

PROPOSED

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO MEMBERSHIP OF THE INDEPENDENT TRANSPORTATION SURTAX OVERSIGHT BOARD; AMENDING SECTION 31½-75 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Section 31½-75 of the Broward County Code of Ordinances (the "Transportation Surtax Ordinance") establishes the Independent Transportation Surtax Oversight Board (the "Oversight Board"), its composition, and the qualifications of its members;

WHEREAS, the Oversight Board is composed of nine (9) members with varied experience;

WHEREAS, the category of membership designated for the Director of the Broward College Office of Supplier Relations and Diversity must be replaced because Broward College has eliminated the position; and

WHEREAS, the Broward County Board of County Commissioners has determined it is appropriate to amend Section 31½-75 of the Broward County Code of Ordinances, pertaining to membership of the Oversight Board,

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

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

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

To ensure accountability and transparency in the expenditure of Transportation Surtax proceeds, there is hereby established an independent Transportation Surtax Oversight Board ("Oversight Board"). The Oversight Board shall review and approve all proposed expenditures of Transportation Surtax proceeds to ensure consistency with the requirements of Section 212.055(1)(d), Florida Statutes. No expenditure of Transportation Surtax proceeds may be made unless such expenditure has been approved by the Oversight Board.

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

. . .

(9) ~~The Director of the Broward College Office of Supplier Relations and Diversity, or such person's designee~~ One president of a public institution of higher education with a geographic presence in Broward County, or such person's designee provided the designee has knowledge and experience in supplier relations and diversity.

. . .

(d) *Term of Oversight Board Members.* ~~The Director of the Broward College Office of Supplier Relations and Diversity shall serve for as long as he or she is employed in that position. All other~~ Oversight Board members shall serve four-year terms and may be reappointed for successive terms. Any Oversight Board member appointed to replace

an Oversight Board member who has been removed or has resigned shall serve for the balance of the term of such member.

...

(2) *Removal.*

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

...

Section 2. *Severability.*

If any portion of this Ordinance is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

Section 3. *Inclusion in the Broward County Code of Ordinances.*

It is the intention of the Board of County Commissioners that the provisions of this Ordinance become part of the Broward County Code of Ordinances as of the effective date. The sections of this Ordinance may be renumbered or relettered and the word

68 "ordinance" may be changed to "section," "article," or such other appropriate word or
69 phrase to the extent necessary in order to accomplish such intention.

70 Section 4. Effective Date.

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

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

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

By: /s/ Angela J. Wallace 01/25/2023
Angela J. Wallace (date)
Transportation Surtax General Counsel

AJW/hb
Transportation Surtax Ordinance
01/25/2023
#23-114.00

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.