



BOARD OF COUNTY COMMISSIONERS

A large, stylized sunburst graphic on the left side of the page. It consists of a central dark blue circle surrounded by several yellow, brush-stroke-like rays of varying lengths and directions, extending from the left edge towards the center and right.

2010 FEDERAL LEGISLATIVE PROGRAM

111th Congress
2nd Session

BOARD OF COUNTY COMMISSIONERS



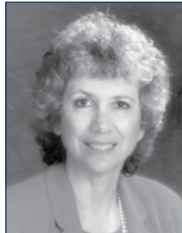
Ilene Lieberman
District 1



Lois Wexler
District 5



Kristin D. Jacobs
District 2



Vice Mayor Sue Gunzburger
District 6



Stacy Ritter
District 3



John E. Rodstrom, Jr.
District 7



Mayor Ken Keechl
District 4



Diana Wasserman-Rubin
District 8



Albert C. Jones
District 9



POLICY STATEMENTS

AIR QUALITY

Clean air is an essential natural resource that is important to public health, our environment, and our economy. Poor air quality can adversely affect public health, the environment, business, property, and tourism. **The Broward County Board of County Commissioners supports** legislation that reduces air pollutants such as ozone, nitrogen oxides, sulfur dioxide, fine particles, and mercury resulting in decreased health impacts such as chronic respiratory ailments, asthma, cardiovascular disease, and premature mortality. **The County supports** strong air quality policies and strict adherence to the intent and spirit of the Clean Air Act, especially legislation or other initiatives to promote clean fuel alternatives, encourage more stringent vehicle emission standards, reduction in vehicle miles traveled, expansion of public transit ridership, integration of land use planning and development with transportation, measures to minimize climate change producing pollutants, and clean energy sources and energy conservation. The County concurs with the Environmental Protection Agency's endangerment finding for emissions of greenhouse gases and supports Clean Air Act authority in addressing global climate change absent the creation of a comprehensive climate change program by Congress. The County supports increased Federal funding necessary to address critically important air quality issues and to support outreach and compliance programs for new regulatory initiatives.

The Broward County Board of County Commissioners opposes any weakening of established Federal and State air quality standards including the reinterpretation or any modifications to Clean Air Act regulations and programs, or a decrease in current funding that would undermine implementation of current air quality laws.

ARTS FUNDING

It is the responsibility of the Federal Government to help make the arts accessible to benefit the social, economic and cultural well-being of the American people. Public support of the arts and humanities is dependent upon the development of a cultural infrastructure at all levels of government. **The Board supports** funding of cultural arts programs.

BEACHES

Florida's beaches are a critical part of the State's travel and tourism industry, creating jobs and local, state, and federal tax revenues. Beaches are also the first line of defense against hurricane and storm surge threats to life and property. U.S. Army Corps of Engineers' studies confirm that healthy beaches reduce flood damage to coastal properties, resulting in a reduction in Federal disaster rehabilitation payouts. The Florida Department of Environmental Protection estimates that more than one-third of Florida's 787 miles of beaches are in a state of critical erosion. With the prospect of accelerated sea level rise due to global climate change, it is vital that adaptation measures include restoring and enhancing beaches to protect properties and infrastructure, to maintain property values, and to provide revenues to local, state, and federal governments. **The Board supports** a dedicated source of federal funding for the nation's valuable beaches in order to protect and maintain these essential elements that are vital to our environmental and economic infrastructure.

Beach nourishment and shore protection programs continue to occupy a low priority for funding by the Executive Branch of the Federal Government. Additionally, Congress has impeded funding for reimbursable projects in general and for reimbursable beach nourishment projects in particular. Because Broward County's beach projects are historically reimbursable, there is concern that federal funding for current and future Broward projects may be in jeopardy. **The Board opposes** restrictions on reimbursements for beach nourishment projects for which funds have been appropriated, and supports the inclusion in law of provisions which standardize the budgetary process for reimbursable projects and streamline the process of reimbursing the local sponsor.

Future implementation of the County's Beach Management Plan may include acquisition of aragonite sand or other non-domestic beach-quality material due to diminishing local offshore sand supplies and heightened restrictions on dredging near coral reefs. Current law severely restricts federal financial participation in projects which utilize non-domestic sand. The Board supports lifting the statutory restrictions on the use of federal funds for the acquisition of Bahamian or other non-domestic sand for beach nourishment where such material is approved by the originating country, is economical and is environmentally feasible.

The Board urges Congress and the Administration to:

- Recognize and acknowledge the high value of beaches and the need to replenish beaches when necessary, particularly in the context of adaptation to accelerated rates of sea level rise;
- Streamline and simplify the confusing and conflicting regulatory requirements that stem from overlapping jurisdictions of Federal agencies in the coastal zone; and
- Apportion costs among the Federal Government and other beach nourishment project participants consistent with the actual economic and environmental benefits that beaches provide to those participants.

CIVIL RIGHTS

The Board supports full implementation of existing federal civil rights laws that protect persons against discrimination on the basis of race, color, religion, sex, national origin, age and disability. In addition, the **Board supports and urges** the enactment of federal legislation that prohibits discrimination on the basis of gender identity and expression, and sexual orientation.

CLIMATE CHANGE

The Board has long recognized that climate change is a real and critical issue for the State of Florida and Broward County and that a warming climate poses significant environmental, public health, and economic threats to Florida through sea level rise, increased hurricanes, extreme summer temperatures, and impacts to water resources and supplies. Additionally, the Board recognizes the particular vulnerability of Broward County's beaches, reefs, coastal communities, Everglades, and potable wellfields and that urgent action is necessary for South Florida to begin to mitigate the causes of and adapt to the consequences of climate change.

In recognition of the value of collaboration and joint advocacy, and in recognition of the fact that Florida is considered to be one of the most vulnerable areas of the country to climate change

impacts and Southeast Florida in particular is at the forefront to experience significant impacts, on October 23, 2009 in conjunction with neighboring counties of Palm Beach, Miami-Dade and Monroe Counties, Broward County hosted the first ever Southeast Florida Regional Climate Leadership Summit. Subsequent to the Summit, representatives of the four counties, inclusive of 5.5 million residents and 111 municipalities, agreed to support the Southeast Florida Regional Climate Change COMPACT that calls for the counties to develop joint policy positions on federal and state climate issues, and to collaborate on developing a joint planning process to address mitigation and adaptation strategies on a regional scale.

The Board supports federal legislation that reduces Greenhouse Gas (GHG) emissions to 80 percent below current levels by 2050 in order to stabilize global climate systems, and funding for local governments to develop and implement regional strategic planning initiatives with particular emphasis on issues of water supply, drainage and flood control, land use and the build environment, and mitigation activities in the transportation sector.

The Board urges Congress and the Administration to enact comprehensive climate change legislation that includes stringent mitigation strategies to reduce GHG emissions while also recognizing that adaptation strategies are fundamental to comprehensive climate planning and to adequately fund programs that reduce GHG emissions; promote energy efficiency and conservation; support energy independence; encourage the development and use of renewable energy resources; and address adaptation planning and implementation strategies.

Additionally, the Board supports

- Effective national Cap-and-Trade legislation that supports local government climate actions, including local government strategic planning efforts with special attention to areas most vulnerable to the impacts of climate change.
- Risk-based funding, grants, and other local programs that address areas of unique vulnerability to the impacts of climate change, such as Southeast Florida.
- Creation of a designation of areas that are recognized as uniquely vulnerable to the impacts of global climate change, and of specific national interest, for the purpose of focusing enhanced levels of federal participation in regional adaptation projects.
- Full funding for the Energy Efficiency and Conservation Block Grant Program and the expansion of the program to assist local governments with regional authority to develop collaborative regional planning initiatives.
- Full funding for the U.S. Department of Energy to fund programs such as the Clean Cities Program, and making such funds available to local governments.
- Full funding for the U.S. Environmental Protection Agency to fund programs such as the Climate Showcase Communities Grant Program, the Sustainable Skyline Grant Program, and the Southeast Diesel Collaborative and making such funds available to local governments.

ECONOMIC DEVELOPMENT

A major goal of Broward County government is to encourage economic development to promote a full range of high wage/high skilled employment, business and housing opportunities, which lead to improving the economy, creating jobs, increasing the tax base, and encouraging diversity.

The Board supports policies to enhance economic development utilizing various tools to induce business expansion, new capital investment and job creation. In addition, the present downturn in the nation's economic activity, which has resulted in substantial jobs losses and declining revenues, requires the Federal Government's immediate attention. **The Board supports** the Administration and Congress' efforts to stimulate the economy by creating a public infrastructure works program and providing funds to local governments for projects designed to provide employment while accomplishing necessary infrastructure improvements. **The Board supports** the County's evolution into a global center for trade and investment. **The Board further supports** legislation that promotes and enhances the growth of foreign direct investment, trade, travel and tourism as facilitated by its Office of Economic and Small Business Development, Convention & Visitors Bureau, Port Everglades Department and Aviation Department (Fort Lauderdale-Hollywood International Airport). **The Board also supports** programs and efforts providing capital formation for small and emerging businesses, the expansion and creation of enterprise zones, and commercial revitalization projects that help to enhance redevelopment in all distressed areas of the County. **The Board opposes** legislation that results in a disadvantage for County economic development, in general, and tourism, seaport, aviation, and transportation, specifically, if such legislation impedes the County's ability to make competitive business decisions. **The Board supports** the Administration's efforts to make credit available to small businesses and individuals to stimulate the economic recovery.

EVERGLADES RESTORATION

The Comprehensive Everglades Restoration Plan (CERP), as approved by Congress, provides a framework for Everglades restoration stating, "The overarching objective of the Comprehensive Plan is the restoration, preservation and protection of the South Florida ecosystem while providing for other water-related needs of the region." This landmark legislation authorizes construction projects and implementation procedures, and establishes a process to ensure that the goals and purposes of the Plan are achieved.

The Board supports restoration of the Everglades and believes that the implementation of the CERP is critical to the future of South Florida and Broward County's environment, economy, water supply, and climate change mitigation efforts. **The Board believes** that local and state water allocations and growth management policies, water quality improvement strategies and water conservation programs must be consistent with the Everglades' restoration goals and other water-related needs of the region and advance those goals where possible.

The Board recognizes that actions must now focus on securing sufficient federal funding for CERP implementation, reestablishing timely restoration as a national priority, and reauthorizing critical CERP projects and components. **The Board urges** Congress to live up to its partnership agreements and commitment to fund 50 percent of CERP and capability funding for the U.S. Army Corps of Engineers, Jacksonville District, to fulfill a partnership agreement between the State and Federal government.

The Board recognizes the important ecosystem, water supply and economic benefits of the Broward County Water Preserve (WPA) which was one of 10 initially authorized CERP projects as part of the Water Resources Development Act of 2000. Project reconfiguration and cost increases now require Congressional reauthorization in order for funding appropriations to be made. **The Board strongly supports** the reauthorization of the WPA through the Water Resources Development Act (WRDA) of 2010, conditional upon the completion of the Chief's Report by the U.S. Army Corps of Engineers, or any other appropriate legislation.

For the purpose of reviving the Everglades River of Grass, on December 16, 2008, the South Florida Water Management District (SFWMD) approved a real estate transaction to acquire 180,000 acres of land within the Everglades Agriculture Area at a cost of \$1.34 billion. On May 13, 2009, the SFWMD Governing Board approved a revised strategy for a scaled-back acquisition that included the immediate purchase of 73,000 acres at a cost of \$536 million with an option to purchase the remaining acreage at \$7,400 per acre within the next three years. The River of Grass land agreement will facilitate restoration of the Everglades and fulfill several major objectives of CERP, including the creation of additional surface water storage and water quality treatment capacity. This land purchase will help maintain ecological function and sheetflow in the Everglades, reduce harmful discharges of nutrients and pollution from Lake Okeechobee into coastal rivers and estuaries, and lessen physical strains on the Herbert Hoover Dike.

The Board continues to support the Comprehensive Everglades Restoration Plan, and values the River of Grass land acquisition as beneficial to CERP. The Board also recognizes the critical importance of Everglades' restoration to regional climate change efforts, and that a healthy Everglades will provide one of the largest carbon sinks for South Florida. Moreover, the Board further recognizes that water storage within the Everglades significantly mitigates saltwater intrusion into the Biscayne Aquifer, a threat that will increase with rising sea levels. Thus, the Board urges the State and Federal Governments to take any and all actions necessary to fully complete Everglades' restoration and specifically the Broward County Water Preserve Area and Decentralization Projects.

FINANCE

Broward County is committed to delivering quality services to its community at the lowest possible cost, generating the greatest possible return. **The Board supports** legislation or regulatory initiatives that reduce the cost of delivering County services. Such legislation may include financing capital investments at the lowest possible cost through additional advance refunding and postage cost savings through expansion of reduced rates for local government.

HEALTH CARE REFORM

The Board recognizes millions of Americans do not have health coverage, or have inadequate coverage. As economic challenges multiply, the problem of health care access grows, further straining Broward County's capacity to provide care for the uninsured, underinsured, and medically indigent. Therefore, **the Board strongly urges** the 111th Congress of the United States to enact comprehensive health reform legislation without delay.

HEALTH AND HUMAN SERVICES

Broward County recognizes the importance of providing basic human services to protect and assist residents in need. Broward County has demonstrated its commitment by providing funding for the direct delivery of medical assistance, mental health, social and aging services, and housing assistance. **The Board supports** local involvement in the formulation and implementation of policies that protect the health, mental health, safety and welfare of Florida's residents. **The Board supports** equity in and adequacy of funding for human services and **opposes** any funding reductions in the areas of health, mental health and human services in order to meet the increasing demand.

HOME RULE

Broward County is dedicated to the fundamental concept that the government closest to the people is the appropriate authority to serve the needs and requirements of the community. **The Board supports** maintaining the integrity of home rule power that allows counties to develop and implement solutions to local problems.

HUMAN RESOURCES

As major employers, county governments are directly accountable to residents and employees and are responsible at the local level for fiscal, administrative and personnel decision-making. **The Board supports** home rule ability to effectively manage all aspects of employee salary and benefit packages in the best interest of taxpayers and employees. **The Board opposes** any legislation that would increase the risk of liability for local governments, including legislation creating new, or expanding existing, causes of action and/or providing for recovery of attorneys' fees and costs and further opposes any effort to increase the burden of compliance with employer/employee related federal laws.

TRANSPORTATION

As Florida's second most populated county, Broward County has ongoing needs to modernize and expand transportation infrastructure and increase capacity to meet the needs of the traveling public and private sectors. Our transportation system must be upgraded in the coming years to accommodate the increasing needs of our growing urban county and region, with particular emphasis on facilitating Express Bus, Bus Rapid Transit (BRT), and Light Rail Transit (LRT) in addition to developing an efficient network to facilitate passenger, vehicular, and freight traffic for airport and seaport connections. **The Board supports** the development, funding for both operations and capital, and construction of a sustainable transportation system that addresses livable communities while providing a comprehensive regional network, in order to enhance all transportation modes, from seaport and airport to mass transit, rail, roadways, and bicycle/pedestrian facilities. **The Board supports** maximizing the return of transportation funding, including transit funding, to Florida. For years, Florida has been one of the "donor" states; that is, we generate more transportation taxes than we receive from the Federal Government. **The Board supports** the strengthening of the Firewall and Revenue Aligned Budget Authority (RABA) provision to ensure that all revenues in the Highway Trust Fund are spent for transportation purposes.

UNFUNDED MANDATES

Many federal directives mandate local governments to provide services or programs without providing the appropriate monies or funding sources. These unfunded mandates can compromise a county's ability to provide essential and discretionary services deemed appropriate by the local community. **The Board opposes** any federal legislative actions that implement unfunded mandates on a local government's fiscal and public policy.

WATER AND WASTEWATER INFRASTRUCTURE

As residential and commercial growth continues, Broward County recognizes the importance of properly managing public works, especially in the areas of wastewater treatment, disposal and water resources management. The Board supports the efforts by the Florida Department of Environmental Protection, the United States Environmental Protection Agency, and others to find reasonable, environmentally-sound, cost-effective, and timely solutions to the regulatory issues pertaining to underground injection of treated domestic wastewater effluent.

The Broward County Water and Wastewater Services Division estimates that infrastructure replacement costs over the next 20 years will approach \$400 million. Each year the infrastructure comes under greater stress to meet the water and wastewater needs of the consuming public. The Water Infrastructure Network (WIN), a broad-based coalition of local, state and federal officials, state and federal environmental and health administrators, engineers and environmentalists working to improve water infrastructure nationwide, has estimated that a federal infrastructure funding gap of over \$250 billion will exist over the next 20 years.

The Board supports legislation which will supplement current funding, which is insufficient to meet the needs for replacing aging infrastructure such as underground piping, lift stations, water storage facilities, and conversion from septic to sanitary sewer systems. The Board also supports the efforts of the United States Environmental Protection Agency, American Water Works Association and the Association of Metropolitan Sewerage Agencies to persuade Congress to create and fund a clean water trust fund, or the proposed Clean Water Trust Act of 2005, or other similar dedicated funding source for infrastructure replacement.

Additional challenges facing local governments in South Florida include the need to develop alternative water supplies to meet all new water demands and develop water reuse opportunities. **The Board supports** funding for the development of alternative water supplies, reclaimed water systems, and related green technologies.

WATER QUALITY

The Board has long recognized the value of the Federal Government and the Environmental Protection Agency to protect national, state and local water bodies, including Florida's significant water resources from the Florida Everglades to Broward County's 1,800 miles of canals. The County supports strong environmental and water quality policies and strict adherence to the intent and spirit of the Clean Water Act. **The Board opposes** any weakening of established Federal and State water quality standards that would lessen water quality protections or regulations, undermine implementation of the Total Maximum Daily Load Program, or in any way compromise or delay Everglades restoration. **The Board supports** continued protection of federal, state and local water bodies as required under the Clean Water Act and the preservation of the rights and obligations of local governments to enact ordinances and programs in support of these goals.

FISCAL YEAR 2011 FEDERAL APPROPRIATIONS REQUESTS

111th Congress, 2nd Session

SEAPORT

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| Southport Dredging Reimbursement | \$ 3,000,000 |
| Port Everglades Sand Tightening/Jetty Repair & Channel Maintenance | \$ 5,000,000 |

TRANSIT

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| Hybrid, Hybrid-Articulated and Hydrogen Buses | \$ 6,000,000 |
| Transit Technology Enhancement Projects | \$ 3,500,000 |
| Transit Oriented Development-Park and Ride Lots | \$ 5,000,000 |
| Downtown Transit Circulator (DDA) | \$ 11,500,000 |

OTHER APPROPRIATIONS REQUESTS

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|--|---------------|
| Beach Nourishment | \$ 6,000,000 |
| Desalination Alternative Water Supply Study | \$ 500,000 |
| Pediatric Mortality Public Awareness | \$ 150,000 |
| Public Safety Emergency Communications | \$ 5,700,000 |
| Urban League Green Building Project | \$ 691,200 |
| Southeast Florida Climate Adaptation Pilot Project | \$ 15,000,000 |

SEAPORT

SOUTHPORT DREDGING REIMBURSEMENT

Broward County is requesting \$3 million from the Construction General Account of the FY11 Energy and Water Appropriations bill to reimburse Port Everglades for the federal share of costs associated with widening and deepening the Southport Channel and Turning Notch. The Water Resources Development Act of 2000 authorized reimbursement of \$15,003,000 to Port Everglades for the federal share of project costs incurred by the non-federal interest in carrying out this project. Past federal appropriations are: FY 2002 \$3 million, FY 2003 \$3 million, FY04 \$600,000, FY05 \$400,000, FY06 \$375,000, FY08 \$703,000, FY09 \$1,435,000 and FY10 \$727,000. The total amount needed for full reimbursement is \$4.763 million.

PORT EVERGLADES SAND TIGHTENING/JETTY REPAIR AND CHANNEL MAINTENANCE

Broward County is requesting \$5 million for repair and sand tightening work to restore the structural stability of the jetty. Investment in the jetty will ensure continued protection of the federal channel and the Navy facility while reducing sand loss and reducing periodic nourishment costs at the Federal Shore Protection Project. The project will consist of replacement and relocation of armor stones on the north side of the south jetty and the addition of chinking stones and armor stones on the south side of the jetty, as well as restoration of the damaged walkway. The work is described in a Detailed Design Report prepared by the U.S. Army Corps of Engineers, Jacksonville District. The FY 2011 Operations and Maintenance request for Port Everglades Harbor also includes funding for maintenance dredging of Federal channels. The Federal Navigation Channel at Port Everglades Harbor, Florida, is protected by two rubble-mound jetties. The north jetty was reconstructed in the mid-1980s as part of a port deepening and expansion project but the south jetty has not undergone maintenance since reconfiguring in the 1940s and is in a deteriorating condition. Armor stones have been displaced along the north side of the jetty jeopardizing the stability of the landward portion of the structure and damaging the fishing walkway on the jetty. In addition, the south jetty is highly porous allowing sand from the Federal Shore Protection Project to the south of the jetty to be transported through the jetty by wave action and deposited in the Federal navigation channel. This results in accelerated erosion of sand from the Federal Shore Protection Project, loss of beach area, and reduced storm wave protection for the U.S. Navy Surface Warfare Center's South Florida Testing Facility, which is located adjacent to the jetty.

TRANSIT

HYBRID, HYBRID-ARTICULATED AND HYDROGEN BUSES

Broward County is requesting \$6 million toward the purchase of 10 40-foot hybrid buses, 10 60-foot hybrid-articulated buses and two hydrogen buses. Each hybrid bus costs \$600,000, each hybrid-articulated bus costs \$850,000 and each hydrogen bus costs \$1 million. The total project cost is \$16.5 million. The County will replace older buses with cleaner, more efficient hybrid buses. In addition, the purchase of the hybrid-articulated vehicles will allow Broward County to address transit capacity and expansion needs while also addressing clean air issues.

The articulated buses currently in service on the busiest routes are not energy efficient, thereby leading to increased production of harmful carbon emissions and contributing significantly to lower air quality. Moreover, the purchase of two new hydrogen buses presents the County with an opportunity to introduce into its bus fleet the latest environmentally-friendly, energy efficient prototype vehicle. The two hydrogen buses will emit only water.

TRANSIT TECHNOLOGY ENHANCEMENT PROJECTS

Broward County is requesting \$3.5 million in the FY11 Transportation Appropriations bill for acquisition of transit technology to improve energy and transit efficiency, and safety. The project includes: technology associated with a Traffic Signal Priority system to facilitate the movement of public transit vehicles along heavily congested traffic corridors; installation of a Real Time Information system to provide riders with ADA accessible transit information about the next vehicle's wait time based on the vehicle's location and conditions in the transit corridor; and the purchase and installation of LED solar panel technology to provide energy-efficient lighting at 2,000 bus stops and display transit information for transit riders.

TRANSIT ORIENTED DEVELOPMENT – PARK AND RIDE LOTS

Broward County is requesting \$6 million in the FY11 Transportation Appropriations bill to develop geographically-dispersed park and ride lots along the County's regional transit corridors. Park and ride lots will be developed along existing limited-stop routes that presently cross county boundaries or connect with Tri-Rail, the tri-county commuter rail service.

DOWNTOWN TRANSIT CORRIDOR

The Board is requesting funding for the Downtown Transit Corridor. This project is jointly sponsored by Broward County, the City of Fort Lauderdale and the Downtown Development Authority (DDA). Funding is being sought for a transit project to serve the downtown urban core. Broward County's primary participation will be through operation of the transit service, once constructed. The original Phase I was configured from the Performing Arts Center along Second Street to Federal Highway and then back along Las Olas Boulevard. Congress appropriated \$1.0 million in FY06, \$655,000 in FY 08 and \$500,000 in FY 10 for preliminary engineering and design work.

OTHER APPRIATIONS REQUESTS

BEACH NOURISHMENT

Broward County is requesting a total of \$25 million over a multi-year period to reimburse the County for the authorized and approved federal share of beach renourishment on 12 miles of critically eroded County beaches. For FY 11, the County seeks \$6 million for partial reimbursement of the County for the authorized share of construction of the Segment III Shore Protection project. This project was constructed in 2005 and 2006 in accordance with a U.S. Army Corps of Engineers (USACE) approved General Reevaluation Report and Final Environmental Impact Statement, and reimbursement of the federal share of the eligible costs is provided for in an Executed Project Cooperation Agreement with the Federal government. According to a federal audit, the total federal share of this project is approximately \$21.2 million of which approximately \$5.3 million has been reimbursed to date. Under the current arrangement with

the USACE, authorized by the River and Harbor Act of 1965, and affirmed in the Water Resources Development Act (WRDA) of 1996 and 1999, the County must first expend local funds for the local and federal share of the project before seeking reimbursement.

Erosion of Broward County beaches threatens the public safety, economic development, and environment of the region. Construction by Broward County began with mitigation in early FY 03, and Segment III beach construction was completed in February 2006. The requested funding is to reimburse the County for a portion of the 58.4 percent federal share of costs for construction of the beach project. Per the Project Cooperation Agreement with the USACE, reimbursement is subject to legislative appropriations, which, historically, have been subject to reprogramming if Broward County had not yet completed the projects for which reimbursement was requested. To date, reimbursements for the Segment III nourishment project have been forthcoming in the amounts of \$2,840,284 (09/13/06), \$1,600,000 (09/21/07), \$492,000 (05/27/08) and \$400,000 (11/03/09). Thus according to USACE's audited accounting, Broward County is currently owed approximately \$15 million in Federal Government reimbursements, including the USACE share of costs for mitigation construction. Broward County is requesting that \$6 million in incremental reimbursements be included in the FY 11 Energy and Water Appropriations bill. Bill language should specify that appropriated funds are for the purpose of reimbursing Broward County for the federal share of eligible costs.

DESALINATION ALTERNATIVE WATER SUPPLY STUDY

Broward County is requesting \$500,000 in the FY11 Energy and Water Appropriations bill to conduct a comprehensive study of utilizing desalination as an alternative water supply. The County's Water and Wastewater Services Division is considering the use of desalination for alternative water supply, to relieve dependence on the Floridian Aquifer as the primary alternative water supply source to serve the utility's customers. Since the sustainability of the Floridian Aquifer is still not known, the County is considering the use of desalination as a sustainable supply to meet all of the water supply needs in the future. The benefit to using seawater in the desalination process is there would be adequate supply to meet potable and irrigation demand. While the County has studied the use of reclaimed water, this option requires all new infrastructures and, in most cases, since the County is built out, is not cost effective. Using desalination to meet irrigation demands allows the County to utilize existing infrastructure supplying potable water to residents. This study would tie water supply, reclaimed water use and effluent disposal together in a comprehensive plan of action. The use of desalination to meet future water supply demands may also lend itself to a regional solution for the other utilities operating within Broward County.

PEDIATRIC MORTALITY PUBLIC AWARENESS

Broward County is seeking \$150,000 in the FY10 Labor-HHS Appropriations bill in order to further enhance existing collaborative efforts underway in the area among the Broward County Commission, Broward Health (formerly the North Broward Hospital District), Children's Services Council of Broward County, Healthy Mothers, Healthy Babies Coalition of Broward County, and the Broward County Health Department. The Pediatric Autopsy Project offered autopsy services at no cost to families who had infants who died during the first year of life as well as fetal deaths at more than 20 weeks of gestation. Through the partnership of providers involved in the Pediatric Autopsy Project, we seek to continue a successful three-prong public awareness campaign to target: (1) Maternal and Infant Infection; (2) Safe Sleeping/SIDS, and; (3) Family Support/Involvement.

The goal of the next phase of the campaign is to target additional geographic areas of high risk in order to reduce the unusually high fetal and infant mortality rates in Broward County. During the first phase of funding, the campaign was able to complete a demonstration pilot in the central region of Broward County, which had been shown to have the highest infant mortality rates in the region. However, this second round of funds will expand the project and successfully penetrate, through effective multi-lingual and culturally adaptive public outreach, to other geographic areas of need. Since implementation of the Fetal and Infant Mortality Review in 1993, infant death rates have been reduced from 10.1 deaths per 1,000 live births to 6.3 in 2006. However, while decreases have occurred in overall infant deaths, the disparity in deaths of black infants compared to white babies is still high. 2006 Florida Vital Statistics shows there were 11.1 deaths of black infants per 1,000 live births, up from 9.9 in 2005. This is more than triple the death rate for white babies at 3.6 deaths per 1,000 live births.

PUBLIC SAFETY EMERGENCY COMMUNICATIONS

Broward County is requesting \$5,700,000 in the FY11 Commerce, Justice and State Appropriations bill to address mandated upgrades in its radio technology. The Broward County radio system functions as the hub for emergency communications across the County, with more than 25,000 users relying upon the system to provide inter-agency, inter-discipline communications to all public safety practitioners. All radio system users, whether they are a direct user, i.e. relies exclusively on the County system, or an in-direct user, i.e. relies upon the County system to provide County-wide interoperability communications and/or functions as a backup to Municipal radio system users. There is no denying the fact that the County system plays an integral role in emergency communications across Broward County.

Broward County is facing an unavoidable reality that certain components of the radio system are reaching obsolescence and have reached the manufacturers "end of support" (EOS) on January 1, 2010, at which time vendor support became limited to "best effort." In the near term there is sufficient spare equipment to allow for continued support and maintenance; however, it is prudent that we move aggressively toward laying the plan for a system refresh which is fiscally responsible and allows us to manage the inherent risk associated with "best effort" support.

URBAN LEAGUE GREEN BUILDING PROJECT

Broward County is requesting \$691,200 in the FY11 Energy and Water Appropriations bill to develop "green building" technologies in the Broward County Urban League's facility. The facility will offer a variety of community services in the central part of Broward County in a corridor that is accessible by public transit, within walking distance of numerous public and affordable housing sites, and within a mile of downtown Fort Lauderdale. The building will have an area dedicated to youth programming, including afterschool offerings, arts, and educational activities, while adults take advantage of job placement, training and counseling services. The primary goal of the community facility is to increase opportunities for individuals and families to improve their economic and social potential and achieve greater levels of self-sufficiency. The building itself will be situated on a tract of land dedicated to the Urban League of Broward County through a lease agreement with the County. The building itself has multi-faceted funding mechanisms, including private donations, local dollars and loans. Green aspects have been carefully incorporated to its overall architectural design and include, but are not limited to: (1) photovoltaic panels; (2) rainscreens; (3) lumicor resin paneling; (4) exterior insulation, etc.

SE FLORIDA CLIMATE ADAPTATION PILOT PROJECT

Broward County is requesting \$15,000,000 as part of the Federal Clean Energy or related legislation to support the development of a regional climate change adaptation strategy for Southeast Florida. Southeast Florida, comprised of Broward, Miami-Dade, Palm Beach, and Monroe Counties, is home to nearly 5.5 million residents, accounts for nearly one-third of Florida's total economic production, and is one of the most vulnerable regions in the United States to the impacts of climate change. Rising sea level has already begun to overwhelm some of the local drainage infrastructure with salt water rising through drainage culverts and spilling over seawalls. Without intervention, continued increases in sea level will inundate vast coastal areas and compromise the region's drinking water supply. Recognizing the need for immediate action, the counties of Southeast Florida convened a Regional Climate Leadership Summit and later signed a Regional Climate Compact, committing to the cooperative development a regional climate strategy to address shared mitigation goals and adaptation needs. Funding of this appropriations request, and the support of our federal partners, will be pivotal to this endeavor, and the development of a climate adaptation strategy for Southeast Florida is expected to serve as an effective national model for other vulnerable areas of the country.

The development of regional adaptation strategy will involve a 2-3-year effort focused on the development of appropriate models and planning tools that will set the stage for the adaptation strategies to be employed by local governments and the South Florida Water Management District. Particular areas of vulnerability and analysis will include sea level rise, drainage and flood control infrastructure, changing precipitation patterns, impacts on groundwater levels, surface water management, and saltwater intrusion and its influence on potable wellfields and water supplies. Efforts will include the downscaling of regional climate models to an appropriate level to provide suitable predictive abilities for the region. The Southeast Florida Climate Adaptation Pilot Project will require vast technical support and professional services to be provided by industry as well as agency partners. Pilot project deliverables will include:

1. Urban system (county-level) modeling/scenario testing/plan development
2. Regional system modeling/scenario testing/plan development
3. Southeast Florida Regional Climate Change Adaptation Plan - including Plan for Early Response Infrastructure

Total Request: \$15 million: \$8 million of which will be equally shared amongst the **four partner counties** and used to analyze urban drainage/surface water management infrastructure with efforts to be built upon surface/groundwater models, saltwater intrusion models, and climate models with a detailed assessment of function of existing drainage infrastructure and development of adaptation recommendations for maintaining adequate level of drainage and flood control; **\$7 million** of which will be used by the **South Florida Water Management District** as part of a regional adaptation and mitigation strategy.

LEGISLATIVE PROPOSALS

AUTISM

Autism insurance coverage “parity” connotes that autism would be viewed as a functional equivalent to other chronic medical conditions, and that therapies used to “treat” children diagnosed with an autism spectrum disorder (ASD) would receive insurance coverage for rehabilitative approaches to the disease, similar to someone obtaining physical therapy for a spinal injury or speech therapy after a stroke.

Broad consensus exists across pediatrics, psychiatry, neurology and the allied fields of psychology, speech therapy, occupational therapy and physical therapy that the most efficacious treatment of autism requires early recognition and diagnosis, as well as early intensive treatment while the brain has the maximum potential to recover and/or compensate for the underlying pathophysiologic processes. Additionally, evidence exists that diverse treatments can lead to improved functioning in autism, some to remarkable degrees.

In the 2008 State Legislative Session, autism “parity” efforts were partially successful, mandating insurance programs regulated by Florida law to provide equitable coverage. In Florida, persons covered by a regulated insurance company now receive coverage for ASD treatments, while those receiving medical benefits from a company who self-insures, may be denied coverage. A continuing problem is that many insurance programs do not fall under state law. Companies which self-insure are not bound by Florida’s parity legislation.

Twenty-nine states incorporate autism in their mental health parity laws, including 13 that explicitly list autism, an autism spectrum disorder or other developmental disorder in the definition of mental health in their respective parity statutes. Sixteen states and the District of Columbia have separate benefit mandates that require coverage or parity treatment for autism or other developmental disorders.

Besides the loophole which exists for some self-insurers, another issue of concern is how state mandates for insured products are going to coordinate with the federal mental health parity law that goes into effect for plan years that begin after Oct. 3, 2009. The U.S. Department of Labor has yet to release its findings with respect to how autism will be treated under the new parity legislation. In an effort to proactively address uncertainties with respect to ASD falling under the umbrella of mental health parity and disparities at the State levels, bills have been introduced in the U.S. House and Senate that would federally mandate autism coverage by insured group health plans. S. 819/HR 2413, *The Autism Treatment Acceleration Act*, is the federal legislation developed and endorsed by the national advocacy group, Autism Speaks.

The Board supports the construction of a Jewish Respite Home and Family Resource Center for Children with Autism to be located in Sunrise, Florida. This project will provide a timely and critical benefit to the community, as it will be used to construct a facility to provide extended respite services, family caregiver relief, parent training and support, therapy, recreation and independent living skills training to autistic children in the entire South Florida area.

AVIATION

As part of a regional transportation system, the Airport is an economic engine that creates and promotes commerce and industry. The Fort Lauderdale-Hollywood International Airport (FLL) serves the air travel needs of Broward, north Miami-Dade and southern Palm Beach counties. In 2008, the airport handled more than 22 million passengers and generated more than \$2.3 billion in economic activity, which includes 31,500 jobs. The Board supports continued and increased federal funding for the Fort Lauderdale-Hollywood International Airport. This funding will provide capital for expansion, maintenance, and security improvements, which are all vital for travel and trade to the South Florida area. The Board supports legislation that promotes airports and opposes legislation which could be detrimental to aviation interests.

Therefore, **the Board supports** the following legislative proposals:

- **Continued approval and funding assistance to modify all terminals at Fort Lauderdale-Hollywood International Airport to comply with increased federal baggage screening requirements.** Installation of the required systems will necessitate design modifications of the existing airport terminals, and the cost for these mandated airport security enhancements and infrastructure improvements is estimated to be \$160 million. Also request that the Transportation Security Administration (TSA) retain responsibility for security of check-point exit lanes, or in lieu of, provide funding to implement technology-based alternatives, verses imposing an unfunded mandate.
- **Issuance of a Letter of Intent (LOI) by the Federal Aviation Administration to fund the development of a new runway at FLL,** based on the determination of the FAA Final Environmental Impact Study (FEIS) and Record of Decision. The project is an extension of the existing runway 9R/27L to 8,000 feet in length. This project will meet the Federal Purpose and Need, to provide operational capacity to accommodate projected 2012 and 2020 aviation demand and promote safe and efficient air travel in the National Airspace System. FLL is requesting \$300 million in Airport Improvement Program funding to be committed to this critical project.
- **Additional staffing for United States Customs and Border Protection (CBP) at Fort Lauderdale-Hollywood International Airport.** FLL is a rapidly growing port of entry which, along with Port Everglades, requires staffing support to meet expanding needs and volume.
- **FAA Reauthorization: The Board urges** Congress to pass a multi-year FAA reauthorization bill, which expired in September 2007, that maintains or increases the current level of General Fund contribution and that provides for a stable revenue source for future operational and capital needs. This includes continued funding of the Airport Improvement Program (AIP), which funds the infrastructure needs of United States airports in the areas of safety, security, construction and noise projects, at or above the current (FY07) levels. Broward County also supports the expansion and streamlining of the AIP for safety and security projects.
- **Eliminate the Alternative Minimum Tax (AMT) penalty** on airport private activity bonds, allowing additional infrastructure projects to be financed and move forward.
- **Passenger Facility Charges. The Board supports** an increase in the maximum base rate for Passenger Facility Charges (PFCs) which allows such charges to keep pace with the Consumer Price Index (CPI.)

- Proposed changes to the Airport Rescue and Fire Fighting standards should be evaluated in the context of the FAA's rulemaking process where safety, costs, and benefits can be thoroughly considered

The Board also opposes the transfer and consolidation of TRACON to the existing Miami TRACON. The TRACON facility that has been proposed to be relocated is currently co-located with the air traffic control tower in West Palm Beach.

BREAST CANCER PATIENT PROTECTION ACT

Breast cancer is the most common cancer diagnosed in women in the United States. When medically necessary, mastectomies and other breast cancer related surgeries are traumatic and physically debilitating. In the past, some insurers have required these procedures to be performed on an outpatient basis, to the detriment of the patient's health. **The Board supports** legislation to require insurers to cover a minimum 48-hour stay in the hospital for patients undergoing certain breast cancer related procedures.

CATASTROPHIC DISASTER RISK INSURANCE

Across the United States, the increased threat of losses from natural disasters has caused insurance companies to withdraw from markets and increase premiums at alarming rates. **The Board supports** federal legislative efforts to attract and retain insurance markets and provide for affordable insurance to best serve consumers and protect taxpayers.

CENSUS 2010

The Board supports funding and adequate staffing for the 2010 Census, the importance of which cannot be overstated. Census counts affect reapportionment efforts as well as the allocation of hundreds of billions of dollars in annual federal aid to states and localities. Further, **the Board urges** Congress to support the Census Bureau as it seeks to open nearly 500 offices around the nation and hire more than 1.3 million temporary employees. Those actively engaged in ensuring accurate counts include state and local governments, community and faith-based organizations, schools, businesses, and media. Effective collaborative partnerships assist the Census to overcome obstacles such as language, geography and concern about the confidentiality of the reported information. **The Board opposes** any comparative reductions in funding levels or staff versus the 2000 Census. Demographics gleaned from complete and accurate census counts drive public policy and social programs, while offering crucial information about community needs.

CHILD CARE DEVELOPMENT FUND

The Board supports increased funding through the Health and Human Services Appropriation for licensing and monitoring of child care facilities.

CHILD CARE TAX CREDIT

The Child Care Tax Credit is an important anti-poverty and pro-work tax policy that improves the fairness of the tax code and directs tax relief to children in low-income families. The current credit indexes the income eligibility threshold for inflation, excluding more families every year.

The Board supports legislation which lowers the income threshold at which the CTC is refundable.

CHINESE DRYWALL

The Board supports federal legislation to require the Consumer Product Safety Commission to study drywall imported from China in 2004 through 2007. In addition, **the Board supports** federal legislation which helps consumers recover losses due to Chinese drywall and opposes any legislation which provides immunity protection to manufacturers or developers who sold or installed defective and hazardous drywall. As many as 36,000 homes in Florida may contain the imported drywall, which can give off a sulfurous “rotten egg” odor, tarnish metals and ruin appliances and electronics by corroding pipes and wires.

COLLECTIVE BARGAINING FOR PUBLIC EMPLOYEES

The Board opposes legislation which would allow for Federal Government requirements for collective bargaining rights for public employees. Jurisdiction for such issues should be reserved for state and local governments.

COMMUNICATIONS

Broward County recognizes that the advent of communications technology presents considerable opportunities for counties to enhance the quality of life in their communities by providing regulatory powers over video, communication, and Internet services in order to protect the health, safety, and welfare of the public and to insure the same level of services for all residents. There are significant fiscal and policy implications that will require prompt and thoughtful decisions about maintaining local regulatory authority, zoning, taxation, consumer protection, and local government communication networks and infrastructure. **The Board supports** establishing an equitable system that promotes improvements to the federal tax and fee structure for communications products and services that will strengthen Florida’s economy, while maintaining revenue neutrality for local governments. **The Board also supports** the preservation of local government responsibility to manage communication franchises, public resources, including, but not limited to, public rights-of-way and cable rate regulation legislation that will be more consumer friendly and may provide greater authority to local governments. **The Board also supports** legislation requiring network neutrality that prohibits Internet providers from discriminating or limiting informational content available to the general public.

Recently, the Federal Communications Commission (FCC) adopted a rule that supersedes local government’s authority of the video franchise process by imposing requirements to control the franchising of competitive video franchise applicants and limit the service build-out requirements to residents. In addition, the Rule preempts all level playing field provisions in existing local franchise agreements and in the County’s communications ordinances. **The Board opposes** the FCC Rule and **supports** federal legislation reversing the FCC’s decision.

Currently, federal agencies that lease space for wireless towers must consult with local and state governments regarding zoning. The wireless industry is asking for an exemption that would eliminate federal or local agency authority to deny zoning for a wireless tower or antenna. In addition, Congress may exempt local zoning authority for digital television towers because significantly higher towers must be built. It is unknown if additional tower height can be added to existing towers, or if new towers will to be located elsewhere. **The Board supports** maintaining the local control over the siting of wireless service towers and antennas and maintaining local control over the zoning of digital television towers.

Current law mandates that landowners and developers exhaust local and state appeals in zoning matters before going to federal courts. Pending federal legislation would give property owners, businesses, and developers easier access to federal courts regarding local planning and zoning decisions. The proposed legislation would limit the authority of local governments and zoning boards by allowing owners and developers expedited access to federal courts. **The Board opposes** legislation that would bypass, undermine, or in any way limit the authority of local governments regarding zoning.

DISASTER ASSISTANCE FOR INSURANCE DEDUCTIBLES

Florida is prone to hurricanes and, in recent years, has been struck by multiple hurricanes in one season. The Federal Emergency Management Agency (FEMA), through the Stafford Act, provides disaster assistance to local governments whose facilities are damaged by a natural disaster. The county is required to obtain insurance for its facilities and maintain it, as a condition of receiving FEMA assistance for a disaster-damaged facility. FEMA will not provide disaster assistance for damage or losses covered by insurance. While FEMA will reimburse the county for deductible costs incurred on a damaged insured facility, FEMA will not reimburse deductibles for the same facility damaged in a subsequent natural disaster of the same type. Accordingly, **the Board supports** an amendment to the Stafford Act to allow FEMA to reimburse local governments for deductible costs incurred for an insured facility damaged by multiple same-type disasters.

EARNED INCOME TAX CREDIT

The EITC is intended as a wage support for poor and low-income families and has been one of the Federal Government's most effective tools in lifting millions of Americans out of poverty. **The Board opposes** any proposal to initiate a precertification process or any effort to increase requirements for qualification of the EITC.

ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANTS

The American Recovery and Reinvestment Act of 2009 provided \$3.2 billion in funding through the Energy Efficiency and Conservation Block Grant program to assist states, local governments and Indian tribes in implementing strategies to reduce fossil fuel emissions and reduce total energy use with \$2.7 billion distributed through formula grants. In establishing the population of a county government, the DOE chose to subtract from the total county population the population of each of the local municipalities from within the county boundaries deemed to be eligible for direct formula funding. This approach is contrary to the language and intent of the statute. The statute clearly states that *a county with a population of at least 200,000 is an eligible entity for direct formula grants*. The methodology undertaken by the Department had the effect of denying several large counties charged with delivery of regional services, such as transportation, land use planning, environmental protection, and resource sustainability, direct access to EECBG funds.

The Broward County Board of County Commissioners supports assuring that all counties with populations equal to or exceeding 200,000 receive equitable EECBG formula allocations. Further, if necessary, **the Board would support** amending federal legislation to provide that the Department of Energy shall not exclude the populations of eligible cities within county boundaries when determining county eligibility for direct formula grants under the Energy Efficiency and Conservation Block Grant program.

EMERGENCY MANAGEMENT/HOMELAND SECURITY

FEMA Eligibility

Over the last three years, high insurance deductibles have precluded many Floridians from receiving compensation from their insurance company, while the existence of the insurance precluded federal assistance. **The Board supports** the amendment of the Stafford Act to allow for Federal Emergency Management Agency (FEMA) eligibility and assistance for those individuals whose insurance deductibles exceed 15 percent of their annual income.

Federal laws and regulations clearly state that the counties included in a Presidential-declared disaster area may be reimbursed by the Federal Government for debris removal from private property; however, FEMA has interpreted these laws inconsistently across Florida, requiring counties to pay for such work. **The Board supports** efforts to insure counties included in a presidential disaster declaration are reimbursed by FEMA for removing debris from both public and private property, including private roads.

The Board opposes any FEMA initiative to increase the per capita threshold for public assistance under the Stafford Act.

Permanent FEMA Office

Florida's FEMA Long-Term Recovery Office in Orlando was created in response to the slow recovery from the hurricanes of 2003 and 2004, and plays a vital role in the ongoing management of many outstanding issues related to past storms. Last year the U.S. House of Representatives unanimously agreed that the FEMA Florida Long-Term Recovery Office should remain open for a period of at least three years. Florida is ranked third in the country for natural disasters, yet Alaska, Mississippi, Alabama, Louisiana and Texas all have established permanent field offices. Therefore, **the Board supports** the permanent designation of Florida's FEMA field office.

The Board also supports federal support of regional interoperability programs.

FAIR EMPLOYMENT PRACTICE AGENCY FUNDING

The Board supports an increase in Equal Employment Opportunity Commission (EEOC) funding for state and local agencies to \$30 million. This includes a \$4 million increase, which would partially restore the \$7 million slashed from the state and local agencies' line item in EEOC's budget over the past few years. **The Board fully supports** this increase to \$30 million for state and local agencies.

Unfortunately, employment discrimination still exists in the United States and, in fact, more charges are being brought each year. As a Fair Employment Practice Agency (FEPA) for the EEOC, Broward County investigated 201 cases in 2009 on behalf of the EEOC. The 2009 statistic was down from 276 cases in 2008, not as a result of less discrimination, but because of the \$7 million decrease in federal appropriations. For FY 2010, we expect to investigate 330 cases, roughly 40 percent more than in 2009.

State and local enforcement agencies resolve approximately 40 percent of the nation's employment discrimination complaints, yet payments for their work comprise just 8% of EEOC's budget. Last year, when EEOC funding dropped to \$26 million, state and local agencies were reimbursed for only 84 percent of their work. This compromised the ability of state and local agencies to eliminate workplace discrimination for the people in their communities. State and local agencies around

the nation are reducing staff and outreach and in some instances, closing offices, at the same time EEOC is expanding its staff and outreach. A budget with \$30 million for state and local agencies better recognizes the value of their contribution to fairness in the workplace and their role in the elimination of discrimination.

FEDERAL BENEFITS FOR UNCONVICTED INMATES

The Board seeks reintroduction and passage of legislation that protects Medicaid and/or Veteran's benefits for residents in institutions for mental disease and that protects SSI/Medicaid health benefits for jail inmates prior to sentencing.

FEDERAL COURTHOUSE

In 2005, a recommendation was made against the reconstruction of the Fort Lauderdale federal courthouse and for the division of Broward County's federal caseload between the Miami Courthouse and the yet-to-be-constructed Palm Beach federal courthouse. However, there is no doubt that all three courthouses are urgently needed in this region, which is the sixth largest metropolitan statistical area in the United States. The elimination of a federal courthouse in Broward County would lead to the disenfranchisement of the 1.7 million people who reside here, and to the hardship of those citizens required to travel approximately 100 miles round trip when required to appear as a potential juror or witness in a federal case. Additionally, the elimination of the facility would have a terrible financial impact on the county, with jobs and other economic opportunities lost. Therefore, **the Board strongly supports** the retention and rebuilding of the federal courthouse in Broward County.

FREE TRADE AGREEMENTS

The Board recognizes the importance of Free Trade Agreements that include Colombia, DR-CAFTA, and NAFTA. The benefit of a Free Trade Agreement of the Americas if created, is the establishment of a trading block in excess of 800 million persons reaching from Alaska to Tierra del Fuego. These agreements will serve both the United States and Latin American interests, and will create new economic opportunities for many citizens of these countries. These agreements will maintain our nation's current commitment to international trade relations, by promoting economic growth and stability in Latin American countries. **The Board supports** approval by Congress of mutually beneficial Free Trade Agreements. **The Board also supports** the establishment of a Free Trade Agreement of the Americas along with the relocation of the Permanent Secretary of the FTAA to Miami. **The Board opposes** any actions by Free Trade Agreements that would preempt local regulatory laws and policies that negatively affect Broward County citizens.

HERBERT HOOVER DIKE

The failure of the Herbert Hoover Dike surrounding Lake Okeechobee could have disastrous effects on the surrounding region, including Broward County. Reports have indicated that the Dike does not meet federal safety standards and may pose a threat to people and the environment. The Dike is currently undergoing rehabilitation with an estimated date of completion of 2030. During rehabilitation, water levels in the lake are maintained one foot below the historical average resulting in less water storage and regional water supply. Therefore, **The Board supports** federal funding for the repair and protection of the Herbert Hoover Dike around Lake Okeechobee. **The Board also supports** any and all actions by the Federal Government to expedite full rehabilitation of the Herbert Hoover Dike.

HILLSBORO PINES WATER AND SEWER INFRASTRUCTURE

The Board supports the City of Coconut Creek's efforts to seek federal funding for installation of water and sewer infrastructure in the Hillsboro Pines area.

HIV HEALTH AND SUPPORT SERVICES

Broward County continues to be a county with one of the highest HIV/AIDS populations in the United States. From initial surveillance reporting YTD through November 2009, 26,825 Broward County residents have been diagnosed with AIDS or HIV (non-AIDS), with 16,126 (60 percent) persons living with HIV/AIDS (PLWHA). Among living PLWHA, 8,073 have AIDS (51 percent) and 8,053 have HIV (non-AIDS (49 percent). For FY 08-09, Broward County received \$15.1 million in Ryan White Part A funding under HIV/AIDS Treatment Modernization Act of 2006. This source of funding continues to be the primary funding mechanism for health and support services for people living with AIDS and HIV in Broward County.

Funding allocations for the Ryan White HIV/AIDS Treatment Extension Act of 2009 are largely based on a formula which only takes into consideration the place of residence of persons at the time of initial diagnosis. Under current law, if a person diagnosed with HIV in one area of the country moves to a different area of the country, the funding for the case is not transferred to that new area, but remains at the point of diagnosis. This is referred to as the "migration factor." It is estimated that 34 percent of all persons in Broward County with a positive diagnosis were tested elsewhere; a policy shift which results in a severe financial burden on Broward County. **The Broward County Board of County Commissioners urges** Congress to revisit funding disparities, and require the Centers of Disease Control and Prevention to revise HIV Reporting to adjust for the migration factor.

The growing gap between increasing HIV/AIDS cases and funding continues to create significant challenges in sustaining access to high quality HIV care in Broward County. Although Broward County, as an Eligible Metropolitan Area (EMA), is aggressive in achieving efficiencies in the use of Part A funds, the system of care is reaching its critical mass. Without additional funding, the EMA will be forced to consider the rationing of life-sustaining medical care and treatment to meet the documented increased demand for health-related services. **The Board supports** full funding of the FY10 grant application in the amount of \$17.5 million, which will support stabilizing the lives of persons living with HIV/AIDS by increasing access to core medical and support services through increased funding of the Ryan White HIV/AIDS Treatment Extension Act of 2009 and the Housing Opportunities for Persons with AIDS (HOPWA).

The Board urges Congress to increase funding for the Health Resources and Service Administration for its Ryan White Part A Formula, Supplement and Minority AIDS Initiative programs in order to adequately address the HIV/AIDS needs of the community.

The Board strongly supports development and implementation of a National HIV/AIDS Strategy for the United States. The Strategy should be designed to reduce HIV incidence, increase access to HIV-related care, and reduce racial disparities in the epidemic through:

- reliance on evidence-based programs;

- ambitious and credible treatment targets and annual reporting on progress toward achievement, identification of clear priorities across federal agencies, clear assignment of responsibilities, collaboration and development of timelines;
- inclusion of all elevated risk groups, specifically African Americans and gay men;
- addressing of social factors that are associated with increased risk of infection;
- strengthening of research efforts;
- involvement of all sectors, including governmental, private, research, community, civil rights, faith based, and people living with AIDS.

The Board also supports increased funding for core medical services consisting of AIDS pharmaceutical assistance, outpatient/ambulatory health services, oral health care, medical case management, mental health services, medical nutrition therapy, and substance abuse services-outpatient. Increased funding of support services is also supported for food bank, medical transportation, legal services and outreach services. Furthermore, the Board supports all of the following:

- expansion of federal programs which provide scholarships and financial assistance to students committing to medical careers in HIV/AIDS and promote specialization in communities designated Health Professional Shortage Areas;
- increased funding for HIV-related Respite Programs and loosening of eligibility criteria to ensure earlier access and availability of supportive services for care givers;
- HIV testing of inmates upon incarceration in order to reduce the impact of transmission;
- increased funding of the Ryan White Care Act;
- continued funding for the AIDS Drug Assistance Program to ensure that pharmaceutical assistance provided under the Ryan White Part A program is only used as a last resort.
- full funding of the Housing Opportunities for Persons with AIDS (HOPWA) program to meet the housing need for people living with HIV/AIDS and eliminate current waiting lists

HOMELESSNESS

Since 1998 when Broward County received its first U.S. Housing and Urban Development SuperNOFA grant for its Homeless Continuum of Care program, we have made considerable progress in addressing homelessness.

Broward is also home to thousands of very low-income people who depend on or are in need of affordable housing. Specifically, **the Board supports** the following ongoing federal policies, programs and funding:

- Increase HUD's McKinney-Vento Homeless Assistance Grants Program and continue the Homeless Prevention and Rapid rehousing Program.
- Increase funding levels for Appropriations for Homeless Programs within the U.S. Departments of Health and Human Services, Housing and Urban Development, Justice, Veterans Affairs, Education, and Labor.
- Support the federal 10-Year Plan to End Homelessness Initiative through seeking \$1 billion in dedicated funding for the National Affordable Housing Trust.

- Prevent homelessness through foreclosure assistance legislation targeted to protect both homeowners and renters.
- Support legislation to direct the Department of Justice to gather data on potential hate crimes against people experiencing homelessness, and to prosecute accordingly.

HOUSING

The Board supports additional federal efforts to provide assistance to home owners, both single family and condo, who have fallen behind on mortgage payments and face foreclosure of their homes. **The Board supports** legislation that requires mortgagors to foreclose in a timely manner and holds them responsible for paying any homeowner or condominium association fees or special assessments on reverted properties. Further, **the Board urges** Congress to require that mortgagors, when filing a lis pendens to initiate the foreclosure process, provide contact information of an individual with the authority to negotiate the terms of the loan. Lenders should be mandated to comply with this type of “anti run-around” notice, and include on any correspondence related to the loan, a name, address, and phone number of an employee who will work with owners seeking to modify delinquent loans.

The Board supports federal efforts to expand affordable housing initiatives, including increased funding for the Section 8 Housing Program and overall Housing Authority resources, the Community Development Block Grant Program (CDBG) and the HOME Investment Partnership. **The Board seeks** legislation to lift or increase the present 4 percent and 9 percent cap on Housing Tax Credits, which are used to raise equity for affordable housing development and to provide a direct allocation of tax credit/bond resources to Local Housing Finance Authorities.

The Board also supports legislation that would restore cuts made in Community Development Block Grants (CDBG), which contribute to affordable housing infrastructure, public services and economic development for low-to moderate-income residents, and maintaining and increasing current levels of funding and cost of living increases in the HOME Investment Partnership Program (HOME), which continues our partnerships to assist lower income residents in our community towards home ownership. **The Board also supports** the “30/30 Plan,” which provides that existing housing funds should have a greater amount (30 percent) targeted for persons at or below 30 percent of median income. **The Board also supports** legislation which would give employers the option of offering financial homebuyer benefits, much like dental or medical benefits, for housing costs of all types. Employers would be eligible for a tax credit as an incentive for participation.

INDUSTRIAL DEVELOPMENT BONDS

The Board supports the expansion of the industrial development bonds law to allow Federal Home Loan Banks to offer letters of credit to private developers in order to utilize bonds, with the local government acting as a conduit, to encourage municipal-sponsored community development projects such as affordable housing.

INTERGOVERNMENTAL COORDINATION

The Board supports HR 3332, the Restore the Partnership Act of 2009. Having a voice in the early phases of legislation and having a forum for communication between the various levels of government is vital to passing legislation which is advantageous to America's counties.

LIVING ORGAN DONATION

The Board urges Congress to revise the eligibility criteria for the Family Medical Leave Act (FMLA) and to allow tax credits and other financial incentives to offset unreimbursed costs of donation in order to expand opportunities for living organ donation. At any time, approximately 100,000 Americans are awaiting organ transplants, with only one-quarter of those persons actually receiving a transplant. Eighty-three percent of all transplant patients (both successful recipients and wait-listed persons) receive Medicare. The fiscal impact to taxpayers at the federal level to maintain one person with kidney failure on dialysis is \$55,000 per year. Since waiting time for a deceased donor kidney is approximately four years longer than a living donor kidney, Medicare can save roughly \$220,000 on average for each living kidney transplant. Kidney cost estimates can be extrapolated to other organs that can be donated by living persons, such as a liver, lung, pancreas, or intestine. At this time of mounting budgetary pressures, rising inflation and escalating national deficits, **the Board supports** Congressional efforts to encourage living organ donation as a fiscally responsible and compassionate policy of our Federal Government.

MEDICAID

The Medicaid program is recognized nationally as a partnership between the federal and state governments to provide medical assistance to certain individuals and families with low incomes and resources. Unlike many states, Florida requires counties to contribute financially to the Medicaid program, subsidizing the state's share, leaving counties vulnerable each year to potential cost shifts when there is a state budget deficit or shortfall. As the state seeks to implement the federal waiver to help provide predictability in the cost of the state's share for Medicaid, **the Board supports** legislation which:

- increases the percentage the Federal Government reimburses states for Medicaid expenditures through the Federal Medical Assistance Percentages (FMAP), based on a sliding scale, so that states with lower personal incomes will have higher FMAPs;
- allows the state to finance and promote the objectives of the Medicaid program without shifting additional costs to county government;
- allows the use of intergovernmental transfers (IGTs) to help draw down additional federal funding without supplanting the state's share with local funds that have been certified to be federally matched, in addition to the state's contribution;
- provides the financial infrastructure for the state to sustain Medicaid non-emergency patient transportation services by using a methodology rate process for distribution of funds to counties that does not shift financial responsibility of these services to the local level;
- provides flexibility at the local level for counties to actively participate in the state's efforts to reduce unnecessary nursing home placement by allowing counties to re-direct their Medicaid match to fund local health care services or community-based care programs;

- fully maintains and preserves critical mandatory and optional Medicaid services such as the Medically Needy program;
- ensures Medicaid coverage for dual eligible clients (Medicare/Medicaid);
- allows a Medicaid funding increase and expanded prescription coverage without any copayments;
- enables the State of Florida to seek a waiver from the Department of Health and Human Services, Food and Drug Administration to allow state and local governments to explore the purchase of Canadian pharmaceuticals in an effort to reduce costs, and;
- removes administrative and statutory barriers to obtaining prescription medications confronted by people living with HIV/AIDS; ensuring they are not forced to interrupt life-saving medications while learning to navigate the complex system of care.

The Board opposes legislation which:

- diverts county funding for older adults, developmental disability, and/or behavioral health services, to managed care programs;
- changes the funding formula for the Medicaid program between the federal and state government that would reduce the federal share to Florida;
- eliminates statewide application of mandatory or optional Medicaid services for eligible recipients;
- eliminates the upper payment limit or low income pool for the state of Florida, and/or;
- requires proof of citizenship for receipt of Medicaid services.

MEDICARE

Medicare is the primary underwriter of health care for elder citizens. Seniors and others with long-term disabilities are facing a crisis in both long-term care and prescription drug coverage. Budget projections for FY10 indicate that long-term care will cost Medicare about \$12.3 billion and Medicaid about \$36 billion. Legislation is critical to ensure the future solvency of the Medicare fund which serves more than 30 million elders (69 million by 2030) as well as those elders dependent on Medicare for all or part of their medical and long-term care coverage. **The Board supports** the elimination of the 24-month waiting period for individuals to access Medicare benefits after receiving a disability determination. **The Board supports** legislation which will ensure adequate funding of the Medicare program. Some Health Maintenance Organizations (HMOs) in Florida and across the country are restricting services, increasing co-payments, and imposing prescription drug caps on their insured members. Thousands of South Florida Medicare recipients rely upon daily prescription medication. **The Board supports** inclusion of prescription drug coverage within the traditional Medicare framework. **The Board also supports** permanent Medicare funding for medical immunosuppressants and other related drugs and the restoration of any funds cut in FY 08-09. Further, the Board urges Congress to expand Medicare coverage for home- and community-based care, as a cost-effective and evidence-based alternative to nursing home care. **The Board also supports** legislation that closes the current gap in prescription coverage of the Medicare Part D program and removes the administrative barriers to obtaining prescription medications that exist for people living with HIV/AIDS.

MENTAL HEALTH PARITY

In 2008, the United States Congress passed the Mental Health Parity and Addiction Equity Act of 2008 which requires that a group health plan of 50 or more employees providing both medical and surgical benefits and mental health or substance use benefits ensure that financial requirements and treatment limitations applicable to mental health/substance use disorder benefits are no more restrictive than those requirements and limitations placed on medical/surgical benefits. **The Board supports** expansion of the Act to include group health plans for less than 50 employees and individual health plans while ensuring that costs for those health plans do not increase beyond an acceptable threshold.

MILITARY NONDISCRIMINATION

The Board supports the passing of legislation to create a new military policy to eliminate sexual orientation discrimination in all branches of the United States Military. Legislation such as the Military Readiness Enhancement Act of 2009 will enact a policy of nondiscrimination based on sexual orientation in the United States Armed Forces and replace the current National Defense Authorization Act also referred to as the “Don’t Ask, Don’t Tell” policy. National security as well as military readiness will be best served by allowing every willing and able American to serve in the United States Armed Forces.

OFFSHORE OIL DRILLING

As a peninsular state, Florida has a delicately balanced ecological system of aquatic life, wildlife, coral reefs, wetlands, bays, estuaries and marshes. The preservation and conservation of its natural resources is critical to Florida’s environmental and economic future. It is widely believed that offshore drilling and pipeline construction and installation near any Florida shore has the potential to cause significant damage to aquatic life, wildlife, seagrasses, coral reefs, mangroves, beaches and wetlands. Considering that the State of Florida’s contribution to the U.S. economy consists primarily of tourism, retirement, recreation, and agricultural products, damage to Florida’s beaches, coastal wetlands and salt marshes from an oil spill or gas leak could be catastrophic. Broward County’s beaches are critical to the economy, attracting more than 7.2 million visitors a year, who contribute more than \$500 million annually to Broward County’s economy. As a result of our beaches, tax revenues are increased by \$29 million annually and more than 17,000 beach related jobs are created and sustained.

Spills from offshore oil drilling in the Gulf of Mexico present a risk to Florida’s beaches. Due to the Gulf Stream and loop currents which enter from the Caribbean Sea, traverse the Gulf of Mexico past the Florida Keys and Southeast Florida into the Atlantic, oil released in the Gulf of Mexico could impact east coast beaches. Over the past years, hurricanes have devastated the State of Florida, the Florida Keys, and Gulf Coast communities and have severely impacted the energy infrastructure in the Gulf of Mexico. If, as expected, the number and intensity of hurricanes and tropical storms increases, additional oil drilling either along the Atlantic Coast or within the Gulf of Mexico near Florida presents an unacceptable risk to Florida’s beaches and economic future.

Two years ago, we witnessed the highest gasoline prices on record. Costs were largely driven by ever-increasing global energy demand and compounded by impacts to the operations of domestic oil refineries during the 2008 hurricane season. As a result, there has been increasing discussion at the national and state level about the need to develop additional domestic supplies, including the potential exploration off the Florida coast.

The County recognizes that reliance on foreign oil poses a problem of having to depend on increasingly unstable governments, and the influence of global energy demands, and therefore **the Board strongly supports** federal efforts to enhance independence from foreign energy sources. However, the County does not find this as a justification for increased drilling activities off the coast of Florida. **The Board supports** long-term solutions to both foreign and domestic oil dependence such as reducing the total demand for energy through conservation, energy efficiency and renewable and alternative energy policies that will save oil and natural gas, and thus reduce the pressure to drill off the coasts. These conservation based measures would serve multiple purposes from reducing the demand for oil drilling to reducing greenhouse gasses, an important step to lessen the impacts of global warming.

In late 2006, Congress passed a provision to open 8.3 million acres in the Gulf of Mexico to oil and gas exploration, including a compromise that limited new leases to the small area south of the Florida panhandle. The legislation will create drilling-free buffer zones to protect Florida's west coast. **The Board also supports** ensuring that the longstanding moratorium protecting Florida waters from off-shore oil and gas drilling remains intact.

OFFSHORE WATERS

The Board has long recognized the necessity of protecting the County's natural resources and has established strong environmental practices and regulations designed to protect and improve the quality of our water resources and dependent ecosystems. This is evidenced by the implementation of many County standards and operational practices which are more stringent than those of the state and federal governments. We strive to ensure that our policies and practices are guided by our environmental commitments, sound science, and accepted technologies.

Wastewater disposal has been an issue of great concern to the County as it seeks to address the obvious infrastructural needs of a growing urban population while protecting the natural systems that contribute to our quality of life and provide the foundation for our strong economy. We currently utilize all the available accepted technologies as part of our wastewater disposal practices and have supported regional efforts to ensure the continued protection of our coastal waters and reef system. Broward County, along with DEP, NOAA and others, is a partner in the Florida Area Coastal Environmental Initiative (FACE), which is currently conducting a scientific investigation of the sources and relative contributions of various nutrient inputs to our coastal waters. **The Board supports** the efforts of the FACE stakeholders, which will study the urban and natural sources and impacts of nutrients, trace metals and other constituents in the marine and estuarine environment. Additionally, **the Board also strongly recommends** that Federal and State agencies implement a long-term coastal water monitoring program for the southeast Florida region. Monitoring will provide scientifically based information for making policy and regulatory decisions to control the impact of pollutants and to protect the coastal environment.

In addition, **the Board supports** the efforts of the U.S. Coral Reef Task Force. Through the coordination of the National Oceanic and Atmospheric Administration (NOAA), stakeholders, including the Florida Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission (FWCC) and Broward County, have coordinated formation of an interagency and stakeholder strategy team for coral reef management and conservation. This strategy team is implementing a local action plan to improve coordination of technical and financial support for conservation and management of coral reefs from Miami-Dade County northward

to the St. Lucie Inlet in Martin County. Four workgroups, Awareness and Appreciation; Fishing, Diving, and Other Uses; Land-Based Sources of Pollution and Water Quality; and Maritime Industry and Coastal Construction Impacts, will outline issues and threats, present them at stakeholder workshops, combine information from public input and technical advisory committees, and propose projects to minimize harmful effects. The outcome will be a coordinated plan to address causes of coral degradation and provide a roadmap for successful conservation and management. **The Board supports** this effort and will continue to participate and support in developing the local action strategies for the conservation of this important resource.

The Board supports the development of science-based criteria that protect the waters of the state and local communities. **The Board, however, opposes** the establishment of numeric nutrient criteria by the U.S. Environmental Protection Agency that are not fundamentally based upon sound science.

OUTDOOR ADVERTISING

The Board opposes legislation which would preempt local governments' ability to regulate outdoor advertisers, and opposes weakening of the 1965 Highway Beautification Act.

PARATRANSIT - TRANSPORTATION

The Board supports legislation that would allow Americans with Disabilities Act (ADA) paratransit services to provide transit services beyond the current service area in other Counties and jurisdictions.

PORT EVERGLADES

Port Everglades is recognized as the third largest cruise port in the world as well as one of the fastest growing containerized cargo business entities. It is a primary bulk cargo depot for South Florida, as well as the petroleum distribution point for 12 counties and provides jet fuel for three international airports.

The Board supports:

- **Federal funding for intermodal connectivity projects** at the port, which enhances the regional movement of freight, goods and people;
- **Permanent funding for Port Customs Inspectors** and additional resources for U.S. Customs and Border Protection, U.S. Citizen and Immigration Services and U.S. Department of Agricultural Inspection Services to keep pace with growth in cargo and cruise activities;
- **Expanded Federal funding for continued maintenance of Federal Navigation Channels** and funds to complete the feasibility study and to initiate project engineering and design for harbor deepening in support of international trade and oppose alternatives that would place an undue cost burden on ports or their clients;
- **One universal transport worker identification card** that includes a biometric credential for port workers and visitors in order to authorize their unescorted access to secure areas of vessels and facilities;

- **Removing the alternative minimum tax (AMT) penalty on seaport issued private activity bonds (PAB)** that investors pay and ports absorb through discounting penalties. Federal and non-Federal infrastructure seaport projects need to be in place to achieve the maximum public benefit. Non-federal infrastructure seaport projects require investment from private equity markets. Ports issue private activity bonds (PAB) for this purpose. PAB interest payments are subject to the alternative minimum tax (AMT). Investors are on average demanding an interest rate premium of 150 basis points or more to compensate for the AMT. Removing the AMT penalty is needed immediately in order to proceed with projects that are otherwise ready to go;
- **A repeal of the tariff of 54 cents per gallon for ethanol delivered from foreign countries to Florida ports.** The state of Florida mandated that all gasoline sold here will be mixed with 10 percent ethanol by 2010. It is logistically inefficient, environmentally unfriendly, and very costly to truck/rail transport Midwestern ethanol to Florida. More than 9 billion gallons of ethanol were produced by the U.S. in the past year. As of May 2008, U.S. ethanol imports were at an equivalent of 530 million gallons for the year. (107 million gallons, both domestic and foreign, came through Port Everglades in 2008). All imported ethanol, with the exception of Caribbean Basin Initiative imports, incurs the standard U.S. import tariff on ethanol of 2.5 percent duty, plus an imposed tariff of 54 cents per gallon. In order to keep Florida gasoline prices at levels competitive with other states, a repeal of the tariff of 54 cents per gallon for ethanol delivered from foreign countries to Florida ports is fiscally and environmentally prudent, and;
- **Trade Agreement Parity (TAP)** which will allow the Foreign Trade Zones Board to permit zone-based manufacturers to equalize the tariff conditions between U.S. factories and factories in FTA countries. Free trade agreements (FTA) are good for the United States and promote global prosperity and U.S. competitiveness. FTAs eliminate duties on products that are imported into the U.S. from countries that agree to eliminate duties on U.S. exports. However, this U.S. tariff policy can make it more costly to make products in the U.S. for sale in the U.S. or for export, than to make them in FTA partner countries, using the same components and raw materials in each location. TAP levels this situation.

REFUGEE SERVICES

The Board supports the continued funding of all County grants received from the Office of Refugee Resettlement within the Department of Health and Human Services.

The Board supports the continued funding of the Targeted Assistance Discretionary Program.

SELF SUFFICIENCY

The Board supports increased levels of funding for the Community Services Block Grant, which supplies core funding for local agencies assisting the lowest income families in America. Adequate funding levels for this program will increase self-sufficiency and reduce dependency on public funds. **The Board also supports** increased levels of funding by the Federal Government to the State of Florida for the Community Assistance Program and the Low Income Home Energy Assistance Program.

STATE CHILDRENS HEALTH INSURANCE PROGRAM (SCHIP)

In 1997, the Federal Government established the State Children's Health Insurance Program (SCHIP). This program was established as a federal/state matching program to cover children who were over income for Medicaid but were uninsured. **The Board supports** expansion efforts to enroll more eligible children and expand coverage for children who are not Title XXI eligible so that these children and those already enrolled will have consistent access to health care and the burden on the health care safety net is reduced.

STEM CELL RESEARCH

Embryonic stem cells stand as a crucial link to the scientific puzzle that may mitigate the pain and suffering of more than 100 million Americans and provide new therapies and other scientific opportunities for countless diseases such as diabetes, Alzheimer's, Parkinson's, ALS, heart disease, spinal cord injury and cancer. **The Board supports** protecting and preserving continued federal funding of human embryonic stem cell research.

TAX RELIEF

In 2006, a provision was included in HR 4297 that, starting January 1, 2011, every county that spends at least \$100 million per year on goods and services will be required to withhold three percent of funds from a vendor or contractor for federal tax purposes. The few exemptions include payments for real property, interest, and those made in connection with a public assistance program based upon need or income or pursuant to a classified or confidential contract. The requirement does not apply to payments to county employees. It does apply to items purchased using a county credit card. There is no minimum transaction. This requirement will be extremely expensive to implement, and in many cases it will require programming changes to financial and accounting systems and the hiring of additional staff. The policy will discourage contractors from bidding on government products and increase pricing.

The Board supports repeal of this unfunded mandate in Section 511 of Public Law 109-222.

In addition, the Joint Committee on Taxation's proposal to "require state and local governments to report to taxpayers and the IRS the amount of real estate taxes paid" would impose a significant unfunded mandate and data redaction issue on local government. The County is not able to discern which taxes are tax-deductible, and additionally would need information systems that captured, stored, and protected relevant social security numbers from the public record. **The Board opposes** legislation that would compel the County to report the amount of real estate taxes paid to the IRS and to individual taxpayers.

TRANSPORTATION REAUTHORIZATION REQUESTS

Crushed Rock Aggregate Facility/Intermodal Container Transfer Facility (ICTF)

Broward County is requesting the authorization of \$115 million for the construction of a combined facility and rail spur in Port Everglades. The aggregate component of this project is envisioned to meet a portion of Florida's needs for crushed rock aggregate with supplies imported from off-shore locations. The ICTF component will be constructed to allow for the intermodal transfer of international containers between ship and rail. The aggregate component of this project is envisioned to meet a portion of Florida's needs for crushed rock aggregate with

supplies imported from off-shore locations. The combined facility is envisioned to accommodate international containerized movements, imported crushed rock and other bulk products used in the cement and ready-mix concrete industry.

Northport Bypass Road

Broward County is requesting the authorization of \$21.9 million for the construction of the Port Bypass road. The Road is needed to secure the Port Jurisdictional areas from non-Port-related traffic and permit entry of only Port business-related users to the facility. Currently, both Port and non-Port traffic co-mingle as non-Port users often travel through the Port security entry points at I-595/Eller Drive and at U.S. 1/Spangler Boulevard (traversing along Eisenhower Boulevard) to get to the Broward County Convention Center. The proposed Bypass Road will enable unrestricted vehicular access from U.S. 1 to the Convention Center and/or to the 17th Street Causeway. Therefore, the new Bypass road will permit non-Port users, including Convention Center attendees, the ability to travel to the Convention Center and/or to 17th Street Causeway without entering the restricted-access areas of the Port, thereby separating “Port traffic” from “non-Port” traffic.

Transit Technology Enhancements

Broward County is requesting the authorization of \$7 million for the acquisition of transit technology to improve energy and transit efficiency, and safety. The project includes: Technology associated with a Traffic Signal Priority system to facilitate the movement of public transit vehicles along heavily congested traffic corridors; installation of a Real Time Information system to provide riders with ADA accessible transit information about the next vehicle’s wait time based on the vehicle’s location and conditions in the transit corridor; and the purchase and installation of LED solar panel technology to provide energy-efficient lighting at 2,000 bus stops and display transit information for transit riders.

Hybrid, Hybrid-Articulated and Hydrogen Buses

Broward County is requesting authorization for \$16.5 million to purchase 10 40-foot hybrid buses, 10 60-foot hybrid-articulated buses and two hydrogen buses. Each hybrid bus costs \$600,000, each hybrid-articulated bus costs \$850,000 and each hydrogen bus costs \$1.0 million. The total project cost is \$15 million. The County will replace older buses with cleaner, more efficient hybrid buses. In addition, the purchase of the hybrid-articulated vehicles will allow Broward County to address transit capacity and expansion needs while also addressing clean air issues. The articulated buses currently in service on the busiest routes are not energy efficient, thereby leading to increased production of harmful carbon emissions and contributing significantly to lower air quality. Moreover, the purchase of two new hydrogen buses presents the County with an opportunity to introduce into its bus fleet the latest environmentally-friendly, energy efficient prototype vehicle. The hydrogen buses will have only water emissions.

Transit Infrastructure

Broward County is requesting authorization for \$15 million to make improvements to 500 transit stops, which may include, depending on the stop location, concrete pad, shelter, construction, permitting, lighting, real time signage, connectivity for ADA purposes, and other amenities as needed. South Florida’s intense heat and tropic rains are serious deterrents to the use of mass transit. While some passengers must use transit no matter the conditions, residents who have

even the slightest opportunity to use other options will generally do so when faced with a lack of transit-friendly amenities. The purpose of this project is not only for new shelters, but also to ensure that existing shelters and other amenities (real time information) are ADA accessible. Increasing the number of stops offering transit amenities that are aesthetically pleasing, accessible, provide comfort, safety and information about the transit service will lead more of the public to ride transit and reduce their reliance on cars. Furthermore, increased transit ridership would add environmental benefits and assist in reducing fuel dependence.

WASTE TIRE CLEANUP

In the early 1970s, two million tires were dumped into the Atlantic Ocean off the coast of Broward County, intended to create an artificial reef and provide a disposal site for tires. Instead, approximately 700,000 tires spread over 34 acres, became loose and migrated on to the outer face of the middle reef tract, creating a “dead zone” on the reef.

To stop further destruction of the reef, the tires must be removed from the ocean. A partnership of agencies has crafted a solution to this ongoing environmental threat. Working under the umbrella of Coastal America, a partnership process that brings together networks of agencies, the Federal government, the State of Florida and the Broward County Environmental Protection and Growth Management Department have crafted a plan to remove the tires from the ocean and recycle them into products that will have a constructive use.

The military does and will continue to play a significant role in clean up. The Department of Defense’s Innovative Readiness Training Program matches real world training opportunities with projects that have incidental benefits to communities. Tire removal will provide defense readiness training for the military while providing for environmental remediation. A pilot project was conducted in the summer of 2007, demonstrating the feasibility of the removal methodology. The full-scale salvage mission that includes the Army’s Dive Company, the Navy Dive Units, and watercraft assets from the Army’s 7th Transportation Group completed full-scale salvage operations in FY 08 and FY 09. The overall mission is anticipated to last approximately three years, and FY 10 requests for assistance have been submitted to the Army, the lead service in this project.

The Florida Department of Environmental Protection (DEP) will also continue to play a significant role in waste tire clean up by providing experience and expertise in the tire recycling portion of the project. A state budget initiative was put forward by the DEP to secure the funding to ensure the recycling and proper management of the tire processing. State funding for this project is approximately \$2,830,600.

The County will be involved in all aspects of the project, agreeing to accept responsibility for project management, including contract administration; permitting; on-site management, to include training, work oversight and troubleshooting problems; and to provide necessary equipment, supplies, and consumables for operations. State funding, under contract to DEP, has been requested for a portion of these costs. The County’s in-kind contribution by their Natural Resources Planning and Management Division staff is estimated to be approximately \$98,800.

Appropriation for this project is requested through the National Defense Authorization Act (NDAA). Broward County, in conjunction with project partners, supports including language in the NDAA to increase the chances for this project to be approved.

The Board supports this partnership and encourages Congress to fund the appropriate projects.

WATERS OF THE UNITED STATES

Congress passed amendments to the Federal Water Pollution Control Act, known as the Clean Water Act (CWA or Act), in 1972. The Act's primary objective was to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." The CWA defined "navigable waters" as "waters of the United States, including the territorial seas." In using such a broad definition, Congress clearly intended for the Act to protect a wide spectrum of the nation's waters that could be used in or affect interstate commerce.

The U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Corps), the two federal agencies responsible for implementation of the CWA, adopted regulations which defined the term "waters of the United States" to include:

- Traditional interstate navigable waters;
- Interstate wetlands;
- Other waters such as "intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds by which the use, degradation or destruction of could affect interstate or foreign commerce;
- Impoundments of waters;
- Tributaries of the above waters;
- Territorial seas; and
- Wetlands adjacent to such waters or their tributaries.

Since the CWA's passage the United States Supreme Court has reviewed the extent of federal jurisdiction under the Act three times. The Court's most recent decisions in *Solid Waste Agency of Northern Cook County v. Army Corps of Engineers*, and *Rapanos v. United States*, have, arguably, limited the Corps' expansive exercise of jurisdiction pursuant to the CWA, specifically in reference to certain isolated, intrastate waters and wetlands that are not navigable-in-fact.

As the result of these court decisions, federal legislation has been filed to reaffirm the original intent of Congress in enacting the CWA, clearly define "waters of the United States" subject to CWA jurisdiction, and protect such waters to the fullest extent of federal legislative powers. H.R. 2421 filed in the 110th Congress would have replaced the present CWA phrase "navigable waters" with "waters of the United States" and adopt a definition which is similar to those adopted by the Corps and EPA. H.R. 2421 would have also included "activities affecting" such waters, and statutory jurisdiction to the fullest extent of the legislative power of Congress under the U.S. Constitution. This extension of Congress' legislative power would have expanded upon the well-recognized constitutional authority for the CWA under Congress' power to regulate interstate commerce.

The Board has a long-standing commitment to strong environmental and water quality policies, including support for the Clean Water Act, and has consistently opposed regulatory or legislative action that would weaken water quality standards and undermine regulatory programs under the CWA.

Broward County Board of County Commissioners supports legislation that:

- Clarifies the basis and scope of CWA jurisdiction, including a more descriptive definition of the jurisdictional waters included within the term;
- Maintains Congress' policy and CWA provisions that recognize, preserve, and protect the primary responsibilities and rights of states to prevent, reduce, and eliminate pollution and to plan for the development and use (including restoration, preservation, and enhancement) of land and water resources;
- Establishes specific standards that protect wetlands having significant ecological functions or hydrological connections to navigable waters;
- Clarifies that CWA jurisdiction does not include isolated, intrastate, non-navigable waters such as isolated ponds, ditches, and other channels containing intermittent or ephemeral water flows occurring during less than three months of the year as "navigable waters" or "waters of the United States"; and
- Relies upon CWA jurisdiction under Congress' commerce power to accomplish the objectives of the CWA and does not add the phrase "activities affecting such waters" to the definition of "navigable waters" or "waters of the United States."

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For further information about Broward County's Legislative
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