

1 may be removed for good cause determined by supermajority vote  
 2 of the Appointing Authority, and shall be removed by a majority vote  
 3 of the Appointing Authority if the member no longer meets the  
 4 applicable categorical requirement or qualifications for membership.

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

- 7 1. The date provided in the member's resignation; or
- 8 2. The date provided in the written notice of removal of a  
 9 member by the Appointing Authority.

10 ~~(2) (3) *Process for filling vacancies.* Any member appointed to replace a member~~  
 11 ~~who has been removed or who resigns shall serve for the balance of the~~  
 12 ~~term of such member.~~ The Appointing Authority shall meet as required to  
 13 appoint or remove members.

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

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

21 (g) *Staffing.* Broward County shall provide sufficient staff and retain  
 22 consultants as recommended by the County Administrator and determined reasonable  
 23 and necessary by the County Commission to enable the Oversight Board to efficiently  
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1 perform its functions, and shall retain such consultants as the Oversight Board determines  
2 necessary to perform its responsibilities. Upon request by the Oversight Board, the  
3 County Administrator may designate additional staff and/or retain consultants to assist  
4 the Oversight Board in the performance of its functions.

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

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

21 Consistent with the process specified in paragraph (i) immediately below, the  
22 County Commission may determine to (a) submit the municipal or the Broward MPO  
23 application, without modification, to the Oversight Board; (b) notify the municipality or the  
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1                   1.     If the municipality accepts, in writing, all of the proposed  
2                             revisions, Surtax-funded Broward MPO staff or County staff  
3                             will include the application in the ranking and prioritization  
4                             process.

5                   2.     If the municipality accepts some but not all of the proposed  
6                             revisions, Surtax-funded Broward MPO or County staff will  
7                             consider the revised application to determine whether it  
8                             should be included in the ranking and prioritization process.

9     (6)     Any determination by Surtax-funded Broward MPO staff or County staff that  
10            a proposed project does not meet the statutory requirements may be  
11            appealed, in writing, to the Oversight Board no later than fifteen (15) days  
12            after the staff decision is issued. The Oversight Board shall review the  
13            written appeal, afford the appellant an opportunity to be heard during an  
14            Oversight Board meeting, and submit a recommendation to the County  
15            Commission no later than thirty (30) days after the meeting during which the  
16            appeal was considered. Thereafter, the County Commission, in  
17            consultation with and based upon the advice of the Office of the County  
18            Attorney, will determine whether the proposed project meets the statutory  
19            requirements. In the event of a dispute regarding eligibility, the Office of the  
20            County Attorney may request an opinion from the Florida Department of  
21            Revenue or the Florida Attorney General, as applicable.

22     (7)     Transportation Surtax-funded Broward MPO staff shall provide a prioritized  
23            list ranking the proposed municipal capital projects to County staff for their  
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1 consideration consistent with the Interlocal Agreement between the  
2 Broward MPO and the County related to municipal prioritization.

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

4 (1) County staff assigned to support the Oversight Board shall annually compile  
5 all County and municipal proposed projects and proposed expenditures that  
6 will be considered for funding with Transportation Surtax proceeds,  
7 consistent with budgetary recommendations, and present them to the  
8 Oversight Board for approval as to statutory eligibility. Except with regard  
9 to appeals as referenced in section (h)(6) above, the Oversight Board shall  
10 consider proposed projects and proposed expenditures submitted by the  
11 County only for eligibility under Section 212.055(1)(d), Florida Statutes, in  
12 consultation with and based upon the advice of the Transportation Surtax  
13 General Counsel.

14 a. If the Oversight Board concurs with County staff that the proposed  
15 projects and proposed expenditures are statutorily eligible, the  
16 Oversight Board shall send written notice thereof to the Broward  
17 County Administrator. The written notice of approval may contain  
18 recommendations made by the Oversight Board regarding best  
19 practices or other methods that may be employed to improve a  
20 proposed project or proposed expenditure.

21 b. If the Oversight Board determines that a proposed project and  
22 proposed expenditures are only partially fundable with  
23 Transportation Surtax proceeds, the Oversight Board's written notice

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1 (j) *Project Oversight.* All ~~approved~~ projects and expenditures funded with  
2 Transportation Surtax proceeds shall be subject to the Oversight Board's review, critique,  
3 and ~~analysis~~ assessment for the duration of the projects or expenditures. The Oversight  
4 Board shall issue annual reports on the performance of ongoing projects and shall provide  
5 recommendations to the County Administrator and the County Commission for any  
6 proposed performance improvements.

7 (k) *Annual Audits.*

8 (1) The Oversight Board may retain a performance auditor to perform and  
9 ~~complete a performance audit of projects funded with Transportation Surtax~~  
10 ~~proceeds auditing and financial review services related to Transportation~~  
11 Surtax projects as provided in section (g) above.

12 (2) The County shall retain an independent certified public accountant to  
13 perform and complete an annual financial audits of all projects funded with  
14 the Transportation Surtax proceeds and of all Transportation Surtax  
15 ~~proceeds received, maintained, and expended~~ program and related  
16 projects. The audit results shall be submitted to the Oversight Board and  
17 ~~to the Broward County Administrator by no later than ninety (90) one~~  
18 hundred eighty (180) days after the end of each ~~calendar~~ fiscal year during  
19 which any Transportation Surtax proceeds are expended.

20 Section 2. Amendments.

21 No amendment, revision, or repeal of the Broward County Transportation Surtax  
22 Ordinance, or reduction in the rate of the Transportation Surtax, may take effect if it would  
23 materially impair the contract rights of the owners of any bonds, notes, or other  
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