

**Greater Miami Expressway Agency
Board Meeting**

**Meeting Packet
Thursday, November 4, 2021**

GREATER MIAMI EXPRESSWAY AGENCY (GMX)

REVISED MEETING AGENDA

THURSDAY, NOVEMBER 4, 2021 - 9 A.M.

FDOT DISTRICT FOUR – MANATEE CONFERENCE ROOM
3400 West Commercial Blvd.
Fort Lauderdale, FL 33309

- I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
- II. ROLL CALL
- III. INTRODUCTION OF BOARD MEMBERS
- IV. CONSENT AGENDA
 - a. Approval of October 28, 2021 Meeting Minutes
- V. BOARD ACTION ITEMS
 - a. Authorization for Interim Executive Director to send letter to the Florida Department of Transportation (FDOT) Designating GMX as Proper Party to all Existing/Future Agreements and Requesting Acknowledgement from FDOT
 - b. Authorization for Interim Executive Director to work with General Counsel to Amend/Transition all FDOT Agreements; And Acceptance of Responsibilities from the abolished MDX to GMX
 - c. Authorization for Interim Executive Director to explore/initiate an Audit Consistent with Statutory Guidance
 - d. Authorization for FDOT Office of General Counsel to represent GMX in the Litigation Filed on October 28, 2021 *(added item)*
- VI. PUBLIC COMMENT
- VII. ANNOUNCEMENTS
 - a. Next Meeting - Thursday, December 2, 2021 @ 9AM
- VIII. ADJOURNMENT

NOTE: For any person who wishes to address the Board, a sign-up sheet is provided at the entrance. Presentations are limited to two (2) minutes. When addressing the Board, please state your name and address and speak clearly into the microphone. If distributing backup materials, please furnish 5 copies for all voting seated members and 2 additional for staff.

Meeting Minutes

GREATER MIAMI EXPRESSWAY AGENCY (GMX)
Minutes of October 28, 2021, Board Meeting
FDOT District Four Auditorium
3400 West Commercial Blvd.
Fort Lauderdale, FL 33309

The Greater Miami Expressway Agency held a public meeting at 9 a.m. on October 28, 2021, at the Florida Department of Transportation, District Four Auditorium, 3400 West Commercial Boulevard, Fort Lauderdale, FL 33309. The following were present:

Board:

- Richard Blanco, Board Member
- Mariana “Marili” Cancio, Board Member
- Stacy L. Miller, P.E., Board Member & FDOT District Six Secretary
- Rodolfo Pages, Board Member
- Fatima Perez, Board Member

Staff:

- Torey Alston, FDOT Chief of Staff & Newly Appointed Interim Executive Director
- Tish Burgher, FDOT District Six Communications Manager & Legislative Liaison

Others: Sign-in Sheet attached

I. ADMINISTERING OATH OF OFFICE FOR ALL BOARD MEMBERS

New Board members reviewed and signed the Oath of Office.

II. CALL TO ORDER

The meeting was called to order at 9:01 a.m. by Acting Chair Stacy Miller.

III. ROLL CALL

FDOT Chief of Staff Torey Alston conducted the roll call of Board members. Four Board members were present and one Board Member participated by phone. A quorum was present per Florida Statute.

IV. INTRODUCTON OF BOARD MEMBERS

Acting Chair Miller introduced the newest appointee to the governing body Mr. Richard Blanco and subsequently asked all Board Members to re-introduce themselves with a new member present.

V. CONSENT AGENDA

A motion to approve the prior meeting minutes was made by Board Member Cancio and seconded by Board Member Pages. The motion passed 5-0.

VI. ACTION ITEMS

a. Election of Officers

- Acting Chair Miller opened the floor for nominations to elect a Board Chair. Board Member Pages nominated Board Member Cancio. Nominations were closed and approved without objection.
- Chair Cancio made comments thanking Acting Chair Miller for her service and stating she looks forward to working with the Board members and serving the State of Florida and residents of Miami-Dade County. Chair Cancio then took nominations for Vice-Chair, Secretary and Treasurer.
- Board Member Miller nominated Board Member Perez for Vice-Chair. Nominations were closed and approved without objection.
- Chair Cancio opened the floor for nominations for Secretary. There were no nominations and the item will be brought back for a future meeting.
- Board Member Blanco nominated Board Member Pages for Treasurer. Nominations were closed and approved without objection.

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

i. Appointment of an Interim Executive Director and Authorization of Chair to Negotiate a Contract

- Chair Cancio asked Board Member Miller to open this discussion based on her leading the prior meeting. Board Member Miller reiterated comments at the last meeting that set the agenda for the current meeting. She expressed a desire to look forward rather than focusing on the past.
- Board Member Miller made a motion recommending FDOT Chief of Staff Torey Alston to serve as the Interim Executive Director. The motion was seconded by Board Member Pages. The motion passed 5-0.

ii. Authorization to Contract Legal Services to FDOT in the interim at No Cost

- Board Member Miller made a motion for newly appointed Interim Executive Director to contract with FDOT at no cost for legal services. The motion was seconded by Board Member Pages. The motion passed 5-0.

c. Authorizations for Interim Executive Director to utilize FDOT Human Resources and or/a search firm to initiate a national search or a permanent Executive Director at no cost

- Chair Cancio introduced this item and reiterated that FDOT has offered to support GMX at no cost.
- A motion was made by Board Member Perez and seconded by Board Member Miller. The motion passed 5-0.

d. 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

- Board Member Miller introduced this item. Subsequently, a motion was made by Board Member Miller and seconded by Board Member Pages. The motion passed 5-0.

VII. PUBLIC COMMENT

- Chair Cancio recognized Interim Executive Director Alston to advise on speakers who signed up for public comments. There were no prior speakers who signed up in advance of the meeting. During the meeting, there was one speaker request.
- Michael Smith of Fort Lauderdale, FL., and Board Member for Florida Coalition of Rail Passengers (FCRP), spoke to the governing body on behalf of FCRP.

VIII. ANNOUNCEMENTS

- Chair Cancio announced the next meeting was scheduled for November 4, 2021, at 9 a.m. The Chair requested the Interim Executive Director work with Board members on logistics and release of proper meeting notices.
- Chair Cancio also requested the Interim Executive Director to begin reaching out to members of the Miami-Dade County Board of County Commissioners and Miami-Dade County Transportation Planning Organization (TPO) to extend a bridge and bring everyone to the table for the betterment of Miami-Dade County residents.

IX. ADJOURNMENT

With no further business to come before the Board, Chair Cancio adjourned the meeting at 9:20 a.m.

F.S. 348.0304

Greater Miami Expressway Agency

Select Year: | 2021 

The 2021 Florida Statutes

Title XXVI

PUBLIC TRANSPORTATION

Chapter 348

EXPRESSWAY AND BRIDGE AUTHORITIES

[View Entire Chapter](#)

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:

**Authorization for Interim Executive
Director to send letter to the Florida
Department of Transportation (FDOT)
Designating GMX as Proper Party to all
Existing/Future Agreements and
Requesting Acknowledgement from
FDOT**

Agenda Item Supporting Documents:

Agenda Item - Authorization for Interim Executive Director to send letter to the Florida Department of Transportation (FDOT) Designating GMX as Proper Party to all Existing/Future Agreements and Requesting Acknowledgement from FDOT

Requested Action

The governing body shall consider action initiating the formal transition with GMX's predecessor, the Miami-Dade County Expressway Authority (MDX).

Why Action is Necessary

In 2019, the Florida Legislature passed House Bill 385 (the "Act"), which, in part, repealed and replaced Part I of Chapter 348, Florida Statutes, and created a new agency of the State, the Greater Miami Expressway Agency ("GMX"). The Act became effective July 3, 2019, as Chapter 2019-169, Laws of Florida. Effective upon becoming law, the Act transferred the Miami-Dade County Expressway Authority's ("MDX") assets and liabilities to GMX. GMX succeeded to all powers of MDX, and the Act requires the operations and maintenance of the expressway system be under GMX's control.

What Action Accomplishes

This action authorizes the Interim Executive Director to prepare and issue correspondence to FDOT to designate GMX as the proper party to (i) any existing agreement(s), as may be identified by the Interim Executive Director, between GMX's predecessor (MDX) and FDOT, and (ii) any future agreement(s) involving the expressway system previously operated by GMX's predecessor (MDX).

Previous Action Taken

No prior action has been taken by the governing body.

Summary Explanation/Background

Per Chapter 2019-169, laws of Florida, the governing body has oversight of the expressway system in Miami-Dade County.

Agenda Item:

Authorization for Interim Executive Director to work with General Counsel to Amend/Transition all FDOT Agreements; And Acceptance of Responsibilities from the abolished MDX to GMX

Agenda Item Supporting Documents:

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What Action Accomplishes

This action authorizes the Interim Executive Director to engage legal counsel for purposes of identifying and reviewing any agreement(s) between GMX's predecessor (MDX) and FDOT, and to take any action deemed necessary and appropriate by the Interim Executive Director to modify any such agreement(s) for purposes of effectuating the transition any such agreement(s) to GMX.

Previous Action Taken

No prior action has been taken by the governing body.

Summary Explanation/Background

Per Chapter 2019-169, laws of Florida, the governing body has oversight of the expressway system in Miami-Dade County.

Agenda Item:

Authorization for Interim Executive Director to explore/initiate an Audit Consistent with Statutory Guidance

Agenda Item Supporting Documents:

Agenda Item – Authorization for Interim Executive Director to explore/initiate an Audit Consistent with Statutory Guidance

Requested Action

The governing body shall consider action ensuring the financial health and overall stability of the agency.

Why Action is Necessary

This action initiates a formal assessment of the financial health and sustainability of the inherited agency from GMX's predecessor, the Miami-Dade County Expressway Authority (MDX). The outcome allows the governing body to obtain an independent assessment and subsequently provide clear direction moving forward.

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.

Previous Action Taken

No prior action regarding an audit has been taken by the GMX governing body.

Summary Explanation/Background

The governing body has authority and discretion for fiscal agents to assist in carrying out its fiduciary responsibilities.