

Item # 64

ADDITIONAL MATERIAL

Public Hearing


JUNE 5, 2018

SUBMITTED AT THE REQUEST OF

**OFFICE of the COUNTY
ATTORNEY**

MEMORANDUM

TO: Board of County Commissioners

FROM: Andrew J. Meyers, County Attorney 

DATE: May 29, 2018

RE: **Proposed Amendments to the Transportation Surtax Ordinance
Item No. 64 on the June 5, 2018, Public Hearing Agenda
CAO File: 18-026**

On May 22, 2018, the Board set a public hearing to consider this proposed ordinance inclusive of two amendments. In connection with inserting those amendments into the proposed ordinance, our Office again comprehensively reviewed the draft ordinance. As a result of that review, we recommend the following clarifying changes:

1. Paragraph (b) on page 5, lines 4 - 10. As currently drafted, employees of "recipients" of surtax proceeds cannot be members of the Oversight Board. However, the Oversight Board considers "applications" for surtax funding. To avoid the appearance of a conflict at the time an application is pending, we recommend changing the applicable language to read as follows:

(b) Other Qualifications. No member of the Oversight Board shall, at any time during his or her term, (i) be an elected official; (ii) have an employment or contractual relationship with, or be employed by any entity that has a contractual relationship with, Broward County; or (iii) be employed by any recipient of Transportation Surtax proceeds or any entity that has submitted or intends to submit an application for Transportation Surtax proceeds funding during the current, prior, or next fiscal year (including, but not limited to, the receipt of such proceeds any receipt of funding or application submitted by municipalities within Broward County and or by the Broward Metropolitan Planning Organization ("Broward MPO")).

2. Paragraph (h) on page 7, lines 1 - 10. We recommend simplifying this section to clarify that any municipality or the Broward MPO may submit an application (including, for example, for joint projects):

(h) Applications for Funding. ~~If a~~Any municipality within Broward County or the Broward MPO ~~wishes to receive Transportation Surtax proceeds to expend on any statutorily permissible project, such entity~~ may submit an application for project funding to the Board of County Commissioners of Broward County ("County Commission") for the County Commission's initial consideration....

3. Paragraph (k) on page 9, lines 8 - 13. This proposed change clarifies that the project audit requirement is triggered by project funding instead of Oversight Board approval:

(k) Annual Audits. The Oversight Board shall retain an independent certified public accountant to perform and complete annual audits of all projects ~~approved by the Oversight Board funded with Transportation Surtax proceeds~~ and of all Transportation Surtax proceeds received, maintained, and expended. The audit results shall be submitted to the Oversight Board and to the Broward County Administrator by no later than ninety (90) days after the end of each calendar year during which any Transportation Surtax proceeds are expended.

Please let us know if you have any questions or concerns regarding these recommended changes.

AJM/hb

c: Bertha Henry, County Administrator
Bob Melton, County Auditor
Angela Wallace, Deputy County Attorney
René Harrod, Deputy County Attorney