

ORDINANCE NO. 2009-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE "BICYCLING ADVISORY COMMITTEE TRUST FUND"; AMENDING CHAPTER 1 OF THE BROWARD COUNTY CODE OF ORDINANCES, "ADMINISTRATION"; AMENDING ARTICLE XXIX, "BICYCLING ADVISORY COMMITTEE TRUST FUND," SECTIONS 1-511 THROUGH 1-514, PROVIDING FOR ESTABLISHMENT OF FUND, THE ACCEPTANCE OF GIFTS, AND DISBURSEMENT OF FUNDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

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

Section 1. Article XXIX, "Bicycling Advisory Committee Trust Fund," is hereby amended to read as follows:

ARTICLE XXIX. BICYCLING AND PEDESTRIAN ADVISORY
COMMITTEE TRUST FUND

Sec. 1-511. Establishment of trust fund account.

There is hereby created a Broward County Bicycling and Pedestrian Advisory Committee Trust Fund Account for the purpose of accepting and disbursing gifts, grants, and awards of money made to Broward County to promote and improve the use of bicycles, ~~and bikeways,~~ and pedestrian facilities in Broward County.

Sec. 1-512. Terms of existence.

(~~1~~) (a) All gifts, grants, and awards of money received hereunder from either public or private source shall be placed in trust for and inure to the use and benefit of

1 Broward County to promote, expand, and improve bikeways, and bike ridership,
2 walking, and pedestrian facilities throughout Broward County.

3 ~~(2)~~ (b) The Bicycling and Pedestrian Advisory Committee Trust Fund Account
4 shall be a separate account maintained apart from the general revenue fund and
5 accounts of Broward County and shall be self-perpetuating from year to year until it is
6 abolished by the Board of County Commissioners of Broward County.

7 ~~(3)~~ (c) Funds not expended at the close of any fiscal year shall be carried forward
8 into the next year.

9 ~~(4)~~ (d) All gifts, grants, and awards accepted hereunder shall be delivered to the
10 Broward County Director of Finance and Administrative Services for deposit in the trust
11 fund account.

12 **Sec. 1-513. Acceptance of gifts, grants, and awards.**

13 The Broward County Bicycling and Pedestrian Advisory Committee may accept
14 gifts, grants, and awards made payable to the Bicycling and Pedestrian Advisory
15 Committee Trust Fund Account, except that any gift, grant, or award that is subject to
16 one (1) or more conditions or that is nonmonetary may be accepted only with the
17 approval of the Board of County Commissioners of Broward County.

18 **Sec. 1-514. Disbursement of trust funds.**

19 (1) Every expenditure from the ~~b~~Bicycling and Pedestrian ~~a~~Advisory
20 ~~e~~Committee ~~t~~Trust ~~f~~Fund ~~a~~Account shall be authorized by resolution passed by a
21 majority vote of the voting members of the ~~b~~Bicycling and Pedestrian ~~a~~Advisory
22 ~~e~~Committee.

23 (2) Every expenditure from the ~~b~~Bicycling and Pedestrian ~~a~~Advisory
24 ~~e~~Committee ~~t~~Trust ~~f~~Fund ~~a~~Account for the purpose of construction or installation ~~[of]~~ any

1 physical improvements, including but not limited to the installation of signs or new
2 bikeways, ~~or the improvement of existing bikeways,~~ or the installation or improvement of
3 pedestrian facilities, shall require the approval of the Board of County Commissioners of
4 Broward County.

5 (3) Any gift, grant, or award deposited into the ~~b~~Bicycling and Pedestrian
6 ~~a~~Advisory ~~e~~Committee ~~t~~Trust ~~f~~Fund ~~a~~Account that is subject to one (1) or more
7 conditions shall be expended strictly in accordance with such conditions.

8 (4) Every expenditure from the ~~b~~Bicycling and Pedestrian ~~a~~Advisory
9 ~~e~~Committee ~~t~~Trust ~~f~~Fund ~~a~~Account in excess of one thousand dollars (\$1,000.00) not
10 subject to the Broward County Procurement Code shall require the approval of the
11 Board of County Commissioners of Broward County.

12 (5) Every expenditure from the ~~b~~Bicycling and Pedestrian ~~a~~Advisory
13 ~~e~~Committee ~~t~~Trust ~~f~~Fund ~~a~~Account shall be for a public purpose.

14 Section 2. SEVERABILITY.

15 If any portion of this Ordinance is determined by any Court to be invalid, the
16 invalid portion shall be stricken, and such striking shall not affect the validity of the
17 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
18 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
19 or circumstance(s), such determination shall not affect the applicability hereof to any
20 other individual, group, entity, property, or circumstance.

21 Section 3. INCLUSION IN CODE.

22 It is the intention of the Board of County Commissioners that the provisions of
23 this Ordinance shall become and be made a part of the Broward County Code; and that
24 the sections of this Ordinance may be renumbered or re-lettered and the word

1 "ordinance" may be changed to "section," "article," or such other appropriate word or
2 phrase in order to accomplish such intentions.

3 Section 4. EFFECTIVE DATE.

4 This Ordinance shall become effective as provided by law.

5 ENACTED

6 FILED WITH THE DEPARTMENT OF STATE

7 EFFECTIVE

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Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.