

PROPOSED

RESOLUTION NO. 2020-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SALES SURTAX; CREATING CHAPTER 34, TRANSPORTATION SYSTEM SURTAX, PART I, THE TRANSPORTATION SYSTEM SURTAX APPOINTING AUTHORITY ("APPOINTING AUTHORITY"), SECTIONS 34.1 THROUGH 34.10, AND PART II, THE INDEPENDENT TRANSPORTATION SURTAX OVERSIGHT BOARD, SECTIONS 34.11 THROUGH 34.20, OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"); ESTABLISHING PROCEDURES FOR THE APPOINTING AUTHORITY AND THE OVERSIGHT BOARD; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Broward County, Florida ("Board"), enacted Section 31½-71, et seq., of the Broward County Code of Ordinances, establishing a Charter County and Regional Transportation System Surtax ("Transportation Surtax Ordinance") that was approved by the electors of Broward County on November 6, 2018;

WHEREAS, the Transportation Surtax Ordinance created an Appointing Authority and an Independent Transportation Surtax Oversight Board;

WHEREAS, the Appointing Authority and the Oversight Board each established certain rules and procedures for their operation, which the Board desires to include in the Broward County Administrative Code; and

WHEREAS, the Board has determined that creating Chapter 34, Sections 34.1 through 34.20, of the Broward County Administrative Code, pertaining to the Charter County and Regional Transportation System Surtax, is appropriate at this time, NOW, THEREFORE,

1 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA:

3
4 Section 1. Chapter 34, Part I, Sections 34.1 through 34.10 of the Broward County
5 Administrative Code are hereby created to read as follows:

6 [Underlining omitted]

7 Chapter 34

8 **TRANSPORTATION SYSTEM SURTAX**

9 **Part I. The Transportation System Surtax Appointing Authority.**

10 **34.1. Functions; Duties.**

11 The Charter County and Regional Transportation System Surtax Appointing Authority
12 of Broward County, Florida ("Appointing Authority"), was created by Section 31½-75(c) of the
13 Broward County Code of Ordinances for the purpose of establishing procedures for making
14 nominations and appointing the nine (9) members of the Independent Transportation Surtax
15 Oversight Board ("Oversight Board") by majority vote.

16 **34.2. Rules of Procedure.**

17 These Rules of Procedure shall govern the manner in which the business of the
18 Appointing Authority may be conducted and the manner in which the powers and duties
19 granted to and imposed upon the Appointing Authority by Section 31½-71, et seq., Broward
20 County Code of Ordinances ("Surtax Ordinance"), shall be exercised and performed or
21 delegated to its officers, agents, and employees. Said business shall be conducted and said
22 powers and duties shall be exercised and performed in accordance with the provisions of the
23 Surtax Ordinance and any resolutions, rules, and other actions adopted or taken by the
24 Appointing Authority.

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underscored type are additions.

1 **34.3. Appointing Authority Policies.**

2 (a) The Appointing Authority entities identified in Section 31½-75(c) of the Surtax
3 Ordinance must provide to the County the names and contact information of their designees
4 within forty-five (45) calendar days after notification by the County of the need for the
5 Appointing Authority to convene. All seven (7) members of the Appointing Authority must
6 meet in order to conduct business. The Appointing Authority shall elect a Chair to preside at
7 all meetings of the Appointing Authority.

8 (b) *Process for filling vacancies on the Oversight Board.*

9 (1) When there is a vacancy on the Oversight Board, the Appointing Authority's
10 coordinator shall publicly notice the vacancy and receive applications for the
11 specific vacancy for a minimum of fifteen (15) calendar days.

12 (2) Applications for the Oversight Board shall include the following:

- 13 a. Resume;
- 14 b. Certification of No Conflict of Interest;
- 15 c. Personal Statement of Interests that includes:
- 16 1. Identification of the vacant category for which the applicant
17 wishes to be considered;
- 18 2. Applicant's relevant experience;
- 19 3. Whether the applicant had previously been nominated by an
20 Appointing Authority entity and, if so, which entity; and
- 21 4. Whether the applicant has been involved in the provision of
22 transportation services or the construction of infrastructure (such
23 as roads, bridges, highways, or rail).
- 24

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1 (3) Applications to serve on the Oversight Board shall be submitted to the
2 Appointing Authority's coordinator. The Office of the County Attorney shall
3 review the information submitted and provide written notice as to whether the
4 applicant meets the requirements for the applicable position.

5 (4) Upon receiving such written notice from the Office of the County Attorney, the
6 Appointing Authority's coordinator will provide the list of eligible candidates to
7 the Appointing Authority for review.

8 (5) The full Appointing Authority shall formally meet to fill vacancies within thirty
9 (30) days after receipt of the slate of eligible candidates.

10 (6) The effective date of the appointment to the Oversight Board shall be the date
11 that the Appointing Authority takes formal action, by majority vote, appointing
12 the member to the Oversight Board.

13 **34.4. - 34.10. Reserved.**

14 Section 2. Chapter 34, Part II, Sections 34.11 through 34.20 of the Broward County
15 Administrative Code are hereby created to read as follows:

16 **Part II. Independent Transportation System Surtax Oversight Board.**

17 **34.11. Functions; Duties.**

18 The Independent Transportation System Surtax Oversight Board ("Oversight Board")
19 was created by Section 31½-75 of the Broward County Code of Ordinances. The purpose of
20 the Oversight Board is to provide accountability and transparency in the expenditure of
21 Transportation Surtax proceeds by confirming the statutory eligibility of all proposed
22 expenditures of Transportation Surtax proceeds under Section 212.055(1)(d), Florida
23 Statutes.

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1 **34.12. Rules of Procedure.**

2 These Rules of Procedure shall govern the manner in which the business of the
3 Oversight Board may be conducted and the manner in which the powers and duties granted
4 to and imposed upon the Oversight Board by Section 31½-71, et seq., Broward County Code
5 of Ordinances ("Surtax Ordinance"), shall be exercised and performed or delegated to its
6 officers, agents, and employees. Said business shall be conducted and said powers and
7 duties shall be exercised and performed in accordance with the provisions of the Surtax
8 Ordinance.

9 **34.13. Meetings.**

10 (a) All meetings of the Oversight Board shall be public meetings pursuant to
11 Section 286.011, Florida Statutes. Absent a statutory exemption, all records of the Oversight
12 Board are public records pursuant to Chapter 119, Florida Statutes.

13 (1) Regular Meetings. The Oversight Board shall hold regular meetings, together
14 with workshops and retreats, as needed to fulfill its duties. Such meetings
15 shall occur at the place and on the day and hour advertised by the members of
16 the Oversight Board for the purpose of transacting such business as may come
17 before the Oversight Board.

18 (2) Special Meetings. A special meeting of the Oversight Board may be held upon
19 prior call of the Chair, provided such meeting is properly advertised in
20 accordance with section 3 below. Such call shall state the purpose, place,
21 date, and time of the special meeting, and business transacted at a special
22 meeting shall be confined to the subjects expressly stated in the call.

23 (3) Notice of Meetings. The Oversight Board's coordinator shall advertise notice
24 of each meeting of the Oversight Board by posting the meeting notice, agenda,

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1 and backup materials on the Broward County website at least forty-eight (48)
2 hours prior to the scheduled meeting consistent with Section 1.07 of the
3 Broward County Charter. Notice shall be delivered by e-mail to each member
4 of the Oversight Board at least forty-eight (48) hours before the date and time
5 fixed for the meeting. In advertising meetings, appropriate action shall be taken
6 to notify the press and the public.

7 (4) Quorum. The physical presence of a majority of the total members of the
8 Oversight Board constitutes a quorum.

9 (5) Attendance Requirements.

10 a. For any calendar year in which the Oversight Board meets only on a
11 quarterly basis, an appointee may be removed by the Appointing
12 Authority if he or she has two (2) unexcused absences.

13 b. For any calendar year in which the Oversight Board meets more
14 frequently than quarterly, an appointee may be removed by the
15 Appointing Authority if he or she has three (3) consecutive unexcused
16 absences or misses four (4) properly noticed meetings because of
17 unexcused absences.

18 c. The absence of an Oversight Board member shall be deemed excused
19 under the following circumstances:

20 1. When the member is performing an authorized alternative
21 activity related to Oversight Board business that directly conflicts
22 with the properly noticed meeting;

23 2. The death of an immediate family member, defined as a spouse,
24 domestic partner, father, mother, stepparent, one who has stood

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1 in the place of a parent (in loco parentis), child, stepchild
2 domiciled in the member's household, grandparent, grandchild,
3 guardian, or custodian;

4 3. The member's hospitalization or receipt of necessary emergency
5 medical treatment at or around the time of a properly noticed
6 meeting;

7 4. When the member is summoned to and attending jury duty; or

8 5. When the member is attending a deposition, hearing, trial, or
9 other legal proceeding for which attendance is required.

10 (6) Minutes of Oversight Board meetings must be made available to the public
11 within a reasonable amount of time.

12 (b) *Officers*. The Oversight Board members shall elect a Chair and Vice-Chair.

13 The Chair shall preside at meetings of the Oversight Board. In the absence of the Chair, the
14 Vice-Chair shall preside over meetings of the Oversight Board.

15 (1) Election and Term of Officers.

16 a. The Chair and Vice-Chair elected by the Oversight Board in
17 February 2019 shall serve a two (2) year term (through
18 January 2021). For time periods thereafter, the Chair and Vice-Chair
19 shall be elected every two (2) years by the members of the Oversight
20 Board at any regular or special meeting of the Oversight Board.

21 b. Each officer shall hold office until his or her successor has been elected,
22 his or her term has ended, or the officer has been removed, whichever
23 occurs first.

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1 (2) Removal of Officers. The Oversight Board may, by majority vote of the entire
2 Oversight Board, remove any officer elected by the Oversight Board whenever
3 in its judgment the best interests of the Oversight Board will be served thereby.

4 (3) Powers and Duties of Officers. The powers and duties of each officer of the
5 Oversight Board shall be exercised personally by the officer or, under the
6 officer's supervision and control, by such officers, employees, or agents as he
7 or she may designate for that purpose.

8 (c) *Procedures*. Meetings shall be conducted pursuant to Robert's Rules of Order.
9 However, failure to comply therewith shall not affect the validity of any action taken.

10 (d) *Staffing*. The Oversight Board shall utilize the services of assigned Broward
11 County staff, where appropriate.

12 (1) The Oversight Board may not retain employees without prior approval of the
13 County Administrator.

14 (2) The general duties of Broward County employees assigned to support or assist
15 the Oversight Board, and employees of the Oversight Board (if any), shall be
16 established by the Oversight Board.

17 (3) The Oversight Board may authorize its officers, employees, assigned staff, and
18 agents to exercise such other powers and perform such other duties as shall
19 be necessary and proper in connection with those duties specifically assigned
20 to them or authorized by the Oversight Board.

21 **34.14 - 34.20. Reserved.**

22 Section 2. Severability.

23 If any portion of this Administrative Code Resolution is determined by any court to be
24 invalid, the invalid portion will be stricken, and such striking will not affect the validity of the

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