



# Broward County

## Legislation Details (With Text)

**File #:** 20-143      **Version:** 1

**Status:** Agenda Ready

**In control:** PUBLIC HEARING

**On agenda:** 1/28/2020      **Final action:** 1/28/2020

**Title:** A. MOTION TO ENACT Ordinance, the title of which is as follows (continued from January 7, 2020 - Item No. 34):

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 the Board of County Commissioners)

(Per the Tuesday Morning Memorandum, in order to permit newly revised language to be considered by the Oversight Board at its January 30th meeting, the County Administrator and the County Attorney have jointly requested that the Public Hearing on this item be opened and continued to the February 11, 2020 Board Meeting.)

**ACTION:** (T-11:56 AM) The Board continued this item until Tuesday, February 11, 2020. (Refer to minutes for full discussion.)

**VOTE:** 9-0. Vice-Mayor Geller voted in the affirmative telephonically.

B. MOTION TO ADOPT Resolution Amending the Broward County Administrative Code, the title of which is as follows (continued from January 7, 2020 - Item No. 34):

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.

(Per the Tuesday Morning Memorandum, in order to permit newly revised language to be considered by the Oversight Board at its January 30th meeting, the County Administrator and the County Attorney have jointly requested that the Public Hearing on this item be opened and continued to the February 11, 2020 Board Meeting.)

**ACTION:** (T-11:56 AM) The Board continued this item until Tuesday, February 11, 2020. (Refer to minutes for full discussion.)

**VOTE:** 9-0. Vice-Mayor Geller voted in the affirmative telephonically.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Copy of Proposed Ordinance, 2. Exhibit 2 - Copy of Proposed Resolution Amending the Broward County Administrative Code, 3. Exhibit 3 - Copy of Proposed Ordinance Change requested by Commissioner Barbara Sharief, 4. Exhibit 4 - Copy of Proposed Ordinance Change requested by the Office of the County Attorney, 5. Exhibit 5 - Copy of Proposed Ordinance Change requested by the Office of the County Auditor, 6. Exhibit 6 - Additional Material Distributed at the November 5, 2019, County Commission Meeting, 7. Exhibit 7 - Copy of Proposed Ordinance Change requested by Mayor Dale V.C. Holness

Date	Ver.	Action By	Action	Result
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**Broward County Commission Regular Meeting**

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

**Information**

**Requested Action**

A. MOTION TO ENACT Ordinance, the title of which is as follows (**continued from January 7, 2020 - Item No. 34**):

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(Sponsored by the Board of County Commissioners)

*(Per the Tuesday Morning Memorandum, in order to permit newly revised language to be considered by the Oversight Board at its January 30<sup>th</sup> meeting, the County Administrator and the County Attorney have jointly requested that the Public Hearing on this item be opened and continued to the February 11, 2020 Board Meeting.)*

**ACTION: (T-11:56 AM) The Board continued this item until Tuesday, February 11, 2020. (Refer to minutes for full discussion.)**

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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.

*(Per the Tuesday Morning Memorandum, in order to permit newly revised language to be considered by the Oversight Board at its January 30<sup>th</sup> meeting, the County Administrator and the County Attorney have jointly requested that the Public Hearing on this item be opened and continued to the February 11, 2020 Board Meeting.)*

**ACTION: (T-11:56 AM) The Board continued this item until Tuesday, February 11, 2020. (Refer to minutes for full discussion.)**

**VOTE: 9-0. Vice-Mayor Geller voted in the affirmative telephonically.**

#### **Why Action is Necessary**

A. A Resolution directing the County Administrator to publish notice of public hearing to consider enactment of the Ordinance was adopted by the Board of County Commissioners at its meeting of November 5, 2019.

B. A Resolution directing the County Administrator to publish notice of public hearing to consider adoption of the Resolution Amending the Broward County Administrative Code was adopted by the Board of County Commissioners at its meeting of November 5, 2019.

#### **What Action Accomplishes**

A. Conforms the Ordinance to various substantive provisions and processes established, including pursuant to later-developed agreements with the MPO and municipalities.

B. Codifies procedures including those established by the Transportation Surtax Appointing Authority and Oversight Board.

#### **Is this Action Goal Related**

No

#### **Previous Action Taken**

#### **Summary Explanation/Background**

On May 7, 2019 (Item No. 70, Motion A), the Board directed the Office of the County Attorney to draft an Ordinance amending Section 31½-71, et seq., of the Broward County Code of Ordinances (Transportation Surtax Ordinance) to conform it to various substantive provisions and processes established pursuant to later-developed agreements with the Broward Metropolitan Planning Organization and the municipalities. The proposed revisions to the Transportation Surtax Ordinance prescribe the processes for: 1) submitting applications for funding; 2) review by the Independent Transportation Surtax Oversight Board of proposed projects and proposed expenditures; and 3)

consideration for funding by the County Commission.

On May 7, 2019 (Item No. 70, Motion B), the Board also directed the Office of the County Attorney to draft an Administrative Code Resolution to codify certain procedures of the Transportation Surtax Appointing Authority and the Oversight Board. The Appointing Authority and the Oversight Board each established procedures for their respective operations, which procedures are included in the proposed Administrative Code Resolution.

On December 3, 2019, the Office of the County Attorney requested that the public hearing be continued until January 7, 2020, to address certain concerns with the draft Ordinance (and certain proposed amendments thereto) raised by the Oversight Board and by representatives of the Broward League of Cities. Because the County Administrator and the County Attorney were unable to meet with the Oversight Board Chair or Broward League of Cities' representatives during the Board's recess, on January 7, 2020, at the joint request of the County Administrator and the County Attorney, the public hearing was continued until January 28, 2020, to provide time for them to meet with these individuals regarding their stated concerns in the hope they could be resolved or substantially narrowed.

The County Administrator and the County Attorney met with the Chair of the Oversight Board on January 10, 2020, and with representatives of the Broward League of Cities on January 13, 2020 (Commissioner Furr also attended this meeting). Additionally, on January 14, 2020, the County Attorney and the Transportation Surtax General Counsel discussed with representatives of the City of Sunrise comments submitted by that city. As of the agenda print deadline, the above-referenced individuals are continuing to discuss the remaining, narrowed points of disagreement. Following the conclusion of these discussions, certain revised proposed amendments, in a format designed to facilitate the Board's efficient consideration of the draft Ordinance, will be submitted as Additional Material.

The Chair of the Oversight Board has asked that the full Oversight Board be given the opportunity to consider the proposed provisions. The next Oversight Board meeting is scheduled for January 30, 2020. Accordingly, unless a special meeting can be set prior to the Board's January 28 meeting, the County Administrator and the County Attorney will likely request one final continuance of the public hearing until the Board's February 11, 2020, meeting.

Exhibits 1-6 were previously distributed with the agenda item. Exhibit 7 is a proposed amendment submitted by Mayor Holness.

### **Source of Additional Information**

Angela J. Wallace, Transportation Surtax General Counsel, (954) 357-7600

### **Fiscal Impact**

#### **Fiscal Impact/Cost Summary**

Per the Office of Management and Budget, the estimated impact on the budget does not exceed the threshold required for a Fiscal Impact Statement.