



Legislation Text

File #: 2021-R-03, Version: 1

MOTION TO ADOPT PROPOSED RESOLUTION NUMBER 2021-R-03.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT AND RESTATEMENT OF THE TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT WITH THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

SUMMARY EXPLANATION AND BACKGROUND:

1. On June 5, 2018, the Broward County Board of County Commissioners (County) enacted Ordinance No. 2018-29, the Broward County Transportation Surtax Ordinance and voted to place a proposed surtax levy of one percent (1%) on the November 6, 2018, ballot. On August 21, 2018, the County approved a Transportation System Surtax Interlocal Agreement (Agreement) governing the distribution of transportation surtax proceeds and established a framework for prioritizing municipal projects. The Agreement created a minimum annual revenue guarantee for municipal projects of 10% minus the amount directly paid for Community Bus Service. The Agreement also defined eligible municipal project categories and identified the Broward MPO as the entity responsible for prioritizing municipal projects contained in the Plan. The prioritization of the Municipal projects would be based upon a project's ability to alleviate traffic congestion and promote connectivity.
2. The City of Pembroke Pines City Commission approved the original Agreement on September 17, 2018. The Agreement became effective, as it was approved by 29 of 31 municipalities in 2018, with an additional municipality, Parkland, approving it in 2019.
3. On November 6, 2018, Broward County voters approved the Transportation Surtax. Collections of the Transportation Surtax began in January 2019. Broward County began receiving proceeds of the tax in March 2019.
4. Many of the projects originally submitted by Municipalities did not specifically promote connectivity or alleviate traffic congestion, but rather provided Rehabilitation and Maintenance of existing facilities. These projects may not rank well with other roadway projects and, as a result, may not receive funding. To address this concern and better-define the process of funding projects, the County approved a First Amendment to the Agreement (First Amendment) on June 11, 2019. The First Amendment shifted Rehabilitation and Maintenance projects from the MPO's prioritization responsibility to that of Broward County in order to allow these projects to be evaluated separately and receive funding earlier in the Transportation Surtax Program.

5. Municipalities and the MPO have been requested to consider the Second Amendment to and Restatement of the Transportation System Surtax Interlocal Agreement since it will affect the timing of the MPO's prioritization process as well as individual project funding agreements. The Second Amendment will become effective after being signed by the County, the MPO, and by such Municipalities which represent a majority of the municipalities party to the Second Amendment and which represent more than 50% of the County's total population.

ANALYSIS:

With this update to the agreement, many of the provisions of the original Agreement and the First Amendment remain in place. Major updates under the Second Amendment (Please see attachment #2) include the following:

1. Stipulates the initial ranking of projects last year by the MPO was performed equitably under the provisions of contractual obligations.
2. Preserves Cycle 1 (FY2020) project rankings including all phases. Subsequently, Cycle 1 projects will retain their rankings until all are funded.
3. Indicates that the cost of the initial, ranked projects (Cycle 1) far exceeds the projected aggregate of the minimum annual guarantee through FY2026. It also anticipates that funding for new municipal capital projects may not be available until **FY2027**.
4. Continues to use the Broward MPO as a ranking mechanism for new capital projects but requires modifications to this process:
 - Potential project applications be submitted by **April 1st** each year.
 - By **June 1st** of each year, the MPO is required to deliver a ranked list of projects for funding in the upcoming fiscal year, including recommended phasing and funding levels. These rankings may vary year to year, and subsequently submitted project applications may rank higher or lower on an annual basis.
 - The MPO must establish a new ranking system beginning in 2021 substantially the same or similar to the system used for the initial ranking which must be approved by the County Administrator prior to implementation.
 - The agreement also modifies the ranking criteria used by the MPO slightly. It requires the criteria to place more emphasis on factors that alleviate congest and enhance connectivity, while also placing less emphasis on factors such as resiliency, regional impact, economic impact in socioeconomic underserved areas, construction readiness, City adoption of Land Use Policy 2.16.4 (residential units in commercial areas along City Major Collectors), City priority of the project, and past project performance.
5. Stipulates that any approved Maintenance and Rehabilitation projects that were not funded in FY2020 will be funded in the future until all have been. It also provides defined ranking criteria for Maintenance and Rehabilitation projects and enables the County to re-evaluate the ranking of previously approved projects.
6. Provides for the County annually budgeting for ranked, approved projects and developing subsequent 5-year rolling, capital plans based on several factors, including requests from the City to reschedule, modify, or combine projects and the ability to leverage state or federal funding.

County staff released a draft version of the Second Amendment in mid-December of last year. After reviewing the document, City staff and the City Attorneys provided comments on the draft Second Amendment resulting in minor concessions that bettered the final version which is attached.

RECOMMENDATION

Staff recommends approval of the Second Amendment to and Restatement of the Transportation Surtax Interlocal Agreement between the Broward County Board of County Commissioners, participating municipalities, and the Broward Metropolitan Planning Organization and authorize staff to transmit the Second Amendment to the Agreement to Broward County.

FINANCIAL IMPACT DETAIL:

- a) **Initial Cost:** None.
- b) **Amount budgeted for this item in Account No:** Not Applicable.
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) **5 year projection of the operational cost of the project:** Not Applicable.
- e) **Detail of additional staff requirements:** Not Applicable.