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Sent Via Email to BHenry@broward.org
And Regular U.S. Mail

April 7, 2020

Mrs. Bertha Henry
Broward County Administrator
115 South Andrews Ave., Room 409
Fort Lauderdale, FL 33301

RE: Transportation Surtax

Mrs. Bertha Henry:

It has been brought to my attention by the City of Fort Lauderdale and our other MPO Members that the Broward County proposed draft Interlocal Agreement between Broward County and each municipality for the distribution of the Transportation Surtax proceeds contains a provision that will significantly damage the Broward MPO's ability to provide transportation planning services to our Member Governments. The provision follows:

7. **Conflict of Interest.** *In no event shall Municipality subcontract or assign this Agreement, including any right or obligation under this Agreement, or contract for the performance of any project management, public education, data-related services, transportation or transit planning, grant management or surtax oversight, or any other transportation planning services to a third-party that has any role or responsibility in the review, approval, or ranking of Surtax-Funded Projects. Violation of this section shall constitute a basis for County's withholding of any and all funding under this Agreement and/or termination of this Agreement for cause.[Emphasis Added]*

This provision is a substantial impediment to the Broward MPO and our shared municipal members moving forward. When the County requested that the MPO participate in the ranking process, the County did not divulge or allude that participating in the County's Surtax System would conflict the MPO out of any further participation with any surtax-funded project(s) or negatively impact our municipal members, as well as the County.

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Please recognize that the MPO's work in the Transportation arena includes the implementing of the FAST ACT requirements as contained in the Code of Federal Regulations (Title 23: Part 450.306; 450.322; 450:324; and 450:326), Chapter 339, Florida Statutes and is even contemplated in the County's Surtax Ordinance. In particular, the MPO's participation in these areas of Surtax Funded Transportation Projects will help ensure that the cities and the County would become eligible for additional state and federal transportation funding and grants. The application of the above referenced conflict provision will negate the MPO's ability to participate in the County's Surtax System as it is currently adopted and / or it will preclude the MPO from securing federal and state funding or grants for any related surtax project.

We request that the County remove this clause from this draft or any other future surtax related agreement. In addition, its impact is significant because the MPO has already been working with certain MPO members, beyond Broward County, to provide transportation planning services pursuant to various independent Interlocal Agreements that were previously approved and which were effective prior to the adoption of the County Surtax System. A sampling of these independent agreements with the Broward MPO includes the Cities of Coconut Creek, Fort Lauderdale, Hollywood, Lauderdale Lakes, Miramar, North Lauderdale, Tamarac, and Wilton Manors, and others. To the financial detriment to the MPO and each of these Cities, this proposed Conflict provision places these multiple agreements in jeopardy for the sake of surtax funding.

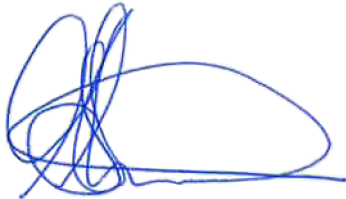
It is our sincerest hope that you will understand the seriousness of our objection; have the language removed so that we can continue to forge ahead with our productive teamwork. This teamwork has paid many dividends to both our organizations in the recent past, thus we are clearly more productive together as a team for our residents. I hope that we are able to maintain this productivity as a team for many years to come.

Of course, I am available to discuss this matter further, but as you are aware, County staff has indicated to the MPO's City Members, that if a City wants any surtax funding made available to them for this current year, the draft surtax agreement must be approved and executed this month. Thus time is of the essence and is not on either of our sides.

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Thank you for your consideration and on behalf of the Broward MPO's Member Governments, we look forward to a positive resolution to this issue.

Sincerely,



Gregory Stuart, Executive Director

CC: BMPO Executive Committee Members
BMPO Municipal and Non-Municipal Board Members
BMPO General Counsel