



# Broward County

## Legislation Text

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File #: 20-263, Version: 1

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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 28, 2020 - Item No. 39)**:

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)

***ACTION: (T-10:59 AM) Filed proof of publication and enacted the Ordinance to become effective as provided by law with Purple-Sheeted Additional Material, 33, submitted at the request of the County Attorney; 33(2) submitted at the request of Commissioner Ryan; and 33 (3) submitted at the request of County Administration, dated February 11, 2020. (Refer to minutes for full discussion.)***

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

B. MOTION TO ADOPT Resolution No. 2020-058 Amending the Broward County Administrative Code, the title of which is as follows **(continued from January 28, 2020 - Item No. 39)**:

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.

***ACTION: (T-10:59 AM) Filed proof of publication and enacted the Ordinance to become effective as provided by law with Purple-Sheeted Additional Material, 33, submitted at the request of the County Attorney; 33(2) submitted at the request of Commissioner Ryan; and 33 (3) submitted at the request of County Administration, dated February 11, 2020. (Refer to minutes for full discussion.)***

***VOTE: 9-0. Commissioner Sharief and 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.

The public hearing on this item was initially set for December 3, 2019. It has been continued several times to allow for meetings to occur in an effort to address concerns raised by the Oversight Board, representatives of the Broward League of Cities, and the City of Sunrise. Proposed amendments developed in coordination with Commissioner Furr, the County Administrator, and the County Auditor will be considered by the Oversight Board on January 30, 2020. Most of the concerns raised by the Broward League of Cities and the City of Sunrise have been addressed; the Office of the County Attorney is continuing to work with them to resolve or narrow their remaining concerns.

It is anticipated that a new, standalone draft, sponsored by Commissioner Furr and tracking all changes from the current Code of Ordinances, will be distributed before individual Commissioner briefings. The draft is being withheld pending the referenced Oversight Board meeting and some limited remaining discussions with municipal stakeholders. A memorandum from this Office will accompany that draft to identify any concerns raised by the Oversight Board, Broward League of Cities, or the City of Sunrise that we have been unable to resolve.

#### **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.