



Independent Transportation Surtax Oversight Board

September 14, 2021

Ms. Bertha Henry, County Administrator
115 South Andrews Avenue, Ste. 409
Fort Lauderdale, FL 33301

[delivered via email: bhenry@broward.org]

Dear County Administrator Henry:

In furtherance of the Transportation Surtax Oversight Board's ("Oversight Board") responsibilities enumerated in Section 31½ -75(i)(1), of the Broward County Code of Ordinances ("Code"), please accept this formal transmittal approving, as to eligibility under Section 212.055(1), Florida Statutes, all proposed projects and expenditures detailed in staff's Augusts 19, 2021 Fiscal Year (FY) 2022 Budget Workshop presentation, which were approved by formal Oversight Board action on August 20, 2021. The Oversight Board deemed Transportation Department, Public Works Department, and Municipal proposed projects and proposed expenditures for FY 2022, eligible under section 212.055(1), Florida Statutes, subject to further review and analysis by the Surtax General Counsel. Additionally, we reviewed and approved the FY2022-FY2026 Five-Year Plan which outlines transportation surtax project and expenditure recommendations for Broward County and Municipal Capital projects for the next five years.

Pursuant to Section 31½ -75(j) of the Code, titled "Project Oversight," the Oversight Board is required to review, critique, and assess projects funded with Transportation Surtax proceeds for their duration. Based upon several discussions amongst the members regarding the status of municipal projects during Oversight Board meetings, we believe it is critical to communicate our concerns about municipal project performance. It is our collective view that "performance" is inclusive of an entity's capacity to initiate an awarded project, not exclusive to performance during the project delivery period. Since performance is a factor in the Broward Metropolitan Planning Organization's (MPO) process for reviewing and ranking municipal applications for future Transportation Surtax funding, we suggest viewing substantial delays in submitting required documents or formally withdrawing infeasible awarded projects as "under-performing".

In 2020, the Oversight Board approved the statutory eligibility of municipal capital and rehabilitation and maintenance projects and expenditures at a cost of \$175 million (FYs 2020 and 2021, combined). The Broward County Board of County Commissioners (County Commission) allocated Transportation Surtax funds for those projects, which was substantially above the

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County's minimum annual guarantee (MAG) of Transportation Surtax revenues to municipalities. Staff provided written notification to municipalities that Transportation Surtax funds were awarded for the projects and have provided program guidance via workshops and other methods. Recognizing that the pandemic, municipal staff turnover and other factors played a part in initial delays, we continue to be advised by the Surtax General Counsel that only 33 municipal Transportation Surtax project-specific funding interlocal agreements (for about one quarter of the total approved municipal projects) are expected to be executed by the conclusion of this fiscal year. At our request, staff detailed various efforts aimed at encouraging municipalities to submit the materials necessary to prepare the agreements (checklists and required documentation). We were advised that award letters were sent to both municipal staff and elected officials, workshops were held, the matter has been discussed at Broward City County Manager Association (BCCMA) meetings, MAP contract administrators assigned to each municipality have reached out to municipal points of contact regularly, etc. Unfortunately, there appears to be little urgency on the part of some municipalities to initiate agreements for certain Planning-, Design- and Construction-phase projects.

Surtax General Counsel advised the Oversight Board that, pursuant to the terms of the Second Amendment, FY2020 capital projects maintain their ranking and funding remains committed to each awarded Planning or Design phase project (61 at this point) *indefinitely*. The County can only cancel Construction-phase projects if work has not started three years after the fiscal year that the County Commission allocated the funds. The Oversight Board, as an arm of the community, would like to see municipal projects advance, and believes that the program should be executed in a deliberate manner. In fairness to other cities who would like to make application with design-ready or shovel-ready projects, a city who does not have the resources necessary to advance projects should not make application merely to place the project into the queue.

Several Oversight Board members have suggested a slate of possible options that we ask you to consider: (1) request that formal correspondence be sent to each City Commission or Mayor providing status information about awarded projects and submitted documents; (2) relaying the Oversight Board's concerns to the County Commissioners and the MPO and asking that they encourage their respective municipal elected officials to request staff to either submit the necessary documentation for preparation of the agreement or formally withdraw the project; (3) create a special status for those Planning and Design projects for which no documentation has been submitted 24 months after the funds were allocated (e.g., "off track" or "not proceeding as expected"); and (4) moving those projects to a separate "inactive" area on the Project Dashboard to assure the information being provided to the public accurately reflects "active" projects.

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We appreciate the opportunity to serve the County and community in our oversight role for this important and transformational initiative. The staff assigned to support us in our role is to be commended for their responsiveness, professionalism, and work product. Those County agencies operationalizing MAP Broward have demonstrated significant progress towards the surtax program's goals and we are excited about the future.

Sincerely,



Alan Hooper, Chair

C: Transportation Surtax Appointing Authority
Ms. Monica Cepero, Deputy County Administrator
Ms. Angela Wallace, Surtax General Counsel