

RESOLUTION NO. 18-178

A RESOLUTION OF THE CITY OF FORT LAUDERDALE BROWARD COUNTY, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT, ATTACHED AS EXHIBIT "A" AND INCORPORATED HEREIN; SUPPORTING THE COUNTY'S PLACEMENT OF A 30 YEAR TRANSPORTATION SURTAX LEVY OF ONE PERCENT (1%) ON THE NOVEMBER 6, 2018 ELECTION BALLOT IN ACCORDANCE WITH THE TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT AND SECTION 212.055, FLORIDA STATUTES; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 212.055(2), Florida Statutes, authorizes the levy of a local government infrastructure sales surtax of 0.5% or 1% upon transactions occurring within Broward County that are taxable pursuant to Chapter 212, Florida Statutes, subject to approval by a majority of those voting in a referendum election; and

WHEREAS, because of the urgent need for transportation system improvements, on June 5, 2018, the Broward County Commission ("County Commission") enacted Ordinance No. 2018-29 (the "Broward County Transportation Surtax Ordinance"), which levied the transportation surtax of 1% subject to voter approval, established a transportation surtax trust fund into which all surtax proceeds will be deposited, established an independent oversight board (the "Oversight Board"), established a seven (7) member entity (the "Appointing Authority") to appoint the members of the Oversight Board, and provided a process by which any municipality within Broward County may apply for project funding from surtax proceeds; and

WHEREAS, on August 6, 2018, the City of Fort Lauderdale submitted a final project list to Broward County through Commission Memo 18-120 and requested project funding from surtax proceeds; and

WHEREAS, Section 212.055(1) Florida Statutes, authorizes the County to levy a Charter County and Regional Transportation System sales surtax of up to 1% upon transactions occurring within Broward County that are taxable pursuant to Chapter 212, Florida Statutes, also subject to approval by a majority of those voting in a referendum election; and

WHEREAS, on June 6, 2018, the County Commission voted to place on the November 6, 2018 ballot, for consideration by the countywide electorate, a proposed transportation surtax levy of 1% (the "County Ballot Proposal"); and

WHEREAS, the Broward municipalities and the County have negotiated a Transportation System Surtax Interlocal Agreement (the "Surtax Interlocal Agreement"), attached as Exhibit "A", which provides for the terms, conditions and implementation of the County Ballot Proposal; and

WHEREAS, in accordance with the Surtax Interlocal Agreement, the 1% levy and a brief general description of planned projects will be placed on the November 6, 2018 countywide election ballot (the "Ballot Measures"), and the Broward municipalities and the County have pledged to work to educate the electorate on the importance of the Ballot Measures; and

WHEREAS, the Surtax Interlocal Agreement provides for an independent Oversight Board to be established to ensure transparency and objectivity in the review of applications for funding from surtax proceeds; and

WHEREAS, the City Commission desires to support the County Ballot Proposal and approve and authorize the appropriate City officials to execute the Surtax Interlocal Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. Legislative Findings/Recitals. The above recitals are hereby adopted by the City of Fort Lauderdale as its legislative findings relative to the subjects and matters set forth in this Resolution.

SECTION 2. Support of County Ballot Proposal. The City hereby approves the County Ballot Proposal and supports the County's placement of a 1% Countywide Transportation System Surtax on the November 6, 2018 ballot in accordance with the Surtax Interlocal Agreement, attached as Exhibit "A".

SECTION 3. Approval of Surtax Interlocal Agreement. The Surtax Interlocal Agreement between the Broward municipalities and the County, attached as Exhibit "A", is hereby approved.

SECTION 4. Authorization to Execute Surtax Interlocal Agreement. The appropriate City officials are authorized to execute the Surtax Interlocal Agreement, attached as Exhibit "A", together with such non-substantive changes as are acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney.

SECTION 5. Pledge of Support. To the fullest extent permissible under Florida law, the City pledges to publicly support the County Ballot Proposal in accordance with the terms of the Surtax Interlocal Agreement.

SECTION 6. Distribution of Resolution. The City Clerk is directed to distribute this Resolution to the Board of County Commissioners for Broward County, the Broward County Supervisor of Elections and the Broward County Attorney's Office.

SECTION 7. Implementing Actions. The City Manager and the City Attorney are hereby authorized to take any actions necessary to implement the aims of this Resolution.

SECTION 8. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, it is the intent of the City Commission that such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application and, to this end, the provisions of this Resolution are declared severable.

SECTION 9. Conflicts. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

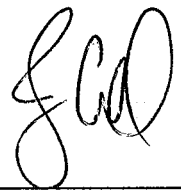
SECTION 10. Effectiveness and Effective Date. This Resolution shall take effect immediately upon approval of the Surtax Interlocal Agreement by the County and the governing bodies of the municipalities representing at least a majority of the population of Broward County; provided however that if the Surtax Interlocal Agreement is not approved by the County and the governing bodies of the municipalities representing at least a majority of the population of Broward County on or before October 1, 2018, this Resolution shall be void and of no force or effect.

ADOPTED this the 4th day of September, 2018.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI