

PROPOSED

RESOLUTION NO.

1 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO TREE PRESERVATION TRUST FUND (“TRUST
3 FUND”) AND BUILDING CODE SERVICES AGREEMENTS; AMENDING PART XXXVIII
4 OF CHAPTER 31 OF THE BROWARD COUNTY ADMINISTRATIVE CODE
5 (“ADMINISTRATIVE CODE”) PROVIDING FOR THE COUNTY ADMINISTRATOR’S
6 EXECUTION OF CERTAIN FORM TRUST FUND AGREEMENTS; CREATING
7 PART XLIII, SECTION 31.123, PROVIDING FOR THE COUNTY ADMINISTRATOR’S
8 EXECUTION OF FORM BUILDING CODE SERVICES AGREEMENTS; AND
9 PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND
10 AN EFFECTIVE DATE.

11
12 WHEREAS, Broward County maintains a Tree Preservation Trust Fund (“Trust
13 Fund”) for the purpose of accepting and disbursing the contributions made to the Board
14 of County Commissioners (“County Commission”) as part of tree removal licenses and
15 any other monies deposited with the Public Works and Environmental Services
16 Department (“PWESD”) for tree preservation purposes;

17 WHEREAS, pursuant to Section 27-413 of the Broward County Code of
18 Ordinances, monies within the Trust Fund shall be expended for the cost of tree planting
19 projects on lands and other approved expenses that meet specified criteria;

20 WHEREAS, Section 31.99 of the Broward County Administrative Code allows the
21 PWESD Director to approve the expenditure of Trust Fund monies up to \$5,000 and up
22 to \$20,000 if the expenditure is for PWESD projects;

23 WHEREAS, the PWESD includes a Building Code Division (“BCD”), which
24 conducts building official, plan review, permit inspections, code enforcement, and other
25 services relating to the Florida Building Code;

26 WHEREAS, the County has entered into various interlocal agreements with
27 municipalities for the provision of BCD services, including building, zoning, code
28 enforcement, and the Broward County Unsafe Structures Board (“BCD Interlocal
29 Agreements”); and

30 WHEREAS, the County Commission deems it to be in the best interest of the
31 residents of Broward County to delegate authority to the County Administrator to approve
32 agreements for Trust Fund monies not exceeding \$20,000, when such monies are not for
33 PWESD projects, or for certain cost reimbursements not exceeding \$5,000, and to enter
34 into BCD Interlocal Agreements with municipalities, with the form of all such agreements
35 having been reviewed and approved as to legal sufficiency by the County Attorney’s
36 Office prior to execution, NOW, THEREFORE,

37 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
38 BROWARD COUNTY, FLORIDA:

39 Section 1. Section 31.98 of Part XXXVIII of the Broward County Administrative
40 Code is hereby amended to read as follows:

41 **31.98. Creation of the Tree Preservation Trust Fund Committee.**

42 . . .

43 b. The members of the Committee shall consist of representatives from the
44 following County ~~ageneies~~ divisions:

45 1. Parks and Recreation Division;

46 2. ~~Public Works and Environmental Services Department ("PWESD").~~
47 Environmental Permitting Division; and

48 3. ~~Department of Public Works~~ Natural Resources Division.

49 . . .

50 e. The Committee may consider: (i) preliminary project proposals and give
51 conceptual approval prior to the preparation of detailed landscape plans; (ii) tree planting
52 project proposals, which may include a sculptural or artistic element, that are supported
53 by the Public Works and Environmental Services Department ("PWESD") and that are
54 located on private or public lands; and (iii) project proposals for maintenance expenses,
55 including maintenance equipment and vehicles, used to encourage the growth of the tree
56 canopy for existing trees located on sites operated by the Broward County Parks and
57 Recreation Division and planted pursuant to a distribution made from the Broward County
58 Tree Preservation Trust Fund ("Trust Fund").

59 . . .

60 Section 2. Section 31.99 of Part XXXVIII of the Broward County Administrative
61 Code is hereby amended to read as follows:

62 **31.99. Disbursement from the Tree Preservation Trust Fund.**

63 . . .

- 64 c. Expenditures Requiring Committee Review:
- 65 1. Upon receipt of a written request submitted pursuant to Section 31.99.a. for
- 66 a Trust Fund expenditure described under Sections 27-413(d)(1) through
- 67 (6) of the Broward County Code of Ordinances or an Administrative Request
- 68 submitted pursuant to Section ~~31.487.b.~~ 31.99.b. (collectively referred to as
- 69 a “request”), PWESD will place the request on the next Committee meeting
- 70 agenda, together with all required plans, specifications, and cost estimates
- 71 relative to the project.
- 72 . . .
- 73 3. If the recommendation of the Committee involves a disbursement that is
- 74 greater than \$20,000-00, the recommendation shall require approval by the
- 75 Board of County Commissioners (“Board”), and the recommendation of the
- 76 Committee shall be considered by the Board at the next available Board
- 77 meeting.
- 78 d. Expenditures Exempt from Committee Review:
- 79 1. Upon receipt of a written request submitted pursuant to Section 31.99.a.
- 80 for a ~~Trust~~ Fund expenditure described under Section 27-413(d)(7) of the
- 81 Broward County Code of Ordinances (“Cost Reimbursement Request”),
- 82 PWESD will place the Cost Reimbursement Request before the ~~PWESD~~
- 83 ~~Director~~ authorized approval authority herein, together with all itemized
- 84 invoices and cost estimates relative to the Cost Reimbursement Request.
- 85 The PWESD Director ~~shall be~~ is authorized to approve the Cost
- 86 Reimbursement Requests ~~so long as the Cost Reimbursement Request~~

87 ~~does~~ that do not exceed \$5,000-00. If the Cost Reimbursement Request
88 involves a disbursement greater than \$5,000-00, approval by the Board is
89 required. The PWESD Director shall make a recommendation to the
90 Board, ~~and the~~ Recommendations that require Board approval shall be
91 considered by the Board at the next available Board meeting.

92 2. Upon receipt of a written request submitted pursuant to Section ~~31.187.a.~~
93 31.99.a. for a ~~Trust~~ Fund expenditure described under
94 Section 27-413(d)(8) of the Broward County Code of Ordinances
95 ("Department Request"), PWESD will place the Department Request
96 before the PWESD Director, together with all required plans,
97 specifications, and cost estimates relative to the project. The PWESD
98 Director shall be authorized to approve the Department Request so long
99 as the Department Request does not exceed \$20,000-00. If the
100 Department Request involves a disbursement that is greater than
101 \$20,000-00, approval by the Board is required. The PWESD Director shall
102 make a recommendation to the Board ~~and the~~ if the Cost Reimbursement
103 Request involves a disbursement that is greater than \$20,000.
104 Recommendations that require Board approval shall be considered by the
105 Board at the next available Board meeting.

106 e. Upon approval of an applicant's request, a Cost Reimbursement Request,
107 or a Department Request, the appropriate documents shall be forwarded to the
108 Purchasing Division for processing, ~~that may include procurement, in accordance with~~
109 if required by County policies, procedures, and regulations. In the event that the

110 applicant is not a Broward County agency, prior to the disbursement of any funds from the
111 Trust Fund, the County and the applicant shall enter into an agreement governing the
112 disbursement of funds for the project. The PWESD Director shall have the authority to
113 determine the disbursement method and timing of any monies from the Trust Fund in
114 connection with funding the projects described in Section 27-413(d)(4) of the Broward
115 County Code of Ordinances, within the Broward Municipal Services District. For the
116 funding of other projects requiring an agreement, the PWESD Director is authorized to
117 execute agreements to disburse amounts that do not exceed \$5,000. The County
118 Administrator is authorized to execute agreements to disburse amounts that are greater
119 than \$5,000 and that do not exceed \$20,000, and agreements requiring Board approval
120 may be executed pursuant to Section 18.46 of the Broward County Administrative Code
121 or as otherwise authorized by the Board. All agreements shall be in a form reviewed
122 and approved as to legal sufficiency by the County Attorney's Office prior to execution.

123 Section 3. Chapter 31 of the Broward County Administrative Code is hereby
124 amended to create Part XLIII to read as follows:

125 [Underlining omitted]

126 **PART XLIII. BUILDING AND ZONING SERVICES**

127 **31.123. Interlocal Agreements for Building and Zoning Services.**

128 a. The County Administrator is authorized to execute interlocal agreements
129 with municipalities within Broward County for the provision of one (1) or more of the
130 following services, to be performed by the Building Code Division or its successor agency:

- 131 1. Building Full Service Permit Counter;
- 132 2. Building Guaranteed Partial Service;

- 133 3. Building Nonguaranteed Partial Service;
134 4. Unsafe Structures Board; and
135 5. Zoning Plan Review and Enforcement.

136 b. Where applicable, the interlocal agreement shall establish the hourly rates
137 for services to be provided by the Building Code Division, including authority for annual
138 adjustments to address increases or decreases in operating and labor costs, natural
139 disasters, and other unforeseen events and circumstances.

140 c. Interlocal agreements shall be in a form reviewed and approved as to legal
141 sufficiency by the County Attorney's Office prior to execution.

142 Section 4. Severability.

143 If any portion of this Administrative Code Resolution is determined by any court to
144 be invalid, the invalid portion will be stricken, and such striking will not affect the validity
145 of the remainder of this Administrative Code Resolution. If any court determines that this
146 Administrative Code Resolution, in whole or in part, cannot be legally applied to any
147 individual, group, entity, property, or circumstance, such determination will not affect the
148 applicability of this Administrative Code Resolution to any other individual, group, entity,
149 property, or circumstance.

150 Section 5. Inclusion in the Broward County Administrative Code.

151 It is the intention of the Board of County Commissioners that the provisions of this
152 Administrative Code Resolution become part of the Broward County Administrative Code
153 as of the effective date. The sections of this Administrative Code Resolution may be
154 renumbered or relettered and the word "resolution" may be changed to "section," "article,"

