

Item # 33 (3)

**ADDITIONAL MATERIAL
Public Hearing
FEBRUARY 11, 2020**

**SUBMITTED AT THE REQUEST OF
COUNTY ADMINISTRATION**

Mobility Advancement Program Independent Transportation Surtax Oversight Board

February 6, 2020

Broward County Board of County Commissioners
115 South Andrews Avenue
Fort Lauderdale, FL 33301
[delivered via email]

RE: February 11, 2020 Public Hearing on revisions to the Transportation Surtax Ordinance

The Honorable Mayor Holness, Vice Mayor Geller, and Commissioners:

On behalf of the Independent Transportation Surtax Oversight Board (Oversight Board), I write to urge you to adopt the substitute ordinance to Public Hearing Item No. 33 on the February 11, 2020, Commission Agenda, sponsored by Commissioner Furr (attached). At our last Oversight Board meeting January 30, 2020, we discussed a draft version of the revisions and requested a few minor adjustments that are now reflected in Commissioner Furr's substitute amendment. The requests made by the Oversight Board were as follows:

- Within section (j) on page 15, to strike the word "annual" before reports (on line 15)
- Within section (k) to strike the term "Annual" (on line 18)
- Revise language beginning on line 23 to align with the previous changes

All Oversight Board concerns raised in formal correspondence (dated January 2, 2020, distributed January 3, 2020, and; dated October 25, 2019, distributed as Additional Material to Agenda Item No. 83 for November 5, 2019 Commission Meeting) to the County Commission, are addressed in Commissioner Furr's substitute ordinance. We appreciate the County's efforts to work with the Oversight Board and municipal representatives as detailed in the cover memorandum prepared by County Attorney, Andrew Meyers. The Oversight Board will meet next on April 2, 2020 in Commission Chambers, Room 422, beginning at 9:30AM to consider municipal capital project recommendations for FY2020 (Cycle 1). We hope you will join us in person or watch the live webcast.

Alan Hooper, [Chair](#)
Douglas Coolman, [Vice Chair](#)

Phil Allen
George Cavros
Ronald Frazier
Dr. Consuelo Kelley
Allyson C. Love
Anthea Pennant
Shea Smith

Gretchen Cassini, [Oversight Board Coordinator](#)
Angela J. Wallace, [Transportation Surtax General Counsel](#)

Sincerely,



Alan Hooper, Chair, Independent Transportation Surtax Oversight Board

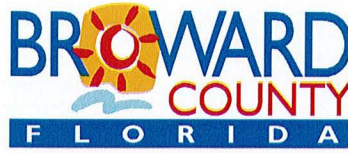
C: Oversight Board
Appointing Authority
Bertha Henry, County Administrator
Bob Melton, County Auditor
Andrew Meyers, County Attorney

c/o Mobility Advancement Program Administration
115 S. Andrews Ave., Room 406 • Fort Lauderdale, FL 33301
Phone: 954-357-9501

PennyForTransportation.com
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MEMORANDUM

TO: Board of County Commissioners

FROM: Andrew J. Meyers, County Attorney *ajm*

DATE: February 4, 2020

RE: **Update on Public Hearing Item 33 on the February 11, 2020, County Commission Agenda (Transportation Surtax Ordinance and Resolution)**

Item 33 on the February 11 agenda is a public hearing to consider an ordinance (Part A) and a resolution (Part B) related to the transportation surtax. Because of concerns expressed by the Oversight Board and by municipal representatives, the public hearing had been continued several times to permit the parties to discuss the points of contention. We are pleased to report that, working with Commissioner Furr, the County Administrator, and the County Auditor, we have resolved all concerns expressed by the Oversight Board, and have sufficiently addressed virtually all concerns raised by municipal representatives. Accordingly, we believe this item is ready for the Board's consideration on February 11.

We are distributing with this memorandum a proposed substitute ordinance sponsored by Commissioner Furr. As this is intended as a full substitute for Exhibit 1 to the agenda item, the tracking (underlining and strikethroughs) reflects changes to the sections as they currently exist in the Broward County Code of Ordinances. This substitute ordinance incorporates:

1. Proposed amendments distributed by Mayor Holness (Exhibit 7 to the agenda item), which are addressed on page 2, lines 7-10 and 18-21, and on page 3, lines 1-2;
2. Proposed amendments distributed by the Office of the County Auditor (Exhibit 5 to the agenda item), as revised through discussions among the Chair of the Oversight Board, the County Auditor, the County Administrator, and me, which are addressed on page 15, line 18, through page 16, line 13; and

3. A proposed amendment distributed by this Office (Exhibit 4 to the agenda item), which is addressed on page 15, lines 5-6.

Thus, the substitute Ordinance would effectively resolve the amendments proposed in Exhibits 4, 5, and 7 (Exhibit 6 is a letter submitted by the Oversight Board several months ago).

Commissioner Sharief distributed proposed amendments (Exhibit 3) designed to address certain concerns raised by the Oversight Board, including concerns directed at language that had been proposed by the Offices of the County Auditor and the County Attorney. Exhibit 3 served as a strong basis for further discussions with the Oversight Board, and yielded language included in the substitute ordinance.

On January 30, 2020, the Oversight Board voted to acknowledge its approval of the substitute ordinance.

As to concerns raised by municipal representatives (through the Broward League of Cities and the City of Sunrise), virtually all have been addressed and resolved. The only remaining municipal concerns of which we are aware involve paragraph (e) on page 10 (regarding municipal permitting and fees on County projects) and paragraph (h) on page 11 (regarding placement of mobility-related data collection equipment). Placeholder language (which we believe is sufficient for current purposes) has been included to reflect that the specific contractual terms regarding those issues will be developed as part of the applicable project-specific interlocal agreements. In the interim, we will continue to dialogue with the municipalities in an effort to refine the placeholder language, and, if successful, we will distribute the revised language as additional material. Ultimately, we will attempt to place these and certain other provisions addressing proposed contract requirements in an amendment to the global interlocal agreement among the County, municipalities, and MPO, instead of mandating, by ordinance, that these issues be addressed in project-specific agreements with municipalities.

The proposed resolution amending the Broward County Administrative Code, Part B of the motion and Exhibit 2 to the agenda item, remains unchanged. None of the concerns expressed by either the Oversight Board or municipal representatives addressed Exhibit 2.

This memorandum, including the attached substitute ordinance sponsored by Commissioner Furr, will be distributed as additional material under Item 33. During individual briefings, we will discuss the material changes between the original proposed ordinance (Exhibit 1 to the agenda item) and the proposed substitute ordinance attached hereto.

Board of County Commissioners
February 4, 2020
Page 3

In the interim, please contact me with any questions or concerns.

AJM/gf
Attachment

c: Bertha Henry, County Administrator
Bob Melton, County Auditor
Michael J. Kerr, Deputy County Attorney
René D. Harrod, Deputy County Attorney
Angela J. Wallace, Transportation Surtax General Counsel

ORDINANCE NO. 2020-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO THE CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SALES SURTAX; AMENDING SECTION 31½-75 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") TO CONFORM IT TO VARIOUS SUBSTANTIVE PROVISIONS AND PROCESSES ESTABLISHED PURSUANT TO LATER-DEVELOPED AGREEMENTS WITH THE BROWARD METROPOLITAN PLANNING ORGANIZATION AND MUNICIPALITIES; AND PROVIDING FOR AMENDMENTS, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Commissioner Beam Furr)

WHEREAS, the Board of County Commissioners of Broward County, Florida ("Board"), enacted Ordinance No. 2018-29, the Broward County Transportation Surtax Ordinance, codified in Section 31½-71, et seq., of the Broward County Code of Ordinances, which levied a thirty (30) year one percent (1%) Transportation Surtax that was approved by referendum at the General Election on November 6, 2018; and

WHEREAS, the Board has determined that amending the Transportation Surtax Ordinance, to conform it to various substantive provisions and processes established pursuant to later-developed agreements with various entities and to relocate procedural provisions from the Transportation Surtax Ordinance to the Broward County Administrative Code, is appropriate at this time,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

1 Section 1. Section 31½-75 of the Broward County Code of Ordinances is
2 hereby amended to read as follows:

3 **Sec. 31½-75. Independent Transportation Surtax Oversight Board.**

4 . . .

5 (a) *Composition.* The Oversight Board shall be comprised of the following nine
6 (9) members:

- 7 (1) One professional in the field of accounting – A person who holds, or within
8 the past three years has held, a license in the State of Florida to practice
9 public accounting, or a person who is practicing, or within the past three
10 years has practiced, public accounting in this state pursuant to the practice
11 privilege granted in Section 473.3141, Florida Statutes;
- 12 (2) One professional in the field of finance – A person who holds a professional
13 degree and has practical experience in finance or banking;
- 14 (3) One professional in the field of land use or urban planning – A person who
15 holds a professional degree and has practical experience in land use or
16 urban planning;
- 17 (4) One professional in the field of engineering or construction management –
18 A person who holds, or within the past three years has held, a license to
19 engage in the practice of engineering as defined in Section 471.005, Florida
20 Statutes, or a construction management professional who is, or within the
21 past three years has been, a licensed general contractor or a licensed
22 building contractor as defined in Section 489.105, Florida Statutes;

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1 (5) One professional in the field of architecture – A person who holds, or within
2 the past three years has held, a license to engage in the practice of
3 architecture pursuant to Section 481.213, Florida Statutes;

4 (6) One professional in the field of environmental science – A person who holds
5 a professional degree and has practical experience in environmental
6 science;

7 (7) One resident consumer of public transportation – A person who resides in
8 Broward County and is a user of the multimodal transportation system;

9 (8) One former city or county manager – A person who holds a professional
10 degree, has professional experience as a city manager or a county
11 manager, and is not currently employed as a city manager or a county
12 manager in the state; and

13 (9) The Director of the Broward College Office of Supplier Relations and
14 Diversity, or such person's designee.

15 . . .

16 (d) *Term of Oversight Board Members.* The Director of the Broward College
17 Office of Supplier Relations and Diversity shall serve for as long as he or she is employed
18 in that position. All other Oversight Board members shall serve four-year terms and may
19 be reappointed for successive terms. Any Oversight Board member appointed to replace
20 an Oversight Board member who has been removed or has resigned shall serve for the
21 balance of the term of such member.

22 (1) *Process for filling vacancies.* The Appointing Authority shall determine the
23 documentation required for applications to the Oversight Board.

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1 ~~(1)~~ (2) *Removal.*

2 a. With the exception of the Director of the Broward College Office of
3 Supplier Relations and Diversity, A a member of the Oversight Board
4 may be removed for good cause determined by supermajority vote
5 of the Appointing Authority, and shall be removed by a majority vote
6 of the Appointing Authority if the member no longer meets the
7 applicable categorical requirement or qualifications for membership.

8 b. The effective date of removal from the Oversight Board shall be the
9 earliest of the following, to the extent applicable:

10 1. The date provided in the member's resignation; or

11 2. The date provided in the written notice of removal of the
12 member by the Appointing Authority.

13 ~~(2)~~ (3) ~~*Process for filling vacancies. Any member appointed to replace a member*~~
14 ~~*who has been removed or who resigns shall serve for the balance of the*~~
15 ~~*term of such member.*~~ The Appointing Authority shall meet as required to
16 appoint or remove members.

17 (e) *Compensation.* Members of the Oversight Board shall not receive any
18 compensation for their service on such board. Reimbursement for travel and other
19 reasonable expenses directly related to service on the Oversight Board is permissible
20 and does not constitute compensation.

21 (f) *Oversight Board Meetings.* The Oversight Board shall meet at least
22 quarterly. The members shall elect a chairperson to preside over meetings. The
23 Oversight Board shall establish its own rules of procedure for conducting its meetings.

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1 (g) *Staffing.* Broward County shall provide sufficient staff to enable the
2 Oversight Board to efficiently perform its functions, and shall retain such consultants as
3 the Oversight Board determines necessary to perform its responsibilities.

4 ~~(h) *Applications for Funding.* Any municipality within Broward County or the~~
5 ~~Broward MPO may submit an application for project funding to the Board of County~~
6 ~~Commissioners of Broward County ("County Commission") for the County Commission's~~
7 ~~initial consideration. The applications will be on a form approved by the County~~
8 ~~Commission, will specify the amount of funding being sought and how such funding is~~
9 ~~intended to be expended, and will include, among other requirements, a statement that~~
10 ~~any recipient of such proceeds assents to (i) having its use of the proceeds audited by an~~
11 ~~independent auditor retained by the Oversight Board; and (ii) continuing project review by~~
12 ~~the Oversight Board.~~

13 ~~Prior to submitting an application for funding to the County Commission,~~
14 ~~municipalities shall submit their proposed projects to the Broward MPO, which shall~~
15 ~~review, rank, and prioritize the submitted projects based upon each project's ability to~~
16 ~~alleviate traffic congestion and enhance connectivity. The Broward MPO shall provide a~~
17 ~~list ranking the proposed municipal projects to the County Commission for its~~
18 ~~consideration by February 1 of each year. If the MPO fails to timely do so, municipalities~~
19 ~~may submit applications directly to the County Commission.~~

20 ~~Consistent with the process specified in paragraph (i) immediately below, the~~
21 ~~County Commission may determine to (a) submit the municipal or the Broward MPO~~
22 ~~application, without modification, to the Oversight Board; (b) notify the municipality or the~~
23 ~~Broward MPO that the application will not be submitted for Oversight Board consideration;~~

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1 or (c) return the application to the municipality or the Broward MPO with proposed
2 revisions. If the County Commission returns the application with proposed revisions, and
3 the municipality or the Broward MPO accepts in writing all of the proposed revisions, the
4 County Commission shall thereafter forward the application to the Oversight Board for its
5 consideration. If the municipality or the Broward MPO accepts some but not all of the
6 County Commission's proposed revisions, the County Commission shall consider the
7 revised application to determine whether it should be forwarded for Oversight Board
8 consideration.

9 (i) ~~Approval of Projects and Expenditures.~~ The County Commission, after
10 considering the recommendations of County staff and any project ranking provided by the
11 Broward MPO, will determine which proposed projects and expenditures of
12 Transportation Surtax proceeds, whether initiated by the County or by some other
13 governmental entity, will be submitted to the Oversight Board, and will further determine
14 the order of submittal and priority of proposed projects and expenditures. The Oversight
15 Board shall consider only proposed projects and expenditures submitted by the County
16 Commission. The Oversight Board shall determine whether the proposed project or
17 expenditure is permissible under Section 212.055(1)(d), Florida Statutes. If the Oversight
18 Board determines that it is permissible, the Oversight Board shall approve the proposed
19 project or expenditure and shall send written notice thereof to the Broward County
20 Administrator. If an approved project or expenditure is only partially fundable with
21 Transportation Surtax proceeds pursuant to Section 212.055(1)(d), Florida Statutes, the
22 Oversight Board's written approval shall identify those portions of the project or
23 expenditure fundable with Transportation Surtax proceeds and shall state the total dollar
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1 value of those portions. ~~The written notice of approval may contain recommendations~~
2 ~~made by the Oversight Board regarding best practices or other methods that may be~~
3 ~~employed to improve a proposed project or expenditure. If the Oversight Board~~
4 ~~determines that a proposed project or expenditure is not permissible under~~
5 ~~Section 212.055(1)(d), Florida Statutes, the Oversight Board shall reject the proposed~~
6 ~~project or expenditure and shall, in writing, specify the reasons for such rejection.~~
7 ~~Rejected projects and expenditures may be modified and resubmitted by the County~~
8 ~~Commission for subsequent consideration by the Oversight Board. The Oversight Board~~
9 ~~shall issue its written notice of approval or rejection within one hundred twenty (120) days~~
10 ~~after receipt of the proposed project or expenditure submitted by the County Commission.~~

11 (h) Applications for Funding.

12 (1) Municipal Capital Projects. Municipalities in Broward County may submit
13 written applications to the Broward MPO for Transportation Surtax proceeds
14 to fund statutorily eligible capital projects (projects that do not involve
15 rehabilitation or maintenance of roads), including but not limited to projects
16 for new roads, widening existing roads, traffic calming improvements,
17 transportation-related ADA accommodations, sidewalks, bike paths, and
18 bridges. Each project application must specify the amount of funds
19 requested, how funds are intended to be expended, and any other data
20 requested by staff to evaluate the project. Municipal capital projects
21 included in the Regional Mobility & Transportation Enhancements Surtax
22 Initiative ("Transportation Surtax Plan"), approved by the Board of County
23 Commissioners of Broward County ("County Commission") on
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1 September 13, 2018, will be the first to be evaluated and ranked.
2 Applications for new municipal capital projects will be accepted by the
3 Broward MPO beginning in February 2021.

4 (2) Municipal Rehabilitation and Maintenance Projects. Municipal rehabilitation
5 and maintenance projects were included in the Transportation Surtax Plan
6 and are subject to ranking by County staff using a written, objective process
7 that will be vetted with municipal stakeholders prior to implementation.
8 These projects, to the extent eligible for funding and in the order of ranking,
9 will be funded from any excess Transportation Surtax proceeds that County
10 staff identifies annually, in writing, as being available for municipal
11 rehabilitation and maintenance projects, after consideration, consistent with
12 the terms of all applicable interlocal agreements, of the surtax-funded
13 Broward MPO staff recommended municipal capital projects. New
14 municipal rehabilitation and maintenance projects (those not included in the
15 Transportation Surtax Plan) may be submitted to the County for review and
16 ranking after February 2021, and will be considered for funding, subject to
17 surtax revenue availability for those projects, as determined by the County
18 Commission.

19 (3) Five-Year Plan. By July 1, 2020, a five-year plan will be developed by
20 County staff, with input from surtax-funded Broward MPO staff, and shall
21 include all projects proposed to be funded in whole or in any part by
22 Transportation Surtax proceeds during the applicable five-year period.
23 Once acted upon by both the Oversight Board and the County Commission,
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1 and subject to any further consideration by the County Commission, this
2 five-year plan will act as the basis for funding and project delivery. New or
3 amended projects may be added to, and projects may at the request of the
4 applicable municipality be deleted from, the five-year plan on an annual
5 basis that coincides with the budget process and as further defined in the
6 Interlocal Agreement between the Broward MPO and Broward County
7 related to prioritization of municipal projects. The prioritized list of projects,
8 the five-year plan, and annual updates to the five-year plan will be
9 considered by the Oversight Board as addressed below.

10 (4) Project-Specific Interlocal Agreements. In order to receive Transportation
11 Surtax proceeds for a permissible project, the municipality must execute a
12 project-specific interlocal agreement with the County that includes the
13 following elements:

14 a. An obligation by the municipality to maintain a separate account for
15 Transportation Surtax proceeds, which account is subject to County
16 and Oversight Board audit;

17 b. The municipal project is subject to County and Oversight Board
18 performance review and audit;

19 c. A commitment by the municipality to provide for the maintenance and
20 operation of the project, throughout the useful life of the project, from
21 non-surtax, municipal funds;

22 d. A thirty percent (30%) County Business Enterprise (CBE)
23 commitment to the extent funded with Transportation Surtax
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1 proceeds, subject to the availability of subcontracting opportunities,
2 the availability of subcontractors, and consideration of good faith
3 efforts to meet such commitment consistent with the County's CBE
4 program, except that no CBE commitment shall apply to agreements
5 that are subject to other participation goals (e.g., federal DBE
6 program or SBE reserves), agreements that are expressly exempt
7 from the County's Procurement Code, agreements that are otherwise
8 ineligible by state or federal law, and agreements to which goals are
9 not assigned by the County (e.g., sole source, sole brand, and
10 emergency agreements);

11 e. To decrease public inconvenience and to facilitate the expeditious
12 and efficient completion of Transportation Surtax-funded County
13 projects that occur, in whole or in part, within a municipality, the
14 agreement shall contain appropriate language addressing potential
15 waiver of municipal permitting and fees on terms and conditions
16 mutually agreed to by the County and the municipality, which terms
17 and conditions shall address (i) which entity shall be responsible for
18 ensuring adequate plan review and inspection and (ii) the applicable
19 standard for completion of work in the public rights of way (e.g.,
20 compliance with County Minimum Standards, the Florida Building
21 Code, or potentially some other standard when dealing with projects
22 affecting municipal-owned utilities);

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- 1 f. The collection and provision of reasonable project performance data,
2 measures, and deliverables prescribed by the Oversight Board or the
3 County to determine whether established objectives of the
4 Transportation Surtax (including increasing connectivity and
5 reducing traffic congestion) are being met;
- 6 g. Reasonable branding and marketing, including but not limited to
7 through signage, prominently acknowledging the surtax funding
8 (which shall include County-selected wording, logo, or other
9 imagery) and the project contributions of the County and
10 municipality;
- 11 h. The option for the County to place sensors and other devices on
12 municipal properties and assets for County-approved applications for
13 mobility-related data collection purposes, as mutually agreed to by
14 the County and the municipality, which placement shall not
15 unreasonably interfere with the municipality’s use of such properties
16 or assets; and
- 17 i. A requirement for the municipality to timely provide to the County all
18 data available to the municipality regarding the location and impact
19 of any municipal road closures, including but not limited to closures
20 resulting from construction or flooding, in a format prescribed by the
21 County.

22 (5) MPO Review Process. With regard to proposed municipal capital projects
23 (projects that do not involve rehabilitation or maintenance of roads) that a
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1 municipality requests be funded with Transportation Surtax proceeds,
2 Broward MPO staff will review the project and shall:

3 a. Indicate their acceptance of the project application without
4 modification, and proceed to rank and prioritize the project
5 application; or

6 b. With the concurrence of the Office of the County Attorney (which may
7 not be granted prior to consultation with the municipality's legal
8 counsel), notify the municipality that staff will not consider the project
9 application because it is not eligible for funding under an applicable
10 contractual or statutory provision; or

11 c. Return the project application to the municipality with proposed
12 revisions, and, after receipt of the municipality's resubmitted
13 application, proceed either to rank and prioritize the project
14 application per subsection a. above, or notify the municipality that
15 staff will not consider the project application per subsection b. above.

16 (6) County Staff Review Process. With regard to proposed municipal projects
17 that involve rehabilitation or maintenance of roads that a municipality
18 requests be funded with Transportation Surtax proceeds, County staff will
19 review that project and shall:

20 a. Indicate their acceptance of the project application without
21 modification, and proceed to rank and prioritize the project
22 application; or

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1 b. With the concurrence of the Office of the County Attorney (which may
2 not be granted prior to consultation with the municipality’s legal
3 counsel), notify the municipality that staff will not consider the project
4 application because it is not eligible for funding under an applicable
5 contractual or statutory provision; or

6 c. Return the project application to the municipality with proposed
7 revisions, and after receipt of the municipality’s resubmitted
8 application, proceed either to rank and prioritize the project
9 application per subsection a. above, or notify the municipality that
10 staff will not consider the project application per subsection b. above.

11 (i) *Approval of Proposed Projects and Proposed Expenditures.*

12 (1) County staff assigned to support the Oversight Board shall at least annually
13 compile all County and municipal proposed projects and proposed
14 expenditures that will be considered for funding with Transportation Surtax
15 proceeds, consistent with budgetary recommendations, and present them
16 to the Oversight Board for approval as to statutory eligibility. The Oversight
17 Board shall consider proposed projects and proposed expenditures
18 submitted by the County only for eligibility under Section 212.055(1)(d),
19 Florida Statutes, with due consideration given to the opinion of the
20 Transportation Surtax General Counsel to the extent the applicable
21 eligibility determination involves a question of statutory construction.

22 a. If the Oversight Board determines that a proposed project or
23 proposed expenditures are statutorily eligible, the Oversight Board

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1 shall send written notice thereof to the Broward County
2 Administrator, which written notice may contain recommendations
3 made by the Oversight Board regarding best practices or other
4 methods that may be employed to improve a proposed project or
5 proposed expenditures.

6 b. If the Oversight Board determines that a proposed project or
7 proposed expenditures are only partially fundable with
8 Transportation Surtax proceeds, the Oversight Board's written notice
9 to the Broward County Administrator shall identify those portions of
10 the proposed project or proposed expenditures the Oversight Board
11 determines are fundable with Transportation Surtax proceeds.

12 c. If the Oversight Board determines that a proposed project or
13 proposed expenditures are not eligible for funding with
14 Transportation Surtax proceeds, the Oversight Board shall, in
15 writing, specify the reasons for such determination. Such proposed
16 project and proposed expenditures may be modified and resubmitted
17 to the County for its consideration and, if applicable, for
18 reconsideration by the Oversight Board.

19 d. The Oversight Board shall issue its written notice regarding statutory
20 eligibility of proposed projects and expenditures no later than thirty
21 (30) days after the meeting during which the proposed project and
22 proposed expenditures were considered (or, for resubmitted
23 projects, reconsidered).

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1 (2) After the Broward County Administrator receives the Oversight Board's
2 written notice regarding eligibility, the proposed projects and proposed
3 expenditures will be presented by the Broward County Administrator to the
4 County Commission for its consideration.

5 (3) The County Commission, consistent with the terms, conditions, and
6 restrictions of any then-applicable interlocal agreements, and after
7 considering the recommendations of County staff and Surtax-funded
8 Broward MPO staff, as applicable, will determine which proposed projects
9 and proposed expenditures of Transportation Surtax proceeds are
10 approved by the County Commission, and those projects and expenditures
11 will be included in the County's annual budget.

12 (j) *Project Oversight.* All ~~approved~~ projects and expenditures funded with
13 Transportation Surtax proceeds shall be subject to the Oversight Board's review, critique,
14 and ~~analysis~~ assessment for the duration of the projects or expenditures. The Oversight
15 Board shall issue ~~annual~~ reports on the performance of ongoing projects and shall provide
16 recommendations to the Broward County Administrator and the County Commission for
17 any proposed performance improvements.

18 (k) *Annual Audits.* The Oversight Board shall ~~retain~~ select an independent
19 certified public accountant, or other qualified individuals who will adhere to all applicable
20 auditing standards, who shall be retained by the County, to perform and complete annual
21 audits and reviews, as determined necessary by the Oversight Board, of ~~all~~ projects
22 funded with Transportation Surtax proceeds and of all Transportation Surtax proceeds
23 received, maintained, and expended. ~~The~~ Each applicable written agreement shall
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1 require completed annual audit results ~~shall~~ and review reports to be submitted to the
2 Oversight Board and to the Broward County Administrator by no later than ~~ninety (90)~~
3 one hundred eighty (180) days after the end of each ~~calendar~~ fiscal year during which
4 any Transportation Surtax proceeds are expended, and shall require completed non-
5 annual reports to be submitted to the Oversight Board and to the Broward County
6 Administrator within ten (10) days after report completion. Such accountant or other
7 qualified individuals shall be retained consistent with applicable state and County
8 budgetary and procurement requirements. The Office of the County Auditor shall assist
9 the Oversight Board in its selection of the independent public accountant or other qualified
10 individuals, and shall serve as the contract administrator for all written agreements with
11 such public accountant or other individuals. The contract administrator shall work to
12 ensure the audit and review objectives established by the Oversight Board are achieved
13 while ensuring accountability of the contractor(s).

14 Section 2. Amendments.

15 No amendment, revision, or repeal of the Broward County Transportation Surtax
16 Ordinance, or reduction in the rate of the Transportation Surtax, may take effect if it would
17 materially impair the contract rights of the owners of any bonds, notes, or other
18 instruments of indebtedness payable, in whole or in part, directly or indirectly, from the
19 proceeds of the Transportation Surtax.

20 Section 3. Severability.

21 If any portion of this Ordinance is determined by any court to be invalid, the invalid
22 portion will be stricken, and such striking will not affect the validity of the remainder of this
23 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 legally applied to any individual, group, entity, property, or circumstance, such
2 determination will not affect the applicability of this Ordinance to any other individual,
3 group, entity, property, or circumstance.

4 Section 4. Inclusion in the Broward County Code of Ordinances.

5 It is the intention of the Board of County Commissioners that the provisions of this
6 Ordinance become part of the Broward County Code of Ordinances as of the effective
7 date. The sections of this Ordinance may be renumbered or relettered and the word
8 "ordinance" may be changed to "section," "article," or such other appropriate word or
9 phrase to the extent necessary in order to accomplish such intention.

10 Section 5. Effective Date.

11 This Ordinance is effective as of the date provided by law.

12
13 ENACTED

14 FILED WITH THE DEPARTMENT OF STATE

15 EFFECTIVE

16
17 Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

18
19 By /s/ Angela J. Wallace 02/04/2020
20 Angela J. Wallace (date)
21 Deputy County Attorney

22 AJW/hb
2019 Transportation Surtax Ordinance Revisions.doc
02/04/2020
23 #19-114.00
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