

# **Lee County Transit Authority Consensus-Building**

**FINAL DRAFT**

## **Action Plan**

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## **Section 1 INTRODUCTION**

The Lee County Metropolitan Planning Organization (MPO) and LeeTran, Lee County's transit agency, have worked cooperatively to establish a consensus on how best to develop and structure a Transit Authority for Lee County. The resulting action plan presented herein is the product of significant transit program coordination, management, and development efforts that MPO and LeeTran staff have conducted over the last several years.

### **OVERVIEW**

Since 2000, the Lee County MPO and LeeTran, in conjunction with their consultant, Tindale-Oliver & Associates, Inc., have worked on a number of different studies that have involved, either directly or indirectly, the funding and governing of transit services in Lee County. Currently, LeeTran functions as a department of the County with oversight provided by the Board of County Commissioners. In addition, the majority of LeeTran's local funding comes from the County's General Fund and from a share of the unincorporated County's gas tax revenues. This fiscal support has had to increase over the last few years to meet the needs of existing service levels. The current update to the Transit Development Plan (TDP) indicates a need for additional service expansion and improvements to the system. This planned service growth is expected to increase LeeTran's funding needs significantly, such that greater fiscal support is going to be essential in the near future. As a result of the anticipated increase in future transit funding needs, the Lee County MPO has sought to identify, evaluate, and recommend potential solutions for supporting the operating and capital needs of the TDP.

Based on preceding efforts and studies, the implementation of a county-based Transit Authority, whether regional or independent in nature, has been identified as being a necessary pursuit for the future governance and fiscal health of LeeTran and the long-term viability of the services it provides. Consequently, over the last several months, the Lee County MPO and LeeTran have been laying the groundwork for the creation of an action plan for establishing a Transit Authority in Lee County. This effort has involved several steps. To date, the Lee County MPO, LeeTran, and their consultant, Tindale-Oliver & Associates, Inc., have completed several tasks related to this effort. Tasks completed to date include:

- performing an economic impact assessment of transit services;
- reviewing and augmenting preceding efforts leading up to the preparation of this Action Plan;
- facilitating several consensus-building meetings with County staff and community leaders;
- conducting a Delphi consensus-building exercise; and
- presenting transit authority options to the governing boards in Lee County.

This report represents a culmination of this effort and presents the resulting product of the consensus-building activities completed over the last several months. This end product, the Action Plan for establishing the Lee County Transit Authority, can be found in the last section of this report.

## **REPORT STRUCTURE**

This report is divided into three major sections, including this introduction. The remaining two sections are described briefly below.

*Section 2, Lee County Transit Authority*, presents recommendations developed by the consultant for the Lee County MPO related to the structure of the proposed Transit Authority. The section provides details on the recommended Transit Authority type and the Transit Authority Board composition. In addition, a recommendation is included for the preferred funding mechanism for the Transit Authority to pursue and implement. Strategic marketing techniques also are noted in this section that will assist in gathering public and elected official support.

*Section 3, Action Plan*, outlines the course of action developed by the consultant for the Lee County MPO that should be pursued in order to successfully establish the Lee County Transit Authority. A timeline and schedule for the Action Plan tasks also are included in this section. A description of each task is provided and the responsible agency or entity for each task is identified. In addition to outlining the tasks leading up to the establishment of the Transit Authority, the Action Plan also incorporates a recommended timeframe for establishing the recommended dedicated funding source for the Transit Authority.

## **OTHER STUDY DOCUMENTATION**

It is important to note that this Action Plan report is the fourth document that has been developed as part of the consensus building study effort. Previously, an initial technical memorandum (*Update & Augmentation of Previous Work*) was produced that summarized and updated the previous LeeTran funding-related study efforts, developed 10-year transit cost projections for LeeTran, reviewed various geographic boundary options for the potential coverage of a transit authority, and discussed the transit authority concept and introduced the two most basic types of authorities (including the advantages and disadvantages of each). The intent of this first technical memorandum was to summarize and present some of the instructional and educational information that would be utilized throughout the consensus-building activities conducted during the rest of the study.

A second technical memorandum (*Delphi Exercise*) was produced to summarize the process and results of the Delphi exercise, which was conducted to get guidance and input from individuals experienced with various aspects of implementing a transit authority. In addition, a third technical memorandum (*The Economic Benefits of Public Transportation*) was developed in an effort to help economically quantify the various benefits that can accrue to both transit users and non-users due to the availability of transit service in Lee County.

None of these technical memoranda have been incorporated into this Action Plan document in order to maintain its conciseness. A succinct and to-the-point Action Plan is necessary to help make it a more manageable and easy-to-use reference document. Therefore, the first three technical memoranda will remain as separately-bound companion documents to the Action Plan.

## **Section 2**

### **LEE COUNTY TRANSIT AUTHORITY**

This section provides recommendations related to the governing structure of the Transit Authority and the funding of its operations. It is divided into three subsections, which include a subsection on the structure and composition of the Transit Authority, a subsection on recommended Transit Authority funding mechanisms, and a subsection on techniques for a successful transit referendum marketing campaign. Recommendations provided herein were developed based on feedback received from various project stakeholders, MPO and County staff, participants of a Delphi consensus-building exercise, and attendees of a Transit Summit held on December 14<sup>th</sup>, 2005. Summit attendees included county and municipal decision-makers, as well as representatives of various county organizations.

#### **STRUCTURE & COMPOSITION**

The following subsection describes recommendations for various issues related to the structure and composition of the Transit Authority. The subsection includes details on what type of transit authority Lee County should establish, options for the Transit Authority Board composition, and recommendations for overseeing Transit Authority operations. Ultimately, it is envisioned that a final decision on the structure and composition of the Transit Authority Board will be made by a transit authority oversight committee during the development of the Transit Authority charter. The creation of the charter and the oversight committee are included as Action Plan tasks and will be discussed in Section 3 of this report.

#### **Transit Authority Structure**

Two types of transit authority structure were analyzed in terms of their advantages and disadvantages. The two transit authority structures considered include the regional transit authority and the independent transit authority. When established, the Lee County Transit Authority, either regional or independent, would function as a county-based transit authority. These two alternative authority structures share many common characteristics and are reliant on some form of state legislation for establishment. Table 2-1 lists some of the most important comparative advantages and disadvantages associated with these two authority types.

#### **The authority type recommended for Lee County is the independent transit authority.**

The independent transit authority structure is recommended for several reasons, including the following:

- Board composition is flexible and not based strictly on population.
- Operating as an independent transit authority will give the authority more flexibility in terms of pursuing various and/or multiple funding sources.

- An independent transit authority can operate independently as a special district with the authority to levy its own taxes.
- Jurisdictions not willing to participate in the Transit Authority can choose to do so.
- Other transit agencies in the area may overlap and/or coordinate services with the independent transit authority.

**Table 2-1**

**Comparative Advantages & Disadvantages of Regional & Independent Transit Authorities**

	<b>Regional Transit Authority</b>	<b>Independent Transit Authority</b>
<b>Advantages</b>	State statutes establish a pre-defined governing structure.	Provides more flexibility in terms of funding sources and board composition.
	Facilitates easier and shorter implementation process.	
<b>Disadvantages</b>	Limited flexibility as process is defined in a special act in the Florida Statutes.	Requires state enabling legislation.
	Formula representation and voting of board members based on population.	Requires referendum approval to impose taxes.
	Requires referendum approval to impose taxes.	

**Board Composition**

Several options exist for the composition of the Board that will provide oversight and decision-making power on behalf of the Transit Authority. It is recommended that the Transit Authority Board consist of appointed members from the participating jurisdictions. The appointment of Board members will avoid having to hold county-wide elections for Board seats. The Board members can be elected officials, their appointed representatives, other appointed jurisdictional representatives, or a combination thereof.

There are several approaches that can be taken in determining a Board composition for the Transit Authority. An evaluation of various scenarios was completed using three different categories of data, including county population data, taxable values by jurisdiction, and the number of registered voters by jurisdiction. Table 2-2 summarizes the jurisdictional percentage distributions for each of the data categories.

For each category data set, scenarios were created to address three alternative Board sizes: seven, nine, or eleven members. A fourth scenario was developed using a combination of population and taxable values. A total of 12 alternative Board compositions were developed. Table 2-3 notes the total number of Transit Authority Board members for each jurisdiction in the county based on their respective percent distributions for each scenario. As shown, if board composition were to be based strictly on these percentages, some jurisdictions would not

**Table 2-2  
Jurisdictional Distributions by Category**

Jurisdiction	Population (2004)	% Total	Taxable Values (FY 2006)	% Total	Registered Voters (2005)	% Total
Fort Myers	57,585	11%	\$4,073,340,579	6%	25,625	8%
Fort Myers Beach	6,945	1%	\$3,614,001,810	6%	4,987	2%
Cape Coral	132,379	25%	\$14,122,844,600	22%	85,873	26%
Sanibel	6,335	1%	\$4,229,529,530	7%	5,114	2%
Bonita Springs	41,070	8%	\$7,462,517,415	12%	23,132	7%
Unincorporated	276,939	53%	\$31,211,881,461	48%	183,950	56%
<b>Total</b>	<b>521,253</b>	<b>100%</b>	<b>\$64,714,115,395</b>	<b>100%</b>	<b>328,681</b>	<b>100%</b>

contain enough population, taxable value, or registered voters to qualify for any representation on the Transit Authority Board. Some of the scenarios require shared voting schemes among some of the jurisdictions.

**Table 2-3  
Transit Authority Board Composition by Distribution Scenario**

Jurisdiction		Fort Myers	Fort Myers Beach	Cape Coral	Sanibel	Bonita Springs	Uninc.
Population-Based	7-Member	1	0	2	0	1	3
	9-Member	1	0.5	2	0.5	1	4
	11-Member	1	0.5	3	0.5	1	5
Tax Value-Based	7-Member	0	0	2	1	1	3
	9-Member	0.5	0.5	2	1	1	4
	11-Member	1	1	2	1	1	5
Registered Voter-Based	7-Member	1	0	2	0	1	3
	9-Member	1	0	2	0	1	5
	11-Member	1	0.5	3	0.5	1	5
Combined Population & Tax Value Based	7-Member	1	0	2	0	1	3
	9-Member	1	0.5	2	0.5	1	4
	11-Member	1	0.5	3	0.5	1	5

Because this methodology is based on percentage distributions for the various jurisdictions, it can result in the generation of fractional Board representation in some instances, as noted previously. An alternative method could utilize the same data presented in Table 2-2, but allocate Board members based on specific numerical levels of attainment. For example, in the case of population, a Board member could be allocated based on each 100,000 units (or portion thereof) of population within a particular jurisdiction. The resulting Board membership for this example and two other level-attainment scenarios are presented in Table 2-4.

Based on this analysis, **the recommended alternative for Transit Authority Board composition is the 9-member population level-attainment alternative.** This alternative allots at least one full seat on the Transit Authority Board to each participating jurisdiction. In addition, if desired by the Transit Authority and permitted by its charter, this alternative also would allow for the addition of Board members as the populations of the participating jurisdictions continue to grow. This possibility of tying future Board membership to population growth should be determined subsequently during the development of the Authority's charter. During the charter development process, it also will be important to determine whether and how adjacent counties will be able to join the Authority and how the inclusion of additional counties will impact Board membership and composition.

**Table 2-4  
Transit Authority Board Composition by Level-Attainment Scenario**

Jurisdiction	Population (2004)	Board Members	Taxable Values (FY 2006)	Board Members	Registered Voters (2005)	Board Members
<b>Fort Myers</b>	57,585	1	\$4,073,340,579	1	25,625	1
<b>Fort Myers Beach</b>	6,945	1	\$3,614,001,810	1	4,987	1
<b>Cape Coral</b>	132,379	2	\$14,122,844,600	2	85,873	2
<b>Sanibel</b>	6,335	1	\$4,229,529,530	1	5,114	1
<b>Bonita Springs</b>	41,070	1	\$7,462,517,415	1	23,132	1
<b>Unincorporated</b>	276,939	3	\$31,211,881,461	4	183,950	4
<b>Total</b>	521,253	9	\$64,714,115,395	10	328,681	10

Notes:

- (1) Board membership for the population category is based on an attainment level of 100,000 persons (or portion thereof).
- (2) Board membership for the taxable value category is based on an attainment level of \$10 billion (or portion thereof).
- (3) Board membership for the registered voters category is based on an attainment level of 50,000 registered voters (or portion thereof).

### **Chief Executive Officer (CEO)**

Delphi exercise participants suggested a Chief Executive Officer (CEO) be designated in order to provide greater oversight and accountability for the day-to-day Transit Authority operations. This method of management is currently being exercised by other transit authorities across the country. In lieu of a CEO, a Chief Financial Officer (CFO), a full-time auditor, and/or attorney also can perform some of the same functions as a CEO. This top-level management staff member would report directly to the Board.

**It is recommended that Lee County pursue the hiring of a CEO soon after the Transit Authority is established and the Transit Authority Board is appointed.** The CEO would manage the Transit Authority and report to, advise, and assist the Board with decisions related to Transit Authority operations. Since LeeTran currently has an Executive Director that already undertakes similar activities for the County, it may be prudent to consider the transfer of the existing Director to this position, assuming the Board supports such a decision. Subsequently,

once the CEO is in place, **it is recommended that this action should be followed by the transfer of all LeeTran staff and tangible assets to the Transit Authority.** This particular action will necessitate the involvement of the Transit Authority, its Board, and Lee County.

**FUNDING MECHANISMS**

County ad valorem from the general fund is the largest source of local revenue for public transportation in Lee County. The amount of revenue from ad valorem taxes dedicated for transit is determined and allocated on an annual basis as part of the County’s budget cycle. Taxable property values in the County have continued to grow over the last several years. As a result, revenues from ad valorem have served as a relatively reliable funding source for transit.

Other local sources of revenue include gas taxes and farebox revenues. In addition, three municipalities (the City of Bonita Springs, the City of Fort Myers, and the City of Ft. Myers Beach) and Florida Gulf Coast University also contribute to total transit system revenues for services operating in their areas.

Two local funding sources for the Transit Authority were identified through the consensus-building activities as being the most appropriate funding sources for transit operations in Lee County if a Transit Authority were established. Those two funding options are:

- Ad Valorem Tax
- Local Option Sales Tax

The comparative advantages and disadvantages of these alternative funding sources are listed in Table 2-5.

**Table 2-5  
Comparative Advantages & Disadvantages of Sales Tax & Ad Valorem Tax**

	<b>Local Option Sales Tax</b>	<b>Ad Valorem Tax</b>
<b>Advantages</b>	Dedicated flexible revenue source.	Can be a more equitable source of funding since it is possible to tax only those areas that are served.
	More reliable than an annually apportioned source.	Rural areas, which are costly to serve and/or are likely to generate less patronage, would not be included.
	Provides a broad tax base with a small cost per household.	Grows with inflation. Has shown the ability to increase at a rate much greater than inflation.
	Exportable, i.e., portion of tax burden is placed on visitors and tourists.	
<b>Disadvantages</b>	Voter approval required which means benefits must be clearly spelled out.	Can result in funding uncertainty unless established through an authority with dedicated taxing authority.
	State charges a handling fee that may reduce net proceeds by up to three percent.	Tax burden falls on a specific population that may not use transit service.
	Revenues fluctuate with the economy and tourism.	Does not tax visitors directly.
	May be subject to community resistance because of added taxation.	May be subject to community opposition because it creates new tax.

Based on the committee meetings, the Delphi consensus-building exercise, workshops conducted as part of the preparation of the Action Plan, and the Transit Summit, the Consultant recommendation for funding the transit authority is the sales tax. However, it is important to note the advantages that an ad valorem tax also could provide in terms of the long-term financial health of the transit system. Consequently, **a decision still needs to be made regarding the appropriate funding source for the transit authority.** The selection of either of these options should not preclude the consideration of the other. It is important to note that such a dedicated funding source for transit may result in some off-set for the current County ad valorem tax burden since General Fund support for transit services no longer will be necessary.

A provision should be made that allows the Transit Authority to pursue other types of funding, if necessary. If, in the future, the authority deems it appropriate to establish another, or multiple, sources of funding, this provision would grant the Transit Authority more flexibility in terms of financing its operation.

Both options presented are expected to meet political and community opposition because of the anti-tax sentiment that has been exhibited previously in the County for other improvements and services. In the following subsection of this report, a series of recommendations for gathering deep community support for transit referenda is presented.

## **GATHERING COMMUNITY SUPPORT**

Essential to the success of the Transit Authority is the establishment of a dedicated funding source. The proposed funding mechanism, either a local option sales tax or an ad valorem tax, may need to be voted in by the public through a referendum. It is important to recognize that in the last few years the majority of transit referenda around the country have been successful as recognition of the need for transit as a mobility alternative continues to grow.

In the Action Plan found in Section 3 of this report, marketing to the public has been divided into two major components. These two components include:

- Conducting Market Research
- Conducting the Marketing Campaign & Voter Education

Both of these tasks will be discussed further in Section 3. The purpose of this subsection of the report is to lay the groundwork for understanding what tools, mechanisms, and efforts are needed to successfully perform both components. The implementation of these marketing strategies will help develop deep grassroots support for the referendum and will maximize the chances of its success.

## Market Research

There are several critical elements in successfully passing any kind of referenda. One of these elements is “knowing your community.” This entails not just knowing the people who comprise the community in terms of their demographic characteristics, but also knowing how they feel about the issue at hand.

Several of the Delphi participants suggested conducting market research prior to launching any type of marketing campaign. In its effort to establish a transit authority, Polk County, Florida also has planned to conduct extensive market research prior to its scheduled marketing campaign. Conducting market research is an effective way of assessing how the public feels about transit services. Topics that can be addressed through a market assessment include, but are not limited to:

- What type of funding would the community be most likely to vote for?
- Who is riding the transit system?
- Where are transit users going and where are they coming from?
- Which business and community leaders are more amenable to supporting transit?
- How is the transit system perceived by the community?
- Under what circumstances would people choose to use the transit system?
- What components of the transit system are perceived as the most beneficial?

These and many other questions can be answered through surveys, economic assessments, and other market analyses. By understanding how the public feels about the transit system, a marketing campaign can be designed that addresses specific issues raised by each segment of the community.

Market research can aid in identifying all of the various segments and groups that comprise the overall population. This “segmenting” of the population is important in that it assists in targeting the most effective marketing materials for each subsection of the community. It is important to identify all public segments, regardless of their proportion of the total population and/or their use (or non-use) of the existing transit service. Each segment plays an important role. An example of this includes reaching out to non-riders by expounding on the specific environmental benefits that can result from the provision and use of transit services. Paul Weyrich, a political columnist, notes that there is no “one size fits all approach” to addressing the public.

A market assessment also can help determine which community, business, and elected leadership can be tapped for support before the market campaign begins. Local champions are vital to the success of referenda. The selection of campaign leaders and champions should be based on their knowledge of the community, how well-known and credible they are, and ideally, they should have nothing to personally gain from the success of the election. Although some

campaigns have been successfully championed by elected officials, politicians with personal political futures on the line do not make the best long-term campaign leaders. Examples of potential champions for a transit authority in Lee County include:

- Local Chambers of Commerce
- Southwest Florida Transportation Initiative (SWFTI)
- Local Advocacy Groups
- Local Elected Officials
- Local Business Community

In summary, market research should be conducted prior to embarking on any referendum marketing campaign. Objectives for the market research task should include:

- Assessment of transit-related perceptions and sentiments
- Strategic segmentation of the community
- Identification of potential community, business, and political champions
- Development of initial marketing campaign tools

All of these elements will assist in garnering deep grassroots support for the referendum once the market campaign is launched. Alan C. Wulkan, a political consultant, notes that successful initiatives are built from the community up. Initial market research will provide the knowledge necessary to reach out to neighborhood groups, community organizations, and the business community. Although this type of grassroots support is difficult and time-consuming to develop, it is important to note that it is even harder to gather support after an initial ballot attempt fails and snubs out the interest of certain segments of the community.

### **Market Campaign & Voter Education**

As noted by conservative transit advocate Paul Weyrich, a referendum is very different from an election because in an election a person may dislike both candidates, but in the end will have to choose between the “best of two evils.” In a referendum, a voter who does not understand or who is apprehensive about the issue will simply vote “no.” For this reason, it is critical to educate the public and market the referendum extensively.

The previous discussion regarding market research indicates that a market campaign should begin at the grassroots level. The sooner the campaign begins, the better the grassroots support will be. To begin reaching out to these segments of the community, market campaign and voter education activities should be incorporated into the market research task of the Action Plan. In fact, the market campaign for the referendum indirectly began during the development of the Lee County Transit Authority Action Plan.

For Lee County, one of the first tasks of the market campaign should be the identification of referendum champions. Advocates and supporters for the referendum should be unified in their collective support for the proposed referendum. Any doubt on the part of the supporters will immediately cast a shadow on future efforts to educate and positively market the initiative.

Initial market research should result in a list of candidate advocates. Tasks to be completed at the onset of the campaign in regard to champions include:

- Identify a lead agency to manage and provide support for the campaign
- Audit candidate advocates and note who will/can benefit from the referendum
- Approach each candidate systematically
- Get potential advocates on board publicly
- Identify other competing issues in the market with funding needs that might serve as beneficial campaign partners (e.g., transportation/roads, police, fire, emergency services, schools, etc.).

Utilizing the community segmentation developed through the market research efforts, tailored marketing packages should be developed that address each segment's unique needs and wants. A variety of campaign tools can be employed to get the message across. Examples of marketing tools and forums for Lee County include:

- Mail advertisements
- TV and radio advertisements
- Public educational workshops
- Billboard advertisements
- Public events
- Presentations to community groups
- Transit system vehicles
- Door-to-door canvassing
- County and city board meetings

Each of these should be evaluated during the market research in terms of their viability for deployment during the actual campaign. All of these venues and strategies contribute to the visibility of the referendum campaign. Positive reinforcement should be stressed by each and emphasis should be placed on any recent successes of the transit system. Tasks to be completed for the marketing campaign with regard to public outreach and education include:

- Identify campaign management team
- Tailor marketing packages for each identified community segment
- Develop mail and door-to-door canvass marketing material

- Coordinate with TV, radio, and other advertising media
- Schedule public informational workshops and presentations
- Strategically deploy marketing material

In some cases, it is not enough to simply get the message out and hope for the best. Some successful referendum campaigns go so far as to conduct a precinct-by-precinct analysis of voters. Some of the techniques employed by these campaigns include:

- Establish voter goals by precinct
- Identify voters who support the referendum
- Place volunteers at precincts
- Conduct voter turnout activities (such as making phone calls)

It also should be noted that the opposition should not be underestimated. Transit opponents know which negative issues resonate with the public. Deep and broad support for the referendum is built through grassroots outreach and by educating transit users, and particularly the non-users, on the benefits of transit. The technical memorandum concerning the economic benefits of transit prepared as part of development of the Action Plan includes details that can be helpful in educating the public on how transit can benefit both users and non-users. Suggestions given by Weyrich and Wulkan for successful transit referenda include:

- Build deep support versus broad and shallow support
- Start campaigning early
- Answer every attack from the opposition
- Disregard any initial poll results
- Keep the language on the ballot simple
- Stress benefits to non-riders (which make up the largest percent of your voting public)

## **Section 3 ACTION PLAN**

This section includes the Action Plan for establishment of a Transit Authority in Lee County. The approach utilized in developing the Action Plan is briefly described and an implementation matrix and schedule for execution of Action Plan tasks is provided. In addition, the implementation matrix notes task responsibilities and due dates for Action Plan items.

### **ACTION PLAN APPROACH**

The Action Plan presented herein sets the course of action for establishing a Transit Authority in Lee County. It is a step-by-step process for achieving the establishment of the authority. A timeline and schedule have been prepared that will guide the execution of recommended Action Plan tasks.

Action Plan items can be generally summarized into three categories. These categories include:

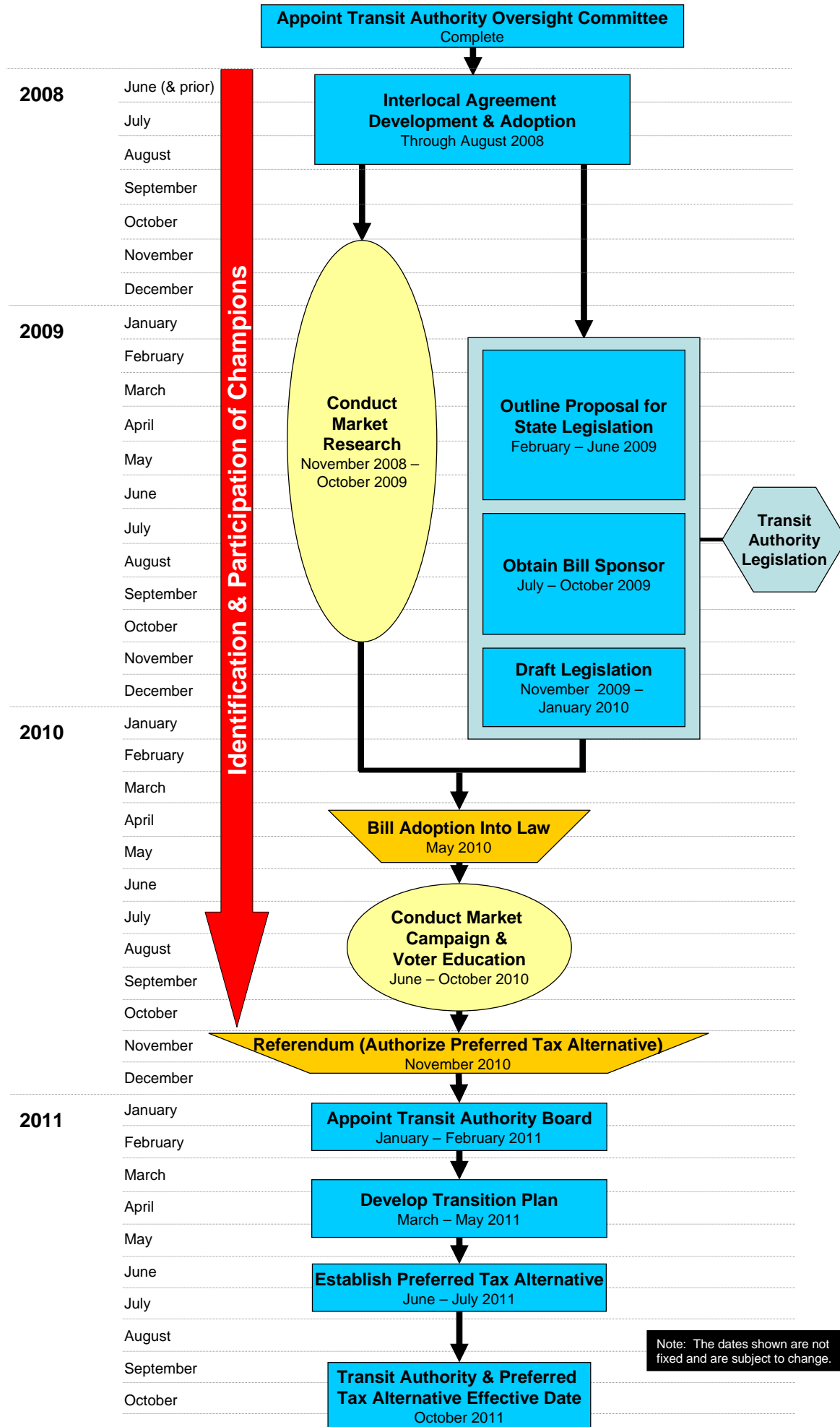
- *Major public outreach tasks* – These tasks directly or indirectly involve marketing and educational efforts geared towards gaining public support for the Transit Authority and the proposed referendum.
- *Required legislative and administrative tasks* – These tasks involve administrative duties that need to be accomplished in order to meet legislative and local requirements for the implementation of the Transit Authority and the recommended funding source.
- *Action Plan milestones* – These milestones represent major achievements in the Action Plan.

Each task of the Action Plan is described in the following section. Recommendations also are provided that will guide the execution of each of the tasks. A matrix outlining task-by-task due dates and responsibilities also is provided.

### **TRANSIT AUTHORITY ACTION PLAN**

Figure 3-1 presents a flow chart for Action Plan tasks. In that figure, task categories are distinguished by shape and color. The Action Plan items are discussed in detail on the following pages.

# Lee County Transit Authority Action Plan



**Task 1: Interlocal Agreement Development & Adoption**

~~March – April 2006~~

The Lee County MPO and LeeTran should work cooperatively to draft an interlocal agreement for the creation of a transit authority in Lee County. That agreement will be distributed to each local jurisdiction in Lee County for adoption—an important step in the process since adoption of the interlocal agreement will officially signify the desire and support for the Transit Authority concept and the potential for shared funding for implementing the Action Plan by participating jurisdictions.

The interlocal agreement will authorize the creation of the Lee County Transit Authority Oversight Committee. The Oversight Committee will be comprised of elected officials from each participating jurisdiction and will oversee the implementation of Tasks 3 through 10 of this Action Plan. A sample interlocal agreement developed by Polk County, Florida, is included in Appendix A of this report. The recommended Oversight Committee structure is as follows:

- City of Fort Myers one (1) member
- City of Sanibel one (1) member
- Town of Fort Myers Beach one (1) member
- City of Bonita Springs one (1) member
- City of Cape Coral one (1) member
- Unincorporated Lee County one (1) member
- Florida Department of Transportation one (1) member

**Task 2: Appoint Transit Authority Oversight Committee**

~~May – June 2006~~

Appointment of the Transit Authority Oversight Committee members is the responsibility of the participating jurisdictions. Coordination of the appointment process should be centralized and led by Lee County MPO and LeeTran staff. In support of the appointment process, it is recommended that sample resolutions, invitation letters, and other administrative materials be prepared for each participating local government. In addition to overseeing the establishment of the Transit Authority, one of the desired roles of the Oversight Committee will be to determine the cost of implementing the Action Plan and how it will be funded.

**Task 3: Conduct Market Research**

~~July 2006 – January 2007~~

An extensive market research effort will be conducted initially. Market research is defined as the gathering and evaluation of data regarding preferences for products and services. This effort will fulfill several objectives, including identifying the transit needs and desires of Lee

County residents, assessing the business and social perspectives of the community as they relate to transit, and gauging the general public's familiarity with public transportation issues. Surveys and other information gathering tools should be designed to identify those transit-related issues that are the most sensitive to the public and public officials. This sensitivity should be measured in terms of both positive reactions and negative reactions to various transit related topics. At the minimum, the market research task should result in the following:

- Defined market segments and characteristics
- Qualitative and quantitative statistics
- Candidate referendum advocates/champions
- Marketing & voter education strategies
- Market campaign plan

It is recommended that the Lee County MPO provide staff support to the Oversight Committee to complete task. In addition, it is further recommended that the County define a participatory role for LeeTran in this process and direct LeeTran staff to provide support, as well. While it is understood that current guidelines discourage county department participation in such activities, it will be critical for LeeTran to be involved significantly in this and all other activities related to the establishment and implementation of the Transit Authority. Lack of visible involvement in this process by the transit agency could send a negative message to the public and public officials.

**Task 4: Outline Proposal for Special Legislation**

~~July – August 2006~~

With support from LeeTran and Lee County MPO staff, the Oversight Committee will prepare an outline for the proposed special legislation that will legally create the Lee County Transit Authority. The outline should be consistent with existing state legislation and should address all elements required by State Statutes. This outline will be utilized in Task 5 to obtain a bill sponsor from the Lee County Legislative Delegation.

**Task 5: Obtain Bill Sponsor**

~~October – November 2006~~

In order to have the proposed initiative considered by the Florida Legislature, Lee County must obtain a bill sponsor. Lee County officials will meet with Lee County's Legislative Delegation. At that time, the bill proposal will be presented to the Legislative Delegation. This may need to be accomplished by meeting individually with each House and Senate member. According to state law, bills may originate in either house. Once a bill sponsor agrees to introduce the bill, the process of drafting the Legislation can begin.

Appendix B includes contact information for Lee County's Legislative Delegation and a listing of current House Members and Senate Members for the area. Presentation of the proposed bill to the local delegation should be completed by Lee County MPO and LeeTran staff with support provided by FDOT.

**Task 6: Draft Legislation**  
~~December 2006 – January 2007~~

Once a bill sponsor is obtained, it is recommended that a Bill Drafting Service be employed to write the bill before filing with the Senate or House Secretary. A bill drafting service will ensure that the bill has been prepared in the correct style for consideration by the State Legislature and the Governor's Office.

**Task 7: Bill Adoption into Law**  
~~May 2007~~

Support will be provided by all participating agencies during the bill adoption process as necessary. Participating agencies include the Lee County MPO, LeeTran, and FDOT. Close coordination should be maintained with the bill sponsor. Once the bill is approved by the Governor's Office, the bill becomes law and is effective on a specified date or on the 60<sup>th</sup> day after legislative session adjournment.

**Task 8: Conduct Market Campaign & Voter Education**  
~~June – October 2007~~

The market campaign plan developed as part of Task 3 should be deployed as early as possible. Marketing efforts begin when the initial market assessment is performed. That assessment identifies the market segments and advocates that will steer the direction of the campaign. Essentially, the marketing campaign is directly or indirectly associated with every task of the Action Plan. In addition, it is critical that the market campaign is "recognizable" to all segments of the public; that is, everyone must know what it is they are "buying" with their additional taxes and how they will benefit from it.

Campaign efforts should be centralized in order to provide a forum for a collectively unified voice in support of the preferred funding alternative. A campaign manager and team with specific campaign responsibilities need to be identified and all recommended media outlets should be employed as early as possible. The Oversight Committee should provide the necessary guidance concerning market campaign affairs.

In addition, it may be beneficial to employ a professional political consultant. Political consultants can assist in incorporating the experience and influence of local leadership into a campaign strategy that reflects local values and proven techniques.

**Task 9: Referendum Authorizing the Preferred Funding Alternative**

~~November 2007~~

Support should be provided to the County Office of Elections as necessary. Wording of the referendum should be approved by the Transit Authority Oversight Committee prior to the Office of Election's submittal deadline. Market campaign efforts should be performed up until and on the day of the vote.

**Task 10: Appoint Transit Authority Board**

~~January – February 2008~~

Appointment of Transit Authority Board members is the responsibility of participating jurisdictions. Coordination of the appointment process should be centralized and led by the Oversight Committee. In support of the appointment process, it is recommended that sample resolutions, invitation letters, and other administrative material be prepared for each participating local government.

**Task 11: Develop Transition Plan**

~~March – May 2008~~

After the Transit Authority Board is established, it will be necessary to begin the transition of existing LeeTran staff, facilities, and equipment from the County to the new Transit Authority. To support this process, a transition plan should be developed jointly by the County and the Transit Authority to determine which assets will go to the Authority, which assets will stay with the County, and the specific steps and/or requirements of the transition process.

**Task 12: Establish Preferred Funding Alternative**

~~June – July 2008~~

Once approved by voters, the appropriate administrative measures should be followed in order to begin collecting tax revenues on the effective date of the new tax. This effort should be coordinated with the Lee County Tax Collector's office. Appropriate Transit Authority finance staff should work closely with these state and local offices.

**Task 13: Transit Authority & Preferred Funding Alternative Effective Date**  
~~October 2008~~

This task constitutes the major end product of the Action Plan. The effective dates for the preferred funding alternative and for commencement of service under the Transit Authority should coincide. It is recommended that those effective dates also coincide with the beginning of the County's 2008/09 fiscal year, beginning October 1, 2008.

Table 3-1 includes each Action Plan task, the responsible agency for overseeing and/or performing each task, and an approximate completion date for each task. The responsible agencies and proposed completion dates can remain flexible at this time. Firm dates around which other tasks must be scheduled include dates for tasks in the Action Plan Milestone category. These two tasks are the Bill Adoption by the State Legislature and the countywide funding alternative Referendum.

**Table 3-1  
 Action Plan Implementation Matrix**

<b>Task</b>	<b>Task Category</b>	<b>Task Responsibility</b>	<b>Proposed Date of Completion</b>
Interlocal Agreement Development & Adoption	Legislative/Administrative	Participating Jurisdictions, LeeTran, Lee County MPO	April-06
Appoint Transit Authority Oversight Committee	Legislative/Administrative	Participating Jurisdictions, LeeTran, Lee County MPO	June-06
Conduct Market Research	Major Public Outreach	Lee County MPO, Oversight Committee	January-07
Outline Proposal for State Legislation	Legislative/Administrative	Oversight Committee	August-06
Obtain Bill Sponsor	Legislative/Administrative	Oversight Committee	November-06
Draft Legislation	Legislative/Administrative	Oversight Committee	January-07
Bill Adoption	Plan Milestone	Oversight Committee	May-07
Conduct Market Campaign & Voter Education	Major Public Outreach	Oversight Committee	October-07
Preferred Funding Alternative Referendum	Plan Milestone	Oversight Committee, Elections Office	November-07
Appoint Transit Authority Board	Legislative/Administrative	Participating Jurisdictions, Oversight Committee	February-08
Develop Transition Plan	Legislative/Administrative	Transit Authority, Lee County	May-08
Establish Preferred Funding Alternative	Legislative/Administrative	Transit Authority, Tax Collector's Office	July-08
Transit Authority & Preferred Funding Alternative Effective Date	Legislative/Administrative	Transit Authority	October-08

# **Appendix A**

## **Sample Interlocal Agreement**

**INTERLOCAL AGREEMENT FOR  
POLK REGIONAL TRANSPORTATION ORGANIZATION**

This Interlocal Agreement, entered into by and among, the Florida Department of Transportation, Lakeland Area Mass Transit District, Polk County Board of County Commissioners, Polk Transportation Planning Organization, City of Auburndale, City of Bartow, City of Lakeland, and City of Winter Haven.

WITNESSETH

WHEREAS, the parties to this agreement operate, fund or plan public transportation in Polk County; and

WHEREAS, the Polk Transportation Planning Organization (TPO) completed the Polk County Public Transportation System Analysis in June 2003; and

WHEREAS, this study, otherwise known as the "Countywide Transit Study" includes a recommendation for the formation of a regional transportation authority by the year 2008 with the creation of a countywide transit policy board in the interim to enhance cooperation between existing transit service providers; and

WHEREAS, the countywide transit policy board, as recommended, will provide a forum to address operational, financial, planning and organizational issues related to the provision of public transportation in Polk County; and

WHEREAS, as recommended, this transit policy board will seek to promote the cost-efficient and effective delivery of existing and improved transit services with existing resources; and

WHEREAS, this transit policy board has been charged with the development of a strategy for the creation of, and transition to, a regional transportation authority.

NOW, THEREFORE, the parties, in consideration of the mutual promises and covenants hereinafter set forth, agree as follows:

Section 1. Purpose

The Florida Department of Transportation (FDOT), Lakeland Area Mass Transit District (LAMTD), Polk County Board of County Commissioners (BoCC), Polk Transportation Planning Organization (TPO) and the cities of Auburndale, Bartow, Lakeland and Winter Haven currently operate, fund or plan public transportation in Polk County. These parties recognize the need to create a countywide or regional forum to promote shared goals for improved public transportation. The Polk Regional Transportation Organization will serve as a countywide transit policy board to provide such a forum. The reasons for the creation of a Polk Regional Transportation Organization include the following:

develop a recommended strategy for the transition to, and creation of, a Regional Transportation Authority; provide for efficiencies in the delivery of existing regional service; provide improved services with existing resources; provide regional surface transportation information to the public; provide a regional forum for deliberation on surface transportation issues of mutual interest; provide a regional voice for agreed upon surface transportation policies, plans and programs; review funding constraints and opportunities and provide recommendations on funding; provide a forum to respond to commuter concerns and travel needs in a timely manner; and to promote and work toward a seamless regional surface transportation system.

## Section 2. Definitions

- (a) "Board" shall mean the board of the Polk Regional Transportation Organization.
- (b) "Public transportation" shall mean surface transportation of people and goods by means, without limitation, of a street railway, elevated railway or guideway, subway, motor vehicle, motor bus, or any bus or other means of conveyance operating as a common carrier within the regional transportation area, including charter service therein operated by or under contract with public surface transportation agencies.
- (c) "Public transportation system" shall mean, without limitation, a combination of real and personal property, structures, improvements, buildings, equipment, plants, vehicle parking or other facilities, and rights-of-way, or any combination thereof, used or useful for the purposes of public surface transportation connections.
- (d) "RTO" shall mean the Polk Regional Transportation Organization.
- (e) "Regional transportation area" shall mean that area identical to the boundary of Polk County.
- (f) "Regional bus routes" include inter-city or inter-county bus routes that are operated through a funding partnership of more than one local government or public transportation provider. Regional bus routes shall be designated as such by the RTO Board.
- (g) "Intermodal connections" mean the system-wide connection of the public transportation modes, plus the connection of the public transportation system to ports, airports, and other public and private transportation systems.

## Section 3. Creation of Polk Regional Transportation Organization

There is hereby created and established pursuant to Section 163.01, Florida Statutes, a separate entity to be known as the Polk Regional Transportation Organization (RTO).

#### Section 4. RTO Board

- (a) The Board of the RTO shall be comprised of ten (10) members to include two (2) elected officials from the BoCC; two (2) elected officials from the City of Winter Haven; two (2) elected officials from the City of Lakeland on the LAMTD Board; one (1) elected official from the City of Auburndale; one (1) elected official from the City of Bartow; one (1) elected official from the TPO; and one (1) representative from the FDOT. The TPO representative shall be from a jurisdiction not listed in this section.

Member appointments shall be made at an official meeting of the governmental entity or transit district. The FDOT District One Secretary shall appoint the FDOT representative. Each member entity may appoint alternate members to serve in the absence of the regular voting member(s).

Additional members may be added to the RTO through amendments to this Interlocal Agreement. At the first scheduled meeting of each calendar year, the RTO will review its membership to determine if it adequately represents current public transportation stakeholders in Polk County.

- (b) A chairman and vice chairman shall be elected from the membership at the first scheduled meeting of each calendar year and shall hold office no more than two consecutive years. Any member may nominate or be nominated as an officer. All officers shall be elected by a majority vote at a meeting where a quorum is present. The chairman and vice chairman shall be from different local governments.
- (c) A majority of the membership shall constitute a quorum. A quorum must be present at all meetings.
- (d) The RTO Board shall meet at least quarterly at a date, time and place acceptable to a majority of the members. At the last scheduled meeting of a calendar year, the Board shall adopt a regular meeting schedule for the next calendar year.
- (e) Special meetings of the RTO may be called by the chairman, or in the absence of the chairman, by the vice chairman upon at least 24 hours notice. Special meetings may also be called on the initiative of six (6) or more voting members petitioning the chairman.

## Section 5. Advisory Committees

- (a) The TPO Technical Advisory Committee (TAC) and Citizens Advisory Committee (CAC) shall provide technical and policy recommendations to the RTO Board on surface transportation issues related to the planning and implementation of public transportation.
- (b) The RTO may establish and maintain subcommittees, as necessary, to address specific subject areas such as marketing and service planning. These subcommittees will report to either the TAC or RTO Board, as directed by the Board.

## Section 6. Powers and Duties of the RTO

The RTO shall be a planning and oversight organization with those powers specifically granted to it by the parties as set forth herein. The RTO is granted the authority to exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the purposes for which it was created, including, but not limited to, the rights and powers set forth herein.

The RTO:

- (a) Shall develop a strategy for the creation of, and transition to, a regional transportation authority to provide countywide public transportation and coordinate with other regional public transportation providers in central Florida. This strategy will address the allocation and transition of staff, equipment, and facility resources from existing public transportation providers to the new regional transportation authority.
- (b) Shall review the operational and capital expenditures for public transportation systems in Polk County and make recommendations to the respective service providers regarding the coordinated funding of such public transportation systems.
- (c) Shall prioritize congressional earmark and appropriations requests for public transportation capital and operating projects and coordinate Federal Transit Administration (FTA) formula funds request.
- (d) Shall develop recommendations on the coordinated funding of regional bus routes.
- (e) Shall develop a Common Service Plan for seamless public transportation to include elements related to marketing, fare policy, route modifications, service development, and a bus stop improvement program.
- (f) Shall create a plan for a coordinated public information system for public transportation within Polk County with an emphasis on “one stop shopping” for public transportation information. This effort will include the publication of a countywide “Ride Guide.”

- (g) Shall be the regional forum for addressing and resolving countywide or regional public transportation issues as requested by one or more signatory agencies to the Interlocal Agreement.
- (h) Shall endorse a plan for coordinated public transportation and intermodal connections within the regional transportation area (Consolidated Transit Development Plan).

The RTO may be given additional powers by amendment to this agreement as approved by the parties to this agreement.

#### Section 7. Staff Support

The TPO staff shall provide administrative support to the RTO to include the preparation and distribution of meeting packets and announcements and the documentation of RTO activities. The TPO staff will coordinate with the Director of the Lakeland Area Mass Transit District and Director of Polk County Transit Services Division in the preparation and presentation of meeting agenda items for consideration by the RTO Board. The TPO staff shall provide public transportation service planning in the development of the Consolidated Transit Development Plan.

#### Section 8. Duration of Agreement and Withdrawal Procedure

This Agreement shall remain in effect until terminated by the parties to this 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 90 days prior to the intended date of withdrawal.

#### Section 9. Amendment of Agreement

Amendments to or modifications of this Agreement may only be made by written agreement signed by all parties hereto and shall not be effective until it is filed with the Clerk of the Circuit Court of each county where a party hereto is located pursuant to Section 163.01(11).

#### Section 10. Effective Date

This Agreement shall become effective upon execution by all parties hereto and filing with the Clerk of the Circuit Court of each county where a party to this Agreement is located.

IN WITNESS WHEREOF, the undersigned parties have caused this Interlocal Agreement to be duly executed in their behalf and hereby establish the above referenced RTO this \_\_\_\_\_ day of \_\_\_\_\_.

BOARD OF COUNTY COMMISSIONERS  
OF POLK COUNTY, FLORIDA

BY: \_\_\_\_\_  
CHAIRMAN

ATTEST: \_\_\_\_\_  
CLERK

CITY OF AUBURNDALE

BY: \_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
CITY CLERK

CITY OF WINTER HAVEN

BY: \_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
CITY CLERK

POLK TRANSPORTATION PLANNING  
ORGANIZATION

BY: \_\_\_\_\_  
CHAIRMAN

ATTEST: \_\_\_\_\_  
TPO COORDINATOR

LAKELAND AREA MASS  
TRANSIT DISTRICT

BY: \_\_\_\_\_  
CHAIRMAN

ATTEST: \_\_\_\_\_  
DIRECTOR

CITY OF BARTOW

BY: \_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
CITY CLERK

CITY OF LAKELAND

BY: \_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
CITY CLERK

FLORIDA DEPARTMENT  
OF TRANSPORTATION

BY: \_\_\_\_\_  
DISTRICT SECRETARY

ATTEST: \_\_\_\_\_  
EXECUTIVE SECRETARY

**Appendix B**  
**Lee County Legislative Delegation**

## LEE COUNTY LEGISLATIVE DELEGATION

**Chairperson: Representative Jeffery D. Kottkamp**

3501 Del Prado Boulevard, Suite 305

Cape Coral, FL 33904-7223

Telephone: (239) 344-4900

**Table B-1  
Lee County Delegation Members**

<b>House Members</b>	
Rep. Michael Grant	District 71
Rep. Paige Kreegel	District 72
Rep. Bruce Kyle	District 73
Rep. Jeffery D. Kottkamp	District 74
Rep. Trudi Williams	District 75
<b>Senate Members</b>	
Sen. Michael S. Bennett	District 21
Sen. Dave Aronberg	District 27
Sen. Burt L. Saunders	District 37

Delegation Contact Person: Paige Biagi

Delegation Mailing Address/Telephone: Same as Delegation Chairperson