meeting. In that event, those members present may, by unanimous agreement, select another hour or day. The

names of the members present and their action at such meeting shall be recorded in the minutes by the Secretariat.

35H-1.06 MINUTES - All official actions of the Governing Board are recorded and kept in permanent minute files by the Secretariat of the MPO which are open to public inspection during regular office hours at the principal office of the MPO in Miami, Florida.

35H-1.07 RESOLUTIONS AND MOTIONS - All actions of the Governing Board shall be by resolution or motion as follows:

(1) Action by resolution shall be required for:

- (a) all matters relating to approval of agreements or contracts of any nature;
- (b) adoption of budgets; approval of transportation plans or programs or amendments thereto;
- (c) adoption of policy directives;
- (d) adoption of rules of procedure; establishment of or changes in internal organizational structure; and
- (e) any other matters deemed by the Governing Board to be of sufficient importance to warrant adoption by formal resolution.

(2) All official and formal resolutions of the MPO shall be recorded and kept in the Secretariat's permanent files.

(3) Action by motion shall be for:

- (a) approval of purely administrative matters including directives or authorizations to the Chairman, Committees, the technical staff, the public involvement structure or the Secretariat.

(4) All official and formal motions shall be recorded in the minutes of the meeting at which the action is taken.

35H-1.08 REGULAR MEETINGS - The MPO's regularly scheduled monthly meetings shall be on the fourth Monday of each month unless changed by resolution of the Governing Board. A regular meeting may be cancelled by the Chairman or Vice-Chairman provided advance notice of such cancellation shall be made public at least seven (7) days before such meeting was to have taken place.

35H-1.09 SPECIAL MEETINGS, EMERGENCY MEETINGS, HEARINGS & WORKSHOPS

(1) A special meeting of the MPO Governing Board may be called by the majority of the members of the MPO. The Secretariat shall notify each member of the MPO of such special meeting stating the date, hour and place of the meeting and the purpose for which such meeting is called, and no other business shall be transacted at that meeting.

(2) No less than seven (7) days before such special meeting, the Secretariat shall give public notice of the date, hour and place of the special meeting including a statement of the general subject matter to be considered, unless such notice is impossible under the circumstances.

(3) An emergency meeting of the MPO may be called by the Chairman whenever, in his opinion, an emergency exists which requires immediate action by the MPO. Whenever such emergency meeting is called, the Chairman shall notify the Secretariat who shall forthwith notify each MPO member, stating the date, hour and place of the meeting and the purpose for which it is called, and no other business shall be transacted at that meeting. At least twenty-four hours shall elapse between the time the Secretariat receives notice of the meeting and the time the meeting is to be held.

(4) If after reasonable diligence, it becomes impossible to give notice to each member, such failure shall not affect the legality of the meeting if a quorum be in attendance. The minutes of each special or emergency meeting shall show the manner and method by which notice of such special or emergency meeting was given to each member of the MPO, or shall show a waiver of notice. All special or emergency meetings shall be open to the public and shall be held and conducted in the Dade County Courthouse or other suitable facility within Dade County, Florida. Minutes thereof shall be kept by the Secretariat.

(5) Anything herein to the contrary notwithstanding, notice of any special or emergency meeting of the MPO may be waived only by a majority of the entire membership of the MPO. No special or emergency meeting shall be held unless notice thereof has been given in compliance with this section, or notice thereof is waived by a majority of the entire membership of the MPO.

(6) Public hearings and workshops may be called by the MPO Governing Board and may be scheduled before or after regular meetings at the same meeting place or may be scheduled at other times and places provided:

(a) The Secretariat shall give public notice of the date, hour and place of the hearing or workshop including a statement of the general subject matter to be considered no less than seven (7) days before the event.

(b) No formal business, for which notice has not been given, shall be transacted at such public hearings or workshops.

35H-1.10 AGENDA - There shall be an official agenda for every meeting of the MPO Governing Board, which shall determine the order of business conducted at the meeting.

(1) The MPO Governing Board shall not take action upon any matter, proposal, or item of business which is not listed upon the official agenda, unless two-thirds (2/3) of the entire MPO shall have first consented to the presentation thereof for consideration and action.

(2) No resolution or other matter listed on the agenda for public hearing or the vote thereon may be deferred until a later time unless two-thirds (2/3) of the voting members present shall vote in favor of such deferral.

(3) The agenda shall be prepared by the Secretariat.

(4) Matters may be placed on the agenda by any MPO member, the County Manager, the County Attorney or the Secretariat.

(5) A copy of each resolution shall be furnished to the MPO members not later than four (4) calendar days before a vote may be called on the resolution.

(6) The provisions of subsection (5) of this rule shall be deemed waived unless asserted by a voting member before the MPO takes action on the resolution in question.

(7) This rule is not applicable to special or emergency meetings called pursuant to Rule 35H-1.09.

35H-1.11 CONDUCT OF MEETINGS - All meetings of the MPO Governing Board shall be conducted in accordance with the following:

(1) The Chairman shall preside at all meetings at which he is present.

- (2) In the absence of the Chairman, the Vice-Chairman shall preside.
- (3) The presiding officer shall preserve strict order and decorum at all meetings.
- (4) The Chairman shall state every question coming before the Governing Board and announce the decision of the Governing Board on all matters coming before it.
- (5) A majority vote of the members present shall govern and conclusively determine all questions of order not otherwise covered.
- (6) The presiding officer may vote on all questions, his name being called last.
- (7) The Secretariat of the MPO shall, upon request, certify all resolutions adopted by the MPO.
- (8) The County Attorney or his designee shall act as parliamentarian, and shall advise and assist the presiding officer in matters of parliamentary law.
- (9) The County Attorney or his designee shall be available to the MPO at all meetings.
- (10) The Chairman shall take the chair at the hour appointed for the meeting, and shall call the MPO to order immediately.
- (11) In the absence of the Chairman and the Vice-Chairman, the Secretariat shall then determine whether a quorum is present and in that event shall call for the election of a temporary chairman. Upon the arrival of the Chairman, or the Vice-Chairman, the temporary chairman shall relinquish the chair upon the conclusion of the business immediately before the MPO.
- (12) Before proceeding with the business of the MPO, the Secretariat or his designee shall call the roll of the members in alphabetical order, and the names of those present shall be entered in the minutes.
- (13) In the event the roll call reflects the absence of any member, that fact shall be noted in the minutes.
- (14) Any member who intends to be absent from any MPO meeting shall notify the Secretariat of the MPO of the intended absence as soon as he conveniently can.

(15) All meetings of the Governing Board shall be open to the public. Promptly at the hour set for each meeting, the members of the Governing Board, the MPO attorney, the County Manager and the Secretariat shall take their regular stations in the meeting chamber, and the business of the Governing Board shall be taken up for consideration and disposition in accordance with the agenda for the meeting.

(16) Unless a reading of the minutes of a meeting is requested by a majority of the MPO Governing Board, such minutes, when approved by the MPO Governing Board and signed by the Chairman and the Secretariat, shall be considered approved without reading, provided that the Secretariat deliver a copy thereof to each member of the MPO Governing Board and to the MPO attorney at least two full working days preceding the meeting.

(17) The minutes of prior meetings may be approved by a majority of the members present, and upon such approval shall become the official minutes.

(18) Upon every roll call vote the names of the members shall be called alphabetically by surname, except that the names shall be rotated after each roll call vote, so that the member who voted first on a preceding roll call shall vote last upon the next subsequent matter; provided, however, that the Chairman, if presiding, shall always cast his vote last. Upon relinquishing the chair, the Chairman may vote in alphabetical order with the other members, and the then presiding officer shall cast his vote last.

(19) The Secretariat shall call the roll, tabulate the votes, and announce the results.

(20) The vote upon any resolution, motion or other matter may be a voice vote, provided that the Chairman or any member may require a roll call vote to be taken upon any resolution or motion.

(21) All proceedings and the order of business at all meetings of the MPO Governing Board shall be conducted in accordance with the official agenda. Any departure from the order of business set forth in the official agenda shall be made only upon majority vote of the voting members of the MPO Governing Board present at the meeting.



(22) Any citizen shall be entitled to be placed on the official agenda of a regular meeting of the MPO Governing Board and be heard concerning any matter within the scope of the jurisdiction of the MPO Governing Board.

(23) Any citizen shall be entitled to speak on any matter appearing on the official agenda under the sections entitled "Public Hearings," and "Public Presentation of matters by citizens."

(24) No citizen shall be permitted to address the MPO Governing Board on any matter not appearing on the official agenda, unless the MPO Governing Board shall first grant permission to be heard by a two-thirds vote of the entire body.

(25) No citizen shall be entitled as a matter of right to address the MPO Governing Board on any matter listed on the official agenda which is not scheduled for public hearing, discussion or debate. Citizens shall not be permitted to speak on any matters listed on the official agenda other than those appearing under the sections entitled "Public Hearings" and "Public Presentation of matters by citizens," unless the MPO Governing Board shall first grant permission to be heard by majority vote of the members present at the meeting.

(26) Each person, other than members of the MPO staff, who addresses the MPO Governing Board shall give the following information in an audible tone of voice for the minutes:

(a) His name;

(b) His address;

(c) Whether he speaks for himself, a group of persons, or a third party; if the person says that he represents an organization, he shall also indicate the number of members in the organization, the annual dues paid by the members, the date of the most recent meeting of the organization's board or governing council, and whether the view expressed by the speaker represents an established policy of the organization approved by the board or governing council.

(d) Whether he is being compensated by the person or persons for whom he speaks; and

(e) Whether he or any member of his immediate family has a personal financial interest in the pending matter, other than that set forth in (d).

(27) Unless further time is granted by the MPO Governing Board, each person shall limit his address to five (5) minutes.

(28) All remarks shall be addressed to the MPO Governing Board as a body and not to any member thereof. No person, other than Governing Board members, commissioners and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member, without the permission of the presiding officer. No question shall be asked a Governing Board member except through the presiding officer.

35H-1.12 RULES OF DEBATE - The conduct of business of the Governing Board of the MPO shall be governed by Mason's Manual of Legislative Procedure (1953 Edition) in all cases to which they are applicable except as otherwise provided by the following:

(1) When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to lay on the table, to postpone, or to amend until the question is decided. These motions shall have preference in the order in which they are mentioned and the first two shall be decided without debate. Final action upon a pending motion may be deferred until a date certain by a majority of the members present.

(2) Upon relinquishing the chair, the presiding officer may move, second and debate, subject only to such limitations of debate as are by these rules imposed upon all members.

(3) Every member desiring to speak for any purpose shall address the presiding officer, and upon recognition, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

(4) A member once recognized, shall not be interrupted when speaking unless it be to call him to order or as herein otherwise provided. If a member while speaking, be called to order, he shall cease speaking until the question of order be determined by the presiding officer, and if in order he shall be permitted to proceed. Any member may appeal to the Governing Board from the decision of the Chairman upon a question of order, when without debate the Chairman shall submit to the Governing Board the question, "Shall the decision

of the chair be sustained?" and the Governing Board shall decide by a majority vote.

(5) The member moving the adoption of a motion or resolution shall have the privilege of closing the debate.

(6) Upon any roll call there shall be no discussion by any member before casting his vote, and he shall vote yes or no.

(a) Any member, upon voting, may give a brief statement to explain his vote.

(b) A member shall have the privilege of filing with the Secretariat a written explanation of his vote.

(7) Any member who announces a conflict of interest on a particular matter and a decision to refrain from voting or otherwise participating in the proceedings related to that matter shall leave the meeting chambers until the consideration of that matter is concluded. Any such member who does not leave the chambers shall be deemed absent for purposes of constituting a quorum, counting the vote, or for any other purpose.

(8) An action of the Governing Board may be reconsidered only at the same meeting at which the action was taken or at the next regular meeting thereafter.

(a) A motion to reconsider may be made only by a member who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting.

(b) A motion to reconsider shall not be considered unless at least the same number of members are present as participated in the original vote under consideration, or upon affirmative vote of two-thirds (2/3) of those members present.

(c) Adoption of a motion to reconsider shall rescind the action reconsidered.

35H-1.13 ADJOURNMENT - A motion to adjourn shall always be in order and decided without debate.

35H-1.14 FILES OF THE MPO - The Secretariat shall keep and maintain the official files of the MPO, which files shall be open for public inspection during normal business hours at the MPO's principal office in Miami, Florida.

MEMORANDUM OF AGREEMENT  
ASSIGNMENT OF CONTRACT

THIS AGREEMENT, made and entered into on the date specified herein, by and among each to the other herein named entities that hereafter are called collectively the parties: the DADE COUNTY BOARD OF COUNTY COMMISSIONERS, hereinafter called the County; the METROPOLITAN PLANNING ORGANIZATION for the Miami Urbanized Area, hereinafter called the MPO; and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the Department;

WITNESSETH:

WHEREAS, the MPO has been designated by the Governor of the State of Florida to function in various capacities in connection with the urban transportation planning process for the Miami Urbanized Area, including that of receiving and accounting for the use of Metropolitan Planning (PL) Funds; and

WHEREAS, the County and the Department entered into a Joint Participation Agreement on May 13, 1975 (copy of which is attached for reference), under which the County was designated as the agency to receive and account for the use of PL funds, in which capacity the County now serves; and

WHEREAS, the performance of the duties described in said agreement of May 13, 1975 is now properly the responsibility of the MPO;

NOW THEREFORE, in consideration of the premises, the parties agree as follows:

1. The County assigns all its interest in the above described agreement to the MPO.
2. The MPO accepts the assignment and assumes all the duties and obligations of the County under the agreement.

(e) Checks, Orders, and Vouchers. Any check or order drawn by the Public Agency with respect to any item which is or will be chargeable against the Project Account will be drawn only in accordance with a properly signed voucher then on file in the office of the Public Agency stating in proper detail the purpose for which such check or order is drawn. All checks, payrolls, invoices, contracts, vouchers, orders, or other accounting documents pertaining in whole or in part to the Project shall be clearly identified, readily accessible, and, to the extent feasible, kept separate and apart from all other such documents.

(f) Audit and Inspection. The Public Agency shall permit, and shall require its contractors to permit FHWA and the Department's authorized representatives to inspect all work, materials, payrolls, records of personnel, invoices of materials, and other relevant data and records; and to audit the books, records, and accounts of the Public Agency, pertaining to the development of the Project. Records of costs incurred under terms of this Agreement shall be maintained and made available upon request to the Department or FHWA at all times during the period of this Agreement and for three years after final payment is made. Copies of these documents and records shall be furnished to the Department or FHWA upon request.

#### 8.00 Requisitions and Payments.

(a) Preliminary Action by the Public Agency. In order to obtain any payment, the Public Agency shall:

(1) File with the Department its requisition therefor, on form or forms prescribed by the Department, and such other data pertaining to the Project Account (as defined in Section 7.00(a) hereof) and the Project as the Department may require, to justify and support the payment requisitioned; and

(2) Comply with all applicable provisions of this Agreement.

(b) The Department's Obligations. Subject to other provisions hereof, the Department will honor such requisitions in amounts and at times deemed by the Department to be proper to insure the carrying out of the Project and payment of the eligible costs thereof in accordance herewith. However, notwithstanding any other provision of this Agreement, the Department may elect by notice in writing not to make a payment on account of the Project if:

(1) Misrepresentation. The Public Agency shall have made misrepresentation of a material nature in its Application, or any supplement thereto or amendment thereof, or in or with respect to any document or data furnished therewith or pursuant hereto;

(2) Litigation. There is then pending litigation with respect to the performance by the Public Agency of any of its duties or obligations which may jeopardize or adversely affect the Project, this Agreement, or payments to the Project;

(3) Concurrence by Government. The Public Agency shall have taken any action pertaining to the Project which under the established procedures requires the prior approval of the Department or shall have proceeded to make related expenditures or incur related obligations without having been advised by the Department that the same are satisfactory;

(4) Conflict of Interests. There has been any violation of the conflict of interest provisions contained herein;

(5) Default. The Public Agency shall be in default under any of the provisions of the Agreement.

(c) Disallowed Costs. In determining the amount of the financing payment, the Department will exclude all Project costs incurred by the Public Agency prior to the effective date of this Agreement or prior to the date of a letter of No Prejudice, costs incurred by the Public Agency which are not provided for in the latest approved budget for the Project, and costs attributable to goods or services received under a contract or other arrangements which have not been approved in writing by the Department. A letter of No Prejudice provided to the Public Agency by the Department may provide that expenditures related to the project may be recognized from the date of said letter as a part of the total Project prior to, and subject to, the effective date of the Joint Participation Agreement.

#### 9.00 Termination or Suspension of Government's Obligations.

(a) Termination or Suspension Generally. If the Public Agency abandons or, before completion, finally discontinues the Project; or if, by reason of any of the events or conditions set forth in paragraphs (1) to (5) inclusive, of Section 8.00(b) hereof, or for any other reason, the commencement, prosecution, or timely completion of the Project by the Public Agency is rendered improbable, infeasible, impossible, or illegal, the Department may, by written notice to the Public Agency, suspend any or all of its obligations under this Agreement until such time as the event or condition resulting in such suspension has ceased or been corrected, or the Department may terminate any or all of its obligations under this Agreement.

(b) Action Subsequent to Notice of Termination or Suspension. Upon receipt of any final termination notice under this Section, the Public Agency shall proceed promptly to carry out the actions required therein which may include any or all of the following: (1) necessary action to terminate or suspend, as the case may be, Project activities and contracts and such other action as may be required or desirable to keep to the minimum the costs upon the basis of which the financing is to be computed; (2) furnish a statement of the status of the Project activities and of the Project Account as well as a proposed schedule, plan, and budget for terminating or suspending and closing out Project activities and contracts, and other undertakings the costs of which are otherwise includable as Project costs; and (3) remit to the Department such portion of the financing and any advance payment previously received as is determined by the Department to be due the Government under the provisions of the Agreement. The closing out shall be carried out in conformity with the latest schedule, plan, and budget as approved by the Department or upon the basis of terms and conditions imposed by the Department upon the failure of the Public Agency to furnish the schedule, plan, and budget within a reasonable time. The acceptance of a remittance by the Public Agency or the closing out of Federal financial participation in the Project shall not constitute a waiver of any claim which the Department may otherwise have arising out of this Agreement.

10.00 Remission of Project Account Upon Completion of Project.

Upon completion of the Project, and after payment, provision for payment, or reimbursement of all Project costs payable from the Project Account is made, the Public Agency shall remit to the Department any unexpended balance in the Project Account less its proportionate share thereof.

11.00 Contracts of the Public Agency.

Except as otherwise authorized in writing by the Department and FHWA, the Public Agency shall not execute any contract or obligate itself in any other manner with any third party with respect to the Project without the prior written concurrence of the Department and FHWA. Subletting of consultant contracts shall be in accordance with the requirements of Paragraph 5j of FHWA's PPM 50-1.2

12.00 Restrictions, Prohibitions, Controls, and Labor Provisions.

(a) It is understood and agreed that all rights of the Department relating to inspection, review, approval and audit of the work, tracing, plans, specifications, maps, data, and cost records relating to this Agreement shall also be reserved and held by authorized representatives of the United States of America.

(b) It is understood and agreed that, in order to permit federal participation, no supplemental agreement of any nature may be entered into by the parties hereto with regard to the work to be performed hereunder without the approval of Fed. DOT, anything to the contrary in this Agreement notwithstanding.

(c) Compliance with Regulations. The Public Agency shall comply with the regulations of Fed. DOT relative to non-discrimination in federally-assisted programs of the Fed. DOT (Title 49, Code of Federal Regulations, Part 21, hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of the contract.

(d) Nondiscrimination. The Public Agency, with regard to the work performed by it after award and prior to completion of the contract work, will not discriminate on the grounds of race, color, religion, sex or national origin in the selection and retention of subcontractors, including procurements of material and leases of equipment. The Public Agency will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers the program set forth in Appendix B of the Regulations.

(e) Solicitations for Subcontracts, Including Procurements of Materials and Equipment. In all solicitations made by competitive bidding or negotiation made by the Public Agency for work to be performed under a subcontract, including procurements of materials and leases of equipment, each potential subcontractor, supplier or lessor shall be notified by the Public Agency of obligations under this contract and the regulations relative to nondiscrimination on the grounds of race, color, religion, sex or national origin.

(f) Information and Reports. The Public Agency will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department or FHWA to be pertinent to ascertain compliance with such Regulations,



orders and instructions. Where any information required of the Public Agency is in the exclusive possession of another who fails or refuses to furnish this information, the Public Agency shall certify to the Department, or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information.

(g) Sanctions for Noncompliance. In the event of the Public Agency's noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or FHWA may determine to be appropriate, including, but not limited to, withholding of payments to the Public Agency under the contract until the Public Agency complies; and/or cancellation, termination or suspension of the contract, in whole or in part.

(h) Incorporation of Provisions. The Public Agency will include the provisions of Paragraphs (c) through (h) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, order, or instructions issued pursuant thereto. The Public Agency will take such action with respect to any subcontract or procurement as the Department or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance, provided, however, that, in the event the Public Agency becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Public Agency may request the State to enter into such litigation to protect the interests of the State, and, in addition, may request the United States to enter into such litigation to protect the interests of the United States.

(i) Prohibited Interests. Neither the Public Agency nor any of its contractors or their subcontractors shall enter into any contract, subcontract, or arrangement in connection with the Project or any property included or planned to be included in the Project, in which any member, officer, or employee of the Public Agency or the locality during his tenure or for one year thereafter has any interest, direct or indirect. If any such present or former member, officer, or employee involuntarily acquires or had acquired prior to the beginning of his tenure any such interest, and if such interest is immediately disclosed to the Public Agency and such disclosure is entered upon the minutes of the Public Agency, the Public Agency with the prior approval of the Department, may waive the prohibition contained in this subsection: Provided, that any such present member, officer or employee shall not participate in any action by the Public Agency or the locality relating to such contract, subcontract, or arrangement.

The Public Agency shall insert in all contracts entered into in connection with the Project or any property included or planned to be included in any Project, and shall require its contractors to insert in each of their subcontracts, the following provision:

"No member, officer, or employee of the Public Agency or of the locality during his tenure or for one year thereafter shall have any interest, direct or indirect, in this contract or the proceeds thereof."

The provisions of this subsection shall not be applicable to any agreement between the Public Agency and its fiscal depositories, or to any agreement for utility services the rates for which are fixed or controlled by a Governmental agency.

### 13.00 Miscellaneous Provisions.

(a) Environmental Pollution. All Proposals, Plans and Specifications for the acquisition, construction, reconstruction, improvement of facilities or equipment, shall be presented to the Department for approval. In rendering such approval, the Department shall take into consideration whether such facilities or equipment is designed and equipped to prevent and control environmental pollution.

(b) Government Not Obligated to Third Parties. The Department shall not be obligated or liable hereunder to any party other than the Public Agency.

(c) When Rights and Remedies Not Waived. In no event shall the making by the Department of any payment to the Public Agency constitute or be construed as a waiver by the Department of any breach of covenant or any default which may then exist, on the part of the Public Agency, and the making of any such payment by the Department while any such breach or default shall exist shall in no way impair or prejudice any right or remedy available to the Department in respect of such breach or default.

(d) How Contract Affected by Provisions Being Held Invalid. If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

(e) Bonus or Commission. By execution of the Agreement the Public Agency represents that it has not paid and, also, agrees not to pay, any bonus or commission for the purpose of obtaining an approval of its application for the financial assistance hereunder.

(f) State or Territorial Law. Nothing in the Agreement shall require the Public Agency to observe or enforce compliance with any provision thereof, perform any other act or do any other thing in contravention of any applicable State law: Provided, that if any of the provisions of the Agreement violate any applicable State law, the Public Agency will at once notify the Department in writing in order that appropriate changes and modifications may be made by the Department and the Public Agency to the end that the Public Agency may proceed as soon as possible with the Project.

(g) Sale of Project Facilities or Equipment. The Public Agency agrees that the Project facilities and equipment will be used for the Project herein provided for the period of the useful life of such facilities and equipment as determined in accordance with the general accounting standards and approved by the Department. If during the period of their useful life, any project facility or equipment is sold, other than for their replacement in such service life facility or equipment, the Public Agency agrees to remit to the Department the proportional amount of the sale proceeds determined on the basis of the ratio of the Department contribution to the total cost of the Project provided in this Agreement.

(h) Interest of Members of or Delegates to Congress. No member of or delegate to the Congress of the United States shall be admitted to any share or part of this Contract or to any benefit arising therefrom.

(i) This Agreement is subject to all applicable requirements of FEMA's PPM 50-1.2 relative to approval of travel by FEMA, report publication provisions, equipment, rental of space or equipment, and indirect costs.

14.00 Execution of Agreement.

This contract may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

15.00 Agreement Format.

All words used herein in the singular form shall extend to and include the plural. All words used in the plural form shall extend to and include the singular. All words used in any gender shall extend to and include all genders.

IN WITNESS WHEREOF, the Public Agency has caused this contract to be  
duly executed in its behalf, and thereafter the Department has caused the  
same to be duly executed in its behalf this 13<sup>th</sup> day of May,  
1975.

APPROVED:

STATE OF FLORIDA DEPARTMENT OF  
TRANSPORTATION

Ray G. Lamm BY: Billy B. Pihlman  
Director, of Planning and Programming Director of Administration

ATTEST: James J. Fink  
ACTING Executive Secretary

*Sample OK  
11/11/75  
6-6-75*

PUBLIC AGENCY

DADE COUNTY BOARD OF COUNTY COMMISSIONERS

BY: K. Ray Poode  
TITLE: County Manager

APPROVED AS TO FORM AND LEGALITY:

ATTEST: Edna J. [Signature] (SEAL)  
TITLE: DEPUTY CLERK

Frank [Signature]  
Assistant Attorney

EXHIBIT "A"

This Exhibit forms an integral part of that certain Joint Participation Agreement between the State of Florida Department of Transportation and The Dade County Board of County Commissioners

dated May 13, 1975.

THE PROJECT: Miami Urban Area Transportation Planning Process

LOCATION: Miami, Florida

THE PROJECT DETAIL:

This project consists of accomplishment of the tasks for which Public Agency is responsible in the Miami Urban Area Transportation Planning Process. These tasks are described fully as to scope and cost in the MUATS Unified Work Program of Transportation Related Activities for July 1, 1974 - June 30, 1975 dated September 23, 1974. The following tasks, or portions thereof, are intended to be accomplished through the utilization of the funds administered under this Agreement:

Project No. and Name

- 1.0 Administration
- 2.0 Continuing Transportation and Related Planning Activities
- 3.0 Coordinated Support Program

Note: The above stated projects are further identified in the MUATS Unified Work Program of Transportation Related Activities for July 1, 1974 - June 30, 1975.

II. PUBLIC INVOLVEMENT APPENDICES

A. Public Involvement Policy Committee

B. Intergovernmental Policy Committee

(To be completed)

III. TECHNICAL APPENDICES

(To be completed)







