

ITEM #80

(Language previously distributed as additional material under Item #6 on the May 24, 2016, public hearing by Commissioner Ryan)

ADDITIONAL MATERIAL 10:00 A.M. REGULAR MEETING

MARCH 20, 2018

SUBMITTED AT THE REQUEST OF

COMMISSIONER TIM RYAN

1 Section 6. Section 31½-75 of the Broward County Code of Ordinances is
2 hereby created to read as follows:

3 **Sec. 31½-75. Transportation Surtax Oversight Board.**

4 To ensure accountability, objectivity, and transparency in the ~~distribution and~~
5 expenditure of Transportation Surtax proceeds, there is hereby established an
6 independent Transportation Surtax Oversight Board (the "Oversight Board") to review
7 and approve proposed transportation projects funded, in whole or part, with
8 Transportation Surtax proceeds, for consistency with the requirements of Section
9 212.055(1), Florida Statutes, ~~and any applicable interlocal agreements~~. Transportation
10 projects shall be funded with Transportation Surtax proceeds as approved by the
11 ~~Transportation Surtax Oversight Board~~.

12 (a) Composition. The Oversight Board shall be comprised of the following
13 nine (9) members: one (1) professional in each of the following fields: accounting,
14 finance, land use or urban planner, law, engineering or construction management,
15 architecture, and environmental science; one former elected official; and one former city
16 or county manager. None of the members shall, at any time during their term, be an
17 elected official or have an employment or contractual relationship with, or be employed
18 by any entity that has a contractual relationship with, Broward County. The following
19 five (5) persons (collectively, the "Appointing Authority"), none of whom may be a
20 current elected official, shall, based on procedures established by majority vote, make
21 nominations for members and shall, also by majority vote, appoint members on or
22 before May 1, 2017 (any designee may be removed and replaced at any time by the
23 designor):

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

1 1. The Secretary of the Florida Department of Transportation, District
2 4, or an employee of District 4 designated by the Secretary;

3 2. The designee of the Broward Workshop;

4 3. The designee of the Broward County Council of Chambers (of
5 Commerce);

6 4. The Broward County Auditor, or the Auditor's designee; and

7 5. The Director of the Florida Atlantic University Center for
8 Environmental Studies, or such person's designee.

9 **(b) Term of Oversight Board Members.** Oversight Board members shall serve
10 four-year terms and may be reappointed for successive terms. Members may be
11 removed for good cause determined by supermajority vote of the Appointing Authority,
12 and may be removed by a majority vote of the Appointing Authority if the member no
13 longer meets the qualifications for membership. Any member appointed to replace a
14 member who has been removed or who resigns shall serve for the balance of the term
15 of such member. The Appointing Authority shall meet as required to appoint or remove
16 members.

17 **(c) Oversight Board Meetings.** The Oversight Board shall meet quarterly.
18 The members shall elect a chairperson to preside over meetings. The Oversight Board
19 shall establish its own rules of procedure for conducting its meetings.

20 **(d) Staffing.** Broward County shall provide sufficient staff to enable the
21 Oversight Board to efficiently perform its functions, and shall retain such consultants as
22 the Oversight Board determines necessary to perform its responsibilities.

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1 (e) Approval of Projects. All applications for projects funded by
2 Transportation Surtax proceeds shall be submitted to the Oversight Board, which shall
3 determine whether the project, as described in the project application, is permissible
4 under Section 212.055(1)(d)(4). If the Oversight Board determines that it is permissible,
5 the Oversight Board shall approve the project and shall send written notice thereof to
6 Broward County Administrator. If an approved project is only partially fundable with
7 Transportation Surtax proceeds pursuant to Section 212.055(1)(d)(4), the Oversight
8 Board's written approval shall identify those portions of the project fundable with
9 Transportation Surtax proceeds and shall state the total dollar value of those portions.
10 The written notice of approval may contain recommendations made by the Oversight
11 Board regarding best practices or other methods that may be employed to improve the
12 project. If the Oversight Board determines that a proposed project is not permissible
13 under Section 212.055(1)(d)(4), Florida Statutes, the Oversight Board shall reject the
14 project and shall, in writing, specify the reasons why the project was rejected. Rejected
15 projects may be modified and resubmitted for subsequent consideration by the
16 Oversight Board. The Oversight Board shall issue its written notice of project approval
17 or rejection within one hundred twenty (120) days of its receipt of a completed project
18 application.

19 (f) Project Oversight. All approved projects shall be subject to the Oversight
20 Board's review, critique, and analysis for the duration of the project. The Oversight
21 Board shall issue annual reports on the performance of ongoing projects and shall
22 provide recommendations for any proposed performance improvements.

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1 (f)(g) Annual Audits. Broward County shall retain an independent certified
2 public accountant to perform and complete an annual audit of all projects approved by
3 the Oversight Board and of all Transportation Surtax proceeds received, maintained,
4 and expended.

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