

**MEMORANDUM**

**TO:** Independent Transportation Surtax Oversight Board

**FROM:** Angela J. Wallace, Transportation Surtax General Counsel

**DATE:** January 17, 2020

**RE:** **Transportation Surtax Ordinance Revisions**  
**CAO File:**

On January 10, 2020, the County Administrator and the County Attorney met with the Chair of the Oversight Board to discuss the Oversight Board's concerns regarding several proposed revisions to the Transportation Surtax Ordinance. The County Administrator and the County Attorney proposed certain revised language, and further revised that language as a result of the dialogue that occurred during the meeting. We believe the final language, which has been incorporated into the attached draft, fully resolves the concerns expressed by the Oversight Board.

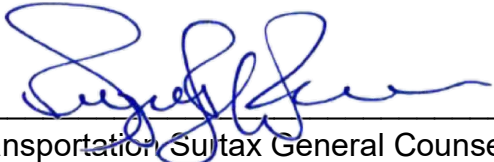
Most of the changes shown in the attached draft are in response to issues raised by representatives of the Broward League of Cities and the City of Sunrise (the changes are tracked to permit further dialogue with those entities). We are sending the complete document so you can see that these other changes should not cause any concern for the Oversight Board. To facilitate your review, we call your attention to the following paragraphs:

1. Paragraph (g) on page 5 – we have eliminated all proposed changes and have restored the language that appears in the current, unamended ordinance;
2. Paragraph (i)(1) on page 13 – the shaded language addresses the input of the General Counsel when the Oversight Board is facing a question of statutory interpretation in terms of project eligibility, and requires that the Oversight Board give “due consideration” to the General Counsel’s legal opinion;

3. Paragraph (i)(1)a. on page 14 – the shaded language reinserts into the ordinance that the Oversight Board’s written notice that a project or expenditure is eligible may contain Oversight Board recommendations regarding ways to improve the project or expenditure; and
4. Paragraph (k) on pages 15-16 – The shaded language states that the Oversight Board can select its own professional accountants/auditors who will be retained by the County (as a matter of law, the County must be the contracting party) and specifies the role to be played by the Office of the County Auditor in assisting the Oversight Board in its selection and in ensuring the selected contractor(s) achieve the Oversight Board’s audit and review objectives.

We hope and trust these revisions fully allay the concerns you have expressed. This item is scheduled to be considered by the County Commission on January 28. If you have any remaining concerns, please let me know so we may determine whether those concerns can be expressed before the County Commission on January 28 or whether they are more appropriately addressed at the next Oversight Board meeting on January 30, in which event the County Administrator and County Attorney will seek to delay consideration by the County Commission until the Commission’s February 11 meeting.

Thank you in advance for your consideration of this matter. Please feel free to call or email me (954-357-7613 or [ajwallace@broward.org](mailto:ajwallace@broward.org)) or Andrew Meyers, the County Attorney (954-357-7601 or [ameyers@broward.org](mailto:ameyers@broward.org)) with any questions or concerns regarding this matter.

  
\_\_\_\_\_  
Transportation Surtax General Counsel

CC: Andrew J. Myers, County Attorney  
Bertha Henry, County Administrator  
Gretchen M. Cassini, MAP Administrator

ORDINANCE NO. 2019-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO THE CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SALES SURTAX; AMENDING SECTION 31½-75 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") TO CONFORM IT TO VARIOUS SUBSTANTIVE PROVISIONS AND PROCESSES ESTABLISHED PURSUANT TO LATER-DEVELOPED AGREEMENTS WITH THE BROWARD METROPOLITAN PLANNING ORGANIZATION AND MUNICIPALITIES; AND PROVIDING FOR AMENDMENTS, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, the Board of County Commissioners of Broward County, Florida ("Board"), enacted Ordinance No. 2018-29, the Broward County Transportation Surtax Ordinance, codified in Section 31½-71, et seq., of the Broward County Code of Ordinances, which levied a thirty (30) year one percent (1%) Transportation Surtax that was approved by referendum at the General Election on November 6, 2018; and

WHEREAS, the Board has determined that amending the Transportation Surtax Ordinance, to conform it to various substantive provisions and processes established pursuant to later-developed agreements with various entities and to relocate procedural provisions from the Transportation Surtax Ordinance to the Broward County Administrative Code, is appropriate at this time,

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

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

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

4 . . .

5 (a) *Composition.* The Oversight Board shall be comprised of the following nine  
6 (9) members:

7 (1) One professional in the field of accounting – A person who ~~is holds, or within~~  
8 ~~the past three years has held~~, a license in the State of Florida to practice  
9 ~~public accounting, or a person who is practicing, or within the past three~~  
10 ~~years has practiced~~, public accounting in this state pursuant to the practice  
11 ~~privilege granted in Section 473.3141, Florida Statutes;~~

12 (2) One professional in the field of finance – A person who holds a professional  
13 ~~degree and has practical experience in finance or banking;~~

14 (3) One professional in the field of land use or urban planning – A person who  
15 ~~holds a professional degree and has practical experience in land use or~~  
16 ~~urban planning;~~

17 (4) One professional in the field of engineering or construction management –  
18 A person who ~~holds, or within the past three years has held, a licensed~~  
19 ~~to engage in the practice of engineering as defined in Section 471.005, Florida~~  
20 ~~Statutes, or a construction management professional who is, or within the~~  
21 ~~past three years has been,~~ a licensed general contractor or a licensed  
22 ~~building contractor as defined in Section 489.105, Florida Statutes;~~

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underscoring type are additions.

1 (5) One professional in the field of architecture – A person who ~~is holds, or~~  
2 within the past three years has held, a licensed to engage in the practice of  
3 architecture pursuant to Section 481.213, Florida Statutes;

4 (6) One professional in the field of environmental science – A person who holds  
5 a professional degree and has practical experience in environmental  
6 science;

7 (7) One resident consumer of public transportation – A person who resides in  
8 Broward County and is a user of the multimodal transportation system;

9 (8) One former city or county manager – A person who holds a professional  
10 degree, has professional experience as a city manager or a county  
11 manager, and is not currently employed as a city manager or a county  
12 manager in the state; and

13 (9) The Director of the Broward College Office of Supplier Relations and  
14 Diversity, or such person's designee.

15 ...  
16 (d) *Term of Oversight Board Members.* The Director of the Broward College  
17 Office of Supplier Relations and Diversity shall serve for as long as he or she is employed  
18 in that position. All other Oversight Board members shall serve four-year terms and may  
19 be reappointed for successive terms. Any Oversight Board member who is appointed to  
20 replace an Oversight Board member who has been removed or has resigned shall serve  
21 for the balance of the term of such member.

22 (1) *Process for filling vacancies.* The Appointing Authority shall determine the  
23 documentation required for applications to the Oversight Board.

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1     (1) (2)     *Removal.*

2             a.     With the exception of the Director of the Broward College Office of  
3                     Supplier Relations and Diversity, A a member of the Oversight Board  
4                     may be removed for good cause determined by supermajority vote  
5                     of the Appointing Authority, and shall be removed by a majority vote  
6                     of the Appointing Authority if the member no longer meets the  
7                     applicable categorical requirement or qualifications for membership.

8             b.     The effective date of removal from the Oversight Board shall be the  
9                     earliest of the following, to the extent applicable:

10                1.     The date provided in the member's resignation; or

11                2.     The date provided in the written notice of removal of a  
12                     member by the Appointing Authority.

13     (2) (3)     ~~*Process for filling vacancies.* Any member appointed to replace a member~~  
14                     ~~who has been removed or who resigns shall serve for the balance of the~~  
15                     ~~term of such member. The Appointing Authority shall meet as required to~~  
16                     ~~appoint or remove members.~~

17     (e)     *Compensation.* Members of the Oversight Board shall not receive any  
18     compensation for their service on such board. Reimbursement for travel and other  
19     reasonable expenses directly related to service on the Oversight Board is permissible  
20     and does not constitute compensation.

21     (f)     *Oversight Board Meetings.* The Oversight Board shall meet at least  
22     quarterly. The members shall elect a chairperson to preside over meetings. The  
23     Oversight Board shall establish its own rules of procedure for conducting its meetings.

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1 ~~(g) Staffing.~~ Broward County shall provide sufficient staff to enable the  
2 Oversight Board to efficiently perform its functions, and shall retain such consultants as  
3 the Oversight Board determines necessary to perform its responsibilities.

4 ~~(h) Applications for Funding.~~ Any municipality within Broward County or the  
5 Broward MPO may submit an application for project funding to the Board of County  
6 Commissioners of Broward County ("County Commission") for the County Commission's  
7 initial consideration. The applications will be on a form approved by the County  
8 Commission, will specify the amount of funding being sought and how such funding is  
9 intended to be expended, and will include, among other requirements, a statement that  
10 any recipient of such proceeds assents to (i) having its use of the proceeds audited by an  
11 independent auditor retained by the Oversight Board; and (ii) continuing project review by  
12 the Oversight Board.

13 ~~Prior to submitting an application for funding to the County Commission,~~  
14 ~~municipalities shall submit their proposed projects to the Broward MPO, which shall~~  
15 ~~review, rank, and prioritize the submitted projects based upon each project's ability to~~  
16 ~~alleviate traffic congestion and enhance connectivity. The Broward MPO shall provide a~~  
17 ~~list ranking the proposed municipal projects to the County Commission for its~~  
18 ~~consideration by February 1 of each year. If the MPO fails to timely do so, municipalities~~  
19 ~~may submit applications directly to the County Commission.~~

20 ~~Consistent with the process specified in paragraph (i) immediately below, the~~  
21 ~~County Commission may determine to (a) submit the municipal or the Broward MPO~~  
22 ~~application, without modification, to the Oversight Board; (b) notify the municipality or the~~  
23 ~~Broward MPO that the application will not be submitted for Oversight Board consideration;~~  
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1 or (c) return the application to the municipality or the Broward MPO with proposed  
2 revisions. If the County Commission returns the application with proposed revisions, and  
3 the municipality or the Broward MPO accepts in writing all of the proposed revisions, the  
4 County Commission shall thereafter forward the application to the Oversight Board for its  
5 consideration. If the municipality or the Broward MPO accepts some but not all of the  
6 County Commission's proposed revisions, the County Commission shall consider the  
7 revised application to determine whether it should be forwarded for Oversight Board  
8 consideration.

9 (i) *Approval of Projects and Expenditures.* The County Commission, after  
10 considering the recommendations of County staff and any project ranking provided by the  
11 Broward MPO, will determine which proposed projects and expenditures of  
12 Transportation Surtax proceeds, whether initiated by the County or by some other  
13 governmental entity, will be submitted to the Oversight Board, and will further determine  
14 the order of submittal and priority of proposed projects and expenditures. The Oversight  
15 Board shall consider only proposed projects and expenditures submitted by the County  
16 Commission. The Oversight Board shall determine whether the proposed project or  
17 expenditure is permissible under Section 212.055(1)(d), Florida Statutes. If the Oversight  
18 Board determines that it is permissible, the Oversight Board shall approve the proposed  
19 project or expenditure and shall send written notice thereof to the Broward County  
20 Administrator. If an approved project or expenditure is only partially fundable with  
21 Transportation Surtax proceeds pursuant to Section 212.055(1)(d), Florida Statutes, the  
22 Oversight Board's written approval shall identify those portions of the project or  
23 expenditure fundable with Transportation Surtax proceeds and shall state the total dollar  
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1 value of those portions. The written notice of approval may contain recommendations  
2 made by the Oversight Board regarding best practices or other methods that may be  
3 employed to improve a proposed project or expenditure. If the Oversight Board  
4 determines that a proposed project or expenditure is not permissible under  
5 Section 212.055(1)(d), Florida Statutes, the Oversight Board shall reject the proposed  
6 project or expenditure and shall, in writing, specify the reasons for such rejection.  
7 Rejected projects and expenditures may be modified and resubmitted by the County  
8 Commission for subsequent consideration by the Oversight Board. The Oversight Board  
9 shall issue its written notice of approval or rejection within one hundred twenty (120) days  
10 after receipt of the proposed project or expenditure submitted by the County Commission.

11 (h) Applications for Funding.

12 (1) Municipalities in Broward County may submit written applications to the  
13 Broward MPO for Transportation Surtax proceeds to fund statutorily eligible  
14 capital projects ~~(projects that do not involve rehabilitation or maintenance~~  
15 of roads), including but not limited to projects for new roads, widening  
16 existing roads, traffic calming improvements, transportation-related ADA  
17 accommodations, sidewalks, bike paths, and bridges. ~~Each~~The application  
18 must specify the amount of funds requested, how funds are intended to be  
19 expended, and any other data requested by staff to evaluate the project.  
20 Municipal capital projects included in the Regional Mobility & Transportation  
21 Enhancements Surtax Initiative ("Transportation Surtax Plan"), approved by  
22 the Board of County Commissioners of Broward County ("County  
23 Commission") on September 13, 2018, will be the first to be evaluated and  
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1 ranked. Applications for new municipal capital projects will be accepted by  
2 the Broward MPO beginning in February 2021. ~~Surtax-funded Broward~~  
3 ~~MPO staff and consultants will evaluate only municipal capital projects that~~  
4 ~~demonstrate adequate operations and maintenance support from non-~~  
5 ~~surtax municipal funds.~~

6 (2) Municipal rehabilitation and maintenance projects were included in the  
7 Transportation Surtax Plan and are subject to ranking by County staff using  
8 a written, objective process that will be vetted with municipal stakeholders  
9 prior to implementation. ~~with municipal stakeholders and the County~~  
10 ~~Commissioner(s) representing residents of that municipality~~ These  
11 ~~Rehabilitation and maintenance~~ projects, to the extent eligible for funding  
12 and in the order of ranking, will be funded from any excess Transportation  
13 Surtax proceeds that County staff identifies annually, in writing, as being  
14 available for municipal rehabilitation and maintenance projects, after  
15 consideration, consistent with the terms of all applicable interlocal  
16 agreements, of the Surtax-funded Broward MPO staff recommend  
17 municipal capital projects. New municipal rehabilitation and maintenance  
18 projects (those not included in the Transportation Surtax Plan) may be  
19 ~~considered submitted to the County for review and ranking~~ after February  
20 2021, and will be considered for funding, subject to surtax revenue  
21 availability for those projects as determined solely by the County  
22 Commission.

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1       (3) By July 1, 2020, a five-year plan will be developed by County staff, with  
2 input from Surtax-funded Broward MPO staff, and shall include all projects  
3 proposed to be funded in whole or in any part by Transportation Surtax  
4 proceeds. Once acted upon by both the Oversight Board and the County  
5 Commission, and subject to any further consideration by the County  
6 Commission, this five-year plan will act as the basis for funding and project  
7 delivery. New or amended projects may be added to, ~~and projects may at~~  
8 ~~the request of the applicable municipality be deleted from,~~ the five-year plan  
9 on an annual basis that coincides with the budget process and is further  
10 defined in the Interlocal Agreement between the Broward MPO and  
11 Broward County related to prioritization of municipal projects. The  
12 prioritized list of projects, the five-year plan, and ~~the~~ annual updates to the  
13 five-year plan will be considered by the Oversight Board as ~~addressed~~  
14 ~~outlined in section (i)(1) below.~~

15       (4) In order to ~~receive access~~ Transportation Surtax proceeds for a permissible  
16 project, the municipality must execute a ~~project-specific~~ Interlocal  
17 Agreement with the County that includes, ~~but is not limited to,~~ the following  
18 ~~elements requirements:~~  
19       a. An obligation ~~by for t~~he municipality ~~to~~ ~~must~~ maintain a separate  
20 account for Transportation Surtax proceeds, ~~which account would be~~  
21 ~~subject to County or Oversight Board audit that can be audited;~~

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1 ~~b.~~ The Every Transportation Surtax funded municipal project would be  
2 is subject to County or Oversight Board performance review and  
3 audit;

4 b.c. A commitment by the municipality to provide for the maintenance and  
5 operation of the project, throughout the useful life of the project, from  
6 non-surtax, municipal funds;

7 e.d. A thirty percent (30%) County Business Enterprise (CBE)  
8 commitment must be included in agreements to the extent funded  
9 with Transportation Surtax proceeds, subject to the availability of  
10 subcontracting opportunities, the availability of subcontractors, and  
11 consideration of good faith efforts to meet such commitment  
12 consistent with the County's CBE program, except that no CBE  
13 commitment shall apply to agreements that are subject to other  
14 participation goals (e.g., federal DBE program or SBE reserves),  
15 agreements that are expressly exempt from the County's  
16 Procurement Code, agreements that are otherwise ineligible by state  
17 or federal law, and agreements to which goals are not assigned by  
18 the County (e.g., sole source, sole brand, and emergency  
19 agreements);

20 d.e. To decrease public inconvenience and to facilitate the expeditious  
21 and efficient completion of Transportation Surtax-funded County  
22 projects that occur, in whole or in part, within a municipality, the  
23 municipality shall waive, to the full extent permissible under  
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1 applicable law, all municipal permitting requirements. The waiver  
2 shall include, but not be limited to, the requirements of permit  
3 application, plan review, permit issuance, inspections, and permitting  
4 fees, except that the agreement may provide for reasonable  
5 reimbursement to a municipality for the time it expends in connection  
6 with its conceptual plan review. The County shall be responsible for  
7 ensuring adequate plan review and inspection and shall require  
8 compliance with County Minimum Standards for work in the public  
9 right-of-way (the deletion of the prior language is not tracked here).

10 e.f. The collection and provision of ~~r~~reasonable project performance  
11 data, measures, and deliverables prescribed by the Oversight Board  
12 ~~and~~ the County to ~~determine establish~~ whether ~~established the~~  
13 objectives of the Transportation Surtax (including increasing  
14 connectivity and reducing traffic congestion) are being met;

15 f.g. Reasonable branding and marketing, including but not limited to  
16 through signage, prominently acknowledging the surtax funding  
17 (which shall include any County-selected wording, logo, or other  
18 imagery) and the project contributions of the County and municipality  
19 (tracking of changes was imprecise);

20 g.h. The option for the County to place ~~Placement of~~ sensors and other  
21 devices on municipal properties and assets for County-approved  
22 applications for mobility related data collection purposes, which

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1 placement shall not unreasonably interfere with the municipality's  
2 use of such properties or assets; and

3 h.i. A requirement for tThe municipality must to timely provide to the  
4 County all data available to the municipality regarding the location  
5 and impact of any municipal road closuress that are closed for any  
6 reason, including but not limited to closures resulting from  
7 construction ~~or~~ flooding, in a format prescribed by the County.

8 (5) Surtax-funded Broward MPO staff ~~and County staff~~ will ~~separately~~ review  
9 proposed municipal capital projects and municipal applications for funding  
10 with Transportation Surtax proceeds and ~~shall~~may:

11 a. Indicate their approval of the project ~~or~~ application without  
12 modification, and proceed to rank and prioritize the approved project  
13 ~~or~~ application;

14 b. With the concurrence of the Office of the County Attorney, which may  
15 not be granted prior to consultation to a member of such Office  
16 discussing the matter with the municipality's legal counsel, nNotify  
17 the municipality that staff will not consider the ~~project or~~ application  
18 because it is not eligible for funding under an~~the~~ applicable  
19 contractual or statutory provision~~and state the reason therefor;~~ or

20 c. Return the application to the municipality with proposed revisions,  
21 and, after receipt of the municipality's resubmitted application,  
22 proceed to either ~~proceed to~~ rank and prioritize the project per  
23 subsection (a.) above or notify the municipality that staff will not

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1 consider the application per subsection (b.) above. after giving the  
2 municipality a reasonably opportunity to make those revisions.

3 1. If the municipality accepts, in writing, all of the proposed  
4 revisions, Surtax-funded Broward MPO staff or County staff  
5 will include the application in the ranking and prioritization  
6 process.

7 2. If the municipality accepts some but not all of the proposed  
8 revisions, Surtax-funded Broward MPO or County staff will  
9 consider the revised application to determine whether it  
10 should be included in the ranking and prioritization process.

11 (i) Approval of Proposed Projects and Proposed Expenditures.

12 (1) County staff assigned to support the Oversight Board shall at least annually  
13 compile all County and municipal proposed projects and proposed  
14 expenditures that will be considered for funding with Transportation Surtax  
15 proceeds, consistent with budgetary recommendations, and present them  
16 to the Oversight Board for approval as to statutory eligibility. The Oversight  
17 Board shall consider proposed projects and proposed expenditures  
18 submitted by the County only for eligibility under Section 212.055(1)(d),  
19 Florida Statutes, with due consideration given to the opinion of the  
20 Transportation Surtax General Counsel to the extent the applicable  
21 eligibility determination involves a question of statutory construction.

22 a. If the Oversight Board determines concurs with County staff that a  
23 proposed project or proposed expenditures are statutorily eligible,  
24

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1 the Oversight Board shall send written notice thereof to the Broward  
2 County Administrator, ~~which. The~~ written notice ~~of approval~~ may  
3 contain recommendations made by the Oversight Board regarding  
4 best practices or other methods that may be employed to improve a  
5 proposed project or expenditure.

6 b. If the Oversight Board determines that a proposed project or  
7 proposed expenditures are only partially fundable with  
8 Transportation Surtax proceeds, the Oversight Board's written notice  
9 to the Broward County Administrator shall identify those portions of  
10 the proposed project or proposed expenditures the Oversight Board  
11 determines are fundable with Transportation Surtax proceeds.

12 c. If the Oversight Board ~~determines advises County staff~~ that a  
13 proposed project or proposed expenditures are not eligible for  
14 funding with Transportation Surtax proceeds, the Oversight Board  
15 shall, in writing, specify the reasons for such determination. Such  
16 proposed projects and proposed expenditures may be modified and  
17 resubmitted to the County for its consideration and, if applicable, for  
18 reconsideration by the Oversight Board.

19 d. The Oversight Board shall issue its written notice regarding statutory  
20 eligibility of proposed projects and expenditures no later than thirty  
21 (30) days after the meeting during which the proposed project and  
22 proposed expenditures were considered (or, for resubmitted  
23 projects, reconsidered).

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1       (2) After the Broward County Administrator receives the Oversight Board's  
2 written notice regarding eligibility, the proposed projects and proposed  
3 expenditures will be presented by the Broward County Administrator to the  
4 County Commission for its consideration.

5       (3) The County Commission, consistent with the terms, conditions, and  
6 restrictions of any then-applicable interlocal agreements, and after  
7 considering the recommendations of County staff and Surtax-funded  
8 Broward MPO staff, as applicable, will determine which proposed projects  
9 and proposed expenditures of Transportation Surtax proceeds are it  
10 approveds by the County Commission, and those projects and expenditures  
11 will be included in the County's annual budget.

12       (j) *Project Oversight.* All approved projects and expenditures funded with  
13 Transportation Surtax proceeds shall be subject to the Oversight Board's review, critique,  
14 and analysis assessment for the duration of the projects or expenditures. The Oversight  
15 Board shall issue annual reports on the performance of ongoing projects and shall provide  
16 recommendations to the Broward County Administrator and the County Commission for  
17 any proposed performance improvements.

18       (k) *Annual Audits.* The Oversight Board shall ~~retain~~ select an independent  
19 certified public accountant, or other qualified individuals who will adhere to all applicable  
20 auditing standards, who shall be retained by the County, to perform and complete annual  
21 audits and reviews, as determined necessary by the Oversight Board, of all projects  
22 funded with Transportation Surtax proceeds and of all Transportation Surtax Proceeds  
23 received, maintained, and expended. All completed The audit and review reports results  
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1 shall be submitted to the Oversight Board and to the Broward County Administrator by no  
2 later than ~~ninety (90)~~ one hundred eighty (180) days after the end of each calendar fiscal  
3 year during which any Transportation Surtax proceeds are expended. Such accountant  
4 or other qualified individuals shall be retained consistent with applicable state and County  
5 budgetary and procurement requirements. The Office of the County Auditor shall assist  
6 the Oversight Board in its selection of the independent public accountant or other qualified  
7 individuals, and shall serve as the contract administrator for all written agreements with  
8 such public accountant or other individuals. The contract administrator shall work to  
9 ensure the audit and review objectives established by the Oversight Board are achieved  
10 while ensuring accountability of the contractor(s).

11 Section 2. Amendments.

12 No amendment, revision, or repeal of the Broward County Transportation Surtax  
13 Ordinance, or reduction in the rate of the Transportation Surtax, may take effect if it would  
14 materially impair the contract rights of the owners of any bonds, notes, or other  
15 instruments of indebtedness payable, in whole or in part, directly or indirectly, from the  
16 proceeds of the Transportation Surtax.

17 Section 3. Severability.

18 If any portion of this Ordinance is determined by any court to be invalid, the invalid  
19 portion will be stricken, and such striking will not affect the validity of the remainder of this  
20 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be  
21 legally applied to any individual, group, entity, property, or circumstance, such  
22 determination will not affect the applicability of this Ordinance to any other individual,  
23 group, entity, property, or circumstance.

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1 Section 4. Inclusion in the Broward County Code of Ordinances.

2 It is the intention of the Board of County Commissioners that the provisions of this  
3 Ordinance become part of the Broward County Code of Ordinances as of the effective  
4 date. The sections of this Ordinance may be renumbered or relettered and the word  
5 "ordinance" may be changed to "section," "article," or such other appropriate word or  
6 phrase to the extent necessary in order to accomplish such intention.

7 Section 5. Effective Date.

8 This Ordinance is effective as of the date provided by law. ~~This Ordinance shall  
9 apply prospectively and shall not apply to any action by the County prior to the effective  
10 date of this Ordinance.~~

11  
12 ENACTED

13 FILED WITH THE DEPARTMENT OF STATE

14 EFFECTIVE

15  
16 Approved as to form and legal sufficiency:  
Andrew J. Meyers, County Attorney

17  
18 By /s/ Angela J. Wallace 01/17/2020  
19 Angela J. Wallace (date)  
20 Deputy County Attorney

21 AJW/hb  
2019 Transportation Surtax Ordinance Revisions.doc  
01/17/2020  
22 #19-114.00  
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Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.

