

1 may be removed for good cause determined by supermajority vote
2 of the Appointing Authority, and shall be removed by a majority vote
3 of the Appointing Authority if the member no longer meets the
4 applicable categorical requirement or qualifications for membership.

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

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

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

10 ~~(2) (3) *Process for filling vacancies.* Any member appointed to replace a member~~
11 ~~who has been removed or who resigns shall serve for the balance of the~~
12 ~~term of such member.~~ The Appointing Authority shall meet as required to
13 appoint or remove members.

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

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

21 (g) *Staffing.* Broward County shall provide sufficient staff and retain
22 consultants as recommended by the County Administrator and determined reasonable
23 and necessary by the County Commission to enable the Oversight Board to efficiently
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1 perform its functions, and shall retain such consultants as the Oversight Board determines
2 necessary to perform its responsibilities. Upon request by the Oversight Board, the
3 County Administrator may designate additional staff and/or retain consultants to assist
4 the Oversight Board in the performance of its functions.

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

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

21 Consistent with the process specified in paragraph (i) immediately below, the
22 County Commission may determine to (a) submit the municipal or the Broward MPO
23 application, without modification, to the Oversight Board; (b) notify the municipality or the
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- 1 1. If the municipality accepts, in writing, all of the proposed
2 revisions, Surtax-funded Broward MPO staff or County staff
3 will include the application in the ranking and prioritization
4 process.
- 5 2. If the municipality accepts some but not all of the proposed
6 revisions, Surtax-funded Broward MPO or County staff will
7 consider the revised application to determine whether it
8 should be included in the ranking and prioritization process.

9 (6) Any determination by Surtax-funded Broward MPO staff or County staff that
10 a proposed project does not meet the statutory requirements may be
11 appealed, in writing, to the Oversight Board no later than fifteen (15) days
12 after the staff decision is issued. The Oversight Board shall review the
13 written appeal, afford the appellant an opportunity to be heard during an
14 Oversight Board meeting, and submit a recommendation to the County
15 Commission no later than thirty (30) days after the meeting during which the
16 appeal was considered. Thereafter, the County Commission, in
17 consultation with and based upon the advice of the Office of the County
18 Attorney, will determine whether the proposed project meets the statutory
19 requirements. In the event of a dispute regarding eligibility, the Office of the
20 County Attorney may request an opinion from the Florida Department of
21 Revenue or the Florida Attorney General, as applicable.

22 (7) Transportation Surtax-funded Broward MPO staff shall provide a prioritized
23 list ranking the proposed municipal capital projects to County staff for their
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1 consideration consistent with the Interlocal Agreement between the
2 Broward MPO and the County related to municipal prioritization.

3 (i) *Approval of Proposed Projects and Proposed Expenditures.*

4 (1) County staff assigned to support the Oversight Board shall annually compile
5 all County and municipal proposed projects and proposed expenditures that
6 will be considered for funding with Transportation Surtax proceeds,
7 consistent with budgetary recommendations, and present them to the
8 Oversight Board for approval as to statutory eligibility. Except with regard
9 to appeals as referenced in section (h)(6) above, the Oversight Board shall
10 consider proposed projects and proposed expenditures submitted by the
11 County only for eligibility under Section 212.055(1)(d), Florida Statutes, in
12 consultation with and based upon the advice of the Transportation Surtax
13 General Counsel.

14 a. If the Oversight Board concurs with County staff that the proposed
15 projects and proposed expenditures are statutorily eligible, the
16 Oversight Board shall send written notice thereof to the Broward
17 County Administrator. ~~The written notice of approval may contain~~
18 ~~recommendations made by the Oversight Board regarding best~~
19 ~~practices or other methods that may be employed to improve a~~
20 ~~proposed project or proposed expenditure.~~

21 b. If the Oversight Board determines that a proposed project and
22 proposed expenditures are only partially fundable with
23 Transportation Surtax proceeds, the Oversight Board's written notice

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1 (j) *Project Oversight.* All ~~approved~~ projects and expenditures funded with
2 Transportation Surtax proceeds shall be subject to the Oversight Board's review, critique,
3 and ~~analysis~~ assessment for the duration of the ~~projects~~ or ~~expenditures~~. The Oversight
4 Board shall issue annual reports on the performance of ongoing projects and shall provide
5 recommendations to the County Administrator and the County Commission for any
6 proposed performance improvements.

7 (k) *Annual Audits.*

8 (1) The Oversight Board may retain a performance ~~auditor to perform and~~
9 ~~complete a performance audit of projects funded with Transportation Surtax~~
10 ~~proceeds auditing and financial review services related to Transportation~~
11 Surtax projects as provided in section (g) above.

12 (2) The County shall retain an independent certified public accountant to
13 perform and complete an annual financial audits of ~~all projects funded with~~
14 ~~the Transportation Surtax proceeds and of all Transportation Surtax~~
15 ~~proceeds received, maintained, and expended~~ program and related
16 projects. The audit results shall be submitted to the Oversight Board and
17 ~~to the Broward County Administrator by no later than ninety (90)~~ one
18 hundred eighty (180) days after the end of each ~~calendar~~ fiscal year during
19 which any Transportation Surtax proceeds are expended.

20 Section 2. Amendments.

21 No amendment, revision, or repeal of the Broward County Transportation Surtax
22 Ordinance, or reduction in the rate of the Transportation Surtax, may take effect if it would
23 materially impair the contract rights of the owners of any bonds, notes, or other
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