



Broward County

Legislation Details (With Text)

File #: 20-982 **Version:** 1

Status: Agenda Ready

In control: County Commission

On agenda: 5/19/2020 **Final action:** 5/19/2020

Title: MOTION TO DISCUSS ways of resolving potential conflict of interest concerns relating to certain agreements between the Broward Metropolitan Planning Organization and municipalities.
(Commissioner Furr)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Language from the Fort Lauderdale Agreement with the MPO, 2. Exhibit 2 - May 1, 2020 Letter from County Administrator to Broward MPO Executive Director, 3. Exhibit 3 - April 13, 2020 Advisory Memorandum from County Auditor to County Administrator, 4. Exhibit 4 - April 7, 2020 Letter from Broward MPO Executive Director to County Administrator, 5. Additional Material - Information

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

Director's Name: Beam Furr
Department: County Commission

Information

Requested Action

MOTION TO DISCUSS ways of resolving potential conflict of interest concerns relating to certain agreements between the Broward Metropolitan Planning Organization and municipalities.
(Commissioner Furr)

Why Action is Necessary

Motion is required to allow for Board discussion.

What Action Accomplishes

Permits the above-referenced discussion.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

As part of its relationship with the County, the Broward Metropolitan Planning Organization ("MPO") is tasked with prioritizing municipalities' applications for Transportation Surtax funding for construction projects. Broward County has learned that the MPO also has agreements with various municipalities

to provide assistance with transportation project planning and the development of grant applications, which might involve municipal applications for surtax funding. An example of the language determined by staff to be problematic is attached as Exhibit 1.

In an effort to limit potential conflicts of interest, the template being finalized for surtax-funded, project-specific agreements between Broward County and municipalities prohibits a municipality from, among other things, contracting “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” with any entity that has any role or responsibility in the review, approval, or ranking of Surtax-Funded Projects.” As multiple municipalities have contracts with the MPO to provide some of these itemized services, municipalities that are parties to such contracts could not enter into a project-specific funding agreement with the County without being in breach of the conflict language.

This item will permit the Board to discuss how to resolve this issue to ensure municipal surtax-funded capital projects can proceed based on the prioritization provided by the MPO.

The positions of the County Administrator, County Auditor, and MPO are spelled out in Exhibits 2-4.

In summary, the County Administrator and County Auditor both assert that, at a minimum, the MPO’s development of grant applications on behalf of municipalities for Transportation Surtax projects where the MPO is involved in the prioritization of those applications creates an actual or apparent conflict of interest.

In summary, the MPO’s perspective is that it was never told it would be prohibited from performing planning, grant writing, monitoring, and reporting services to municipalities on Transportation Surtax projects when it agreed to participate in the Transportation Surtax ranking process. The MPO is further concerned that the language would preclude the MPO from assisting in securing additional state and federal transportation funding and grants for Transportation Surtax projects.

Source of Additional Information

Clay Miller, County Commission Aide, District 6, 954-357-7006

Fiscal Impact

Fiscal Impact/Cost Summary

N/A