

Meeting Minutes

GREATER MIAMI EXPRESSWAY AGENCY (GMX)
Minutes of April 9, 2021, Board Meeting
1000 NW 111 Avenue
Miami FL 33172

The Greater Miami Expressway Agency held a public meeting at 9 a.m. on April 9, 2021, at the Florida Department of Transportation, District Six Auditorium, 1000 NW 111 Avenue, Miami, Florida. The following were present:

Board:

Fatima Perez
Mariana "Marili" Cancio
Rodolfo Pages
FDOT District Six Secretary Stacy L. Miller, P.E., Member

Staff:

Torey Alston, FDOT Chief of Staff
Tish Burgher, FDOT District Six Communications Manager

Others: Sign-in Sheet attached

I. ADMINISTERING OATH OF OFFICE FOR ALL BOARD MEMBERS

Board members reviewed and signed the Oath of Office

II. CALL TO ORDER

The meeting was called to order at 9:03 a.m.

III. ROLL CALL

Torey Alston conducted the Roll Call of Board members

IV. INTRODUCTON OF BOARD MEMBERS

V. NEW BUSINESS

Executive Director's Report

- Tish Burgher read the report provided by the Miami-Dade Expressway Authority:
 - Authority finance, procurements and administration are reconciling and closing out financial year 2020 financial statement and preparing the Annual Report.
 - MDX is reconciling the fiscal year 2020 Work Program and close-out of community projects in order to update cash flow requirements for fiscal year 2021.
 - MDX is responding to rating industries and inquiries.
 - Current credit ratings are BBB plus/negative outlook, S&P – Negative outlook, A3 – Negative outlook.
 - MDX reports working with internal and external auditors to release final report for September 2019, and Fiscal Year 19-20.

- Updating cash flow requirements for Fiscal Year 2021.
- Reviewing bond documents, Policy, Stock Agreements and continues disclosure requirements.

COVID–19 Impacts - Human Resources Update

- No critical vacancies.
- All 30 MDX employees have been working through pandemic, 25% in person.

Financial Update

- Outstanding Bonds: Series 2005, 2010A, 2013A, 2013B, 2014A, 2014B, 2061A – 1.3.
- Revenue Lost: \$32 million, service payments were made in January 2020, July 2020, January 2021, and the Authority is prepared to pay in July 2021
- Actual revenue to date through Feb 2021 – \$134,563,074 or 2.4% higher than forecast.
- Operating Expenses: roughly \$25 million, which is below budget by roughly \$6.9 Million.
- Maintenance is falling behind because MDX was unable to procure a maintenance contractor. Authority was given in December 2020, operating at 50% year to date.
- Toll Operations – there was an upward trend in traffic until March 2020. Traffic decreased 40%. April peak decrease in 2020. Average daily traffic continued to drop with recovery starting March 2021.
- Digital toll operations allow staff to work remotely as needed with little or no down time.
- Contracts – CCSS significant staff impacts (mainly Ocoee) due to COVID and unable to staff at 100% since May 2020 due to CDC requirements
- March 2021 showing recovery since March 2019 numbers.
- CPI for customer service needs not met.
- Collection began in Feb 2021, two and a half years after “Go Live”, but filtered only for those owing more than \$2,500, threshold to \$1,500.
- Transcore – hardware/software little or no impact due to COVID.
- Transponder – little or no impact due to COVID.

Roadway, Construction, Maintenance

- Finished projects:
 - 83628, 83629 – SR 826 Operational and Capacity improvements between 97 Avenue and 27 Avenue, with inclusion of express bus lanes for express service operated by Miami-Dade County.
 - Dolphin Park and Ride Station completed and turned over to Miami-Dade County in March 2020.
- 87410 – SR 874 Ramp West to SW 828 Street, scheduled to be completed by March 2022, including all operational service requested by Miami-Dade County.
- 83611 GGI Project to be completed by 2024
- SR 836, 30% complete.

- 83618 Kendall Parkway is in process of hearing with County CDMM amendments, judge ruling April 2020, final is pending.
- 83618 Right-of-Way: Kendal project was underway in Sep 2019, put on hold in April 2020, willing sellers only. Program on hold except properties and parcels with contracts already given.
- All other planning projects on hold since October 2020 due to 2019 legislation.
- Closed on 43 parcels, at the cost of roughly \$10.6 million.
- Other ROW projects include easements, agreements, and dedication for project construction – 83611.
- Roadway & Facility - Sep 2019 to July 2020, Asset Maintenance (AM) contract expired June 2020.
- MDX utilizes 11 smaller contracts to encompass various essential components of the AM Contract, to ensure maintenance and safety
- MDX has a priority to operate and maintain the expressway system, to ensure public safety, revenue, collections, and financial reporting.
- The orders by Judge Cooper allowed payments for various services, vendors, employees and to supply goods and services towards operations of MDX.

District Six Updates

- Secretary Miller provided the following update:
 - FM25168-1 – Double decking SR 836, MDX provided post-design services, plans review, and owners team coordination. Category 2 reviews have been made since updates in design and additional review of structures.
 - Former MDX contributed \$1.2 million towards review and the Department has contributed \$20 million. FDOT would like to discuss additional options of resources considering changes.
 - SR 826 PD&E Study – un-tolled managed lane segment and general-purpose lanes, based on Miami-Dade County Transportation Planning Organization (TPO) Resolution in 2020.
 - SR 824 and SR 876 – Palmetto - direct connection to SR 836 from SR 826 – from express lanes to connections.
 - January 2023 – project acceptance – study and design are funded – construction is not funded.
 - SR 112 moves into PD&E in 2023 – anticipate programming in work program, general use and express lanes.
 - Connections to I-95 will be incorporated in Golden Glades Interchange (GGI) Project.
 - Iron Triangle – PD&E currently not programmed, looking into programming in 2026.

VI. ANNOUNCEMENTS

- Staff will work together to schedule next meetings with Board members
- Miami-Dade County Board of County Commissioners shall appoint two members and TPO shall appoint three members to the Board

- Appointments have not been made at this time but will be discussed again during the next meeting.

VII. NEW BUSINESS

- Board members discussed former MDX staff and voiced concern over their lack of attendance at the meeting.
- Board members discussed obtaining legal counsel. A motion to retain council at the next meeting was made and seconded.
- Board members discussed how to communicate with each other regarding Agency business in accordance with the Sunshine Law. Secretary Miller advised that any communications should be through Torey Alston, FDOT Chief of Staff.

VIII. ADJOURNMENT

With no further business to come before the Board, Secretary Miller adjourned the meeting at 9:53a.m.

F.S. 348.0304

Greater Miami Expressway Agency

Select Year: 2021 

The 2021 Florida Statutes

Title XXVI

Chapter 348

[View Entire Chapter](#)

PUBLIC TRANSPORTATION

EXPRESSWAY AND BRIDGE AUTHORITIES

348.0304 Greater Miami Expressway Agency.—

(1) There is hereby created and established a body politic and corporate, an agency of the state, to be known as the “Greater Miami Expressway Agency.”

(2)(a) The governing body of the agency shall consist of nine voting members. Except for the district secretary of the department, each member must be a permanent resident of the county and may not hold, or have held in the previous 2 years, elected or appointed office in the county. Each member may only serve two terms of 4 years each. Four members shall be appointed by the Governor, one of whom must be a member of the metropolitan planning organization for the county. Two members, who must be residents of an unincorporated portion of the county residing within 15 miles of an area with the highest amount of agency toll roads, shall be appointed by the board of county commissioners of the county. Two members, who must be residents of incorporated municipalities within the county, shall be appointed by the metropolitan planning organization for the county. The district secretary of the department serving in the district that contains the county shall serve as an ex officio voting member of the governing body.

(b) Initial appointments to the governing body of the agency shall be made by July 31, 2019. For the initial appointments:

1. The Governor shall appoint one member for a term of 1 year, one member for a term of 2 years, one member for a term of 3 years, and one member for a term of 4 years.

2. The board of county commissioners shall appoint one member for a term of 1 year and one member for a term of 3 years.

3. The metropolitan planning organization shall appoint one member for a term of 2 years and one member for a term of 4 years.

(c) Persons who, on or after July 1, 2009, were members of the governing body or employees of the former Miami-Dade County Expressway Authority may not be appointed members of the governing body of the agency. This paragraph does not apply to appointments to the governing body of the agency made by the Governor or to the district secretary of the department serving in an ex officio role pursuant to paragraph (a).

(3)(a) The governing body of the agency shall elect one of its members as chair and shall elect a secretary and a treasurer who need not be members of the governing body. The chair, secretary, and treasurer shall hold their offices at the will of the governing body. A simple majority of the governing body constitutes a quorum, and the vote of a majority of those members present is necessary for the governing body to take any action. A vacancy shall not impair the right of a quorum of the governing body to exercise all of the rights and perform all of the duties of the governing body.

(b) Upon the effective date of his or her appointment, or as soon thereafter as practicable, each member of the governing body of the agency shall enter upon his or her duties. The governing body’s initial board meeting must take place within 15 days after the initial appointments.

(c) Each member of the governing body of the agency, before entering upon his or her official duties, shall take and subscribe to an oath before some official authorized by law to administer oaths that he or she will honestly, faithfully, and impartially perform the duties devolving upon him or her in office as a member of the governing body and that he or she will not neglect any duties imposed upon him or her by this part.

(4)(a) The governing body of the agency may employ an executive secretary, an executive director, its own counsel and legal staff, technical experts, and such engineers and employees, permanent or temporary, as it may require and shall determine the qualifications and fix the compensation of such persons, firms, or corporations. The governing body may employ a fiscal agent or agents; however, the governing body must solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agents. The governing body may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this act, subject always to the supervision and control of the governing body. Members of the governing body may be removed from office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office.

(b) Employees of the agency shall serve at the pleasure of the governing body of the agency. The governing body of the agency shall review the employment of all employees of the former Miami-Dade County Expressway Authority to determine whether each employee will continue employment with the agency. In the hiring of an executive director of the agency, the governing body of the agency shall conduct a nationwide search in order to identify the most qualified candidate.

(5) The members of the governing body of the agency shall not be entitled to compensation but shall be entitled to receive per diem and travel expenses as provided in s. 112.061.

History.—s. 14, ch. 2019-169; s. 19, ch. 2021-188.

Agenda Item:

**Election of Officers - Chair, Vice-Chair,
Secretary and Treasurer**

Agenda Item Supporting Documents:

Agenda Item – Election of Officers: Chair, Vice-Chair, Secretary and Treasurer

Requested Action

Board members to elect board officers. The governing body is being asked to elect a Chair, Vice-Chair, Secretary and Treasurer.

Why Action is Necessary

Organization of the governing body as required by Florida Statute 348.0304.

What Action Accomplishes

(3)(a) The governing body of the agency shall elect one of its members as chair and shall elect a secretary and a treasurer who need not be members of the governing body. The chair, secretary, and treasurer shall hold their offices at the will of the governing body. A simple majority of the governing body constitutes a quorum, and the vote of a majority of those members present is necessary for the governing body to take any action.

Previous Action Taken

None

Summary Explanation/Background

The governing body of the agency shall its officers and authorize staff to utilize signatures and use of manual, stamped or facsimiles, when needed.

Agenda Item:

**Review of Employment of former MDX
Executive Director, General Counsel and
Executive Secretary**

Agenda Item Supporting Documents:

Agenda Item - Review of Employment of former MDX Executive Director, General Counsel and Executive Secretary

Requested Action

The governing body shall review the employment of former MDX Executive Director, General Counsel and Executive Secretary.

Why Action is Necessary

Required by Florida Statute 348.0304.

What Action Accomplishes

(4)(a) The governing body of the agency may employ an executive secretary, an executive director, its own counsel and legal staff, technical experts, and such engineers and employees, permanent or temporary, as it may require and shall determine the qualifications and fix the compensation of such persons, firms, or corporations. The governing body may employ a fiscal agent or agents; however, the governing body must solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agents. The governing body may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this act, subject always to the supervision and control of the governing body. Members of the governing body may be removed from office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office.

(b) Employees of the agency shall serve at the pleasure of the governing body of the agency. The governing body of the agency shall review the employment of all employees of the former Miami-Dade County Expressway Authority to determine whether each employee will continue employment with the agency. In the hiring of an executive director of the agency, the governing body of the agency shall conduct a nationwide search in order to identify the most qualified candidate.

Previous Action Taken

At the April meeting, Board Members present provided comments on former Miami-Dade County Expressway Authority employees including the former MDX Executive Director and General Counsel. Action was taken by the board recommending a future search for staff.

Summary Explanation/Background

The governing body has authority and discretion over agency employees.

Agenda Item:

**Authorization for Interim Executive Director to
Utilize FDOT Human Resources and/or a
Search Firm to Initiate a National Search for a
Permanent Executive Director at No Cost**

Agenda Item Supporting Documents:

Agenda Item – Authorization for Interim Executive Director to Utilize FDOT Human Resources and/or a Search Firm to Initiate a National Search for a Permanent Executive Director at No Cost

Requested Action

The governing body shall review consideration to utilize Florida Department of Transportation (FDOT) Human Resources and/or a search firm to initiate a national search for a permanent Executive Director at no cost.

Why Action is Necessary

Required by Florida Statute 348.0304.

What Action Accomplishes

(4)(a) The governing body of the agency may employ an executive secretary, an executive director, its own counsel and legal staff, technical experts, and such engineers and employees, permanent or temporary, as it may require and shall determine the qualifications and fix the compensation of such persons, firms, or corporations. The governing body may employ a fiscal agent or agents; however, the governing body must solicit sealed proposals from at least three persons, firms, or corporations for the performance of any services as fiscal agents. The governing body may delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the purposes of this act, subject always to the supervision and control of the governing body. Members of the governing body may be removed from office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office.

(b) Employees of the agency shall serve at the pleasure of the governing body of the agency. The governing body of the agency shall review the employment of all employees of the former Miami-Dade County Expressway Authority to determine whether each employee will continue employment with the agency. In the hiring of an executive director of the agency, the governing body of the agency shall conduct a nationwide search in order to identify the most qualified candidate.

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Summary Explanation/Background

The governing body has authority and discretion over agency employees.

Agenda Item:

**Authorization for Interim Executive Director to
Work with FDOT and the Florida Turnpike
Enterprise on a Toll Rebate Program; Interim
Executive Director Will Bring Back Proposal at
a Future Meeting**

Agenda Item Supporting Documents:

Agenda Item – Authorization for Interim Executive Director to Work with FDOT and the Florida Turnpike Enterprise on a Toll Rebate Program; Interim Executive Director Will Bring Back Proposal at a Future Meeting

Requested Action

The agency shall develop and implement a monthly rebate program. (Required by Florida Statute 348.0304)

Why Action is Necessary

In 2019, the Florida legislature established the Greater Miami Toll Rebate program which has not yet been implemented (see statutory reference). Per mile toll rates on the on expressway facilities in Miami-Dade average 16-cents per mile. In 1994, the toll rate per mile on Miami-Dade expressway toll roads was approximately 5-cents per mile and consistent with Florida Turnpike per mile rates. Since then, changes in expressway authority toll policy have outpaced inflationary adjustments by nearly 3 times, resulting in excessive tolls being collected by the expressway authority in Miami-Dade County. Local bridge and expressway authorities set toll rates and policy by Board action.

Currently, the Turnpike mainline in Miami-Dade County (SR821) is approximately 9-cents per mile. In 1994, the per-mile toll rate was approximately 6-cents per mile. Rates have changed less than inflation over the same period of time. The Florida Department of Transportation, through the Florida Turnpike Enterprise, establishes toll policy for Department toll facilities through a rulemaking process (Chapter 119, F.S.).

Florida Turnpike Enterprise operates the SunPass prepaid toll collection system and processes more than 85% of electronic tolls collected on Florida toll roads.

What Action Accomplishes

Authority for the Interim Executive Director to work with FDOT and FTE on establishing a “frequent user loyalty program” for SunPass accountholders benefitting those customers that incur tolls as part of their regular commute and offer a credit to their account based on activity (starting with at least 40 transactions in a month). The program should not require SunPass accountholders to opt-in or be limited to select zip codes.

Previous Action Taken

None.

Summary Explanation/Background

348.0307, F.S. Greater Miami Toll Rebate Program.

The agency shall develop and implement a monthly rebate program for the month beginning January 1, 2020, subject to:

- (a) Compliance with any covenants made with the holders of the agency's bonds which are in the trust indentures or resolutions adopted in connection with the issuance of the agency's bonds;
- (b) Consideration of the financial feasibility of such a program as reported by the Auditor General as required by this act; and
- (c) Consideration of the impact of such a program to the financial feasibility of prioritized projects that have been allocated funds for a project development and an environmental study but are not contained in the 5-year work program on July 1, 2019.

Monthly rebates shall be credited to the account of each SunPass holder who:

- incurs \$12.50 or more in tolls on the expressway system each month and
- whose SunPass is registered to a motor vehicle registered to an address in the county.

In developing its rebate program, the agency shall have *a goal of rebating 25 percent* of tolls paid by eligible SunPass holders. Following initiation of the program, the agency, once every 5 years, shall review the amount of the toll rebate and may adjust the amount of the toll rebate.

The agency may not impose additional requirements for receipt of the toll rebate.