



# Southwest Ranches Town Council

## REGULAR MEETING

Agenda of September 12, 2018

Southwest Ranches Council Chambers  
7:30 PM Wednesday

13400 Griffin Road  
Southwest Ranches, FL 33330

<u>Mayor</u>	<u>Town Council</u>	<u>Town Administrator</u>	<u>Town Attorney</u>
Doug McKay	Steve Breitreuz	Andrew D. Berns	Keith M. Poliakoff, J.D.
<u>Vice Mayor</u>	Gary Jablonski	<u>Town Financial</u>	<u>Assistant Town</u>
Freddy Fisikelli	Denise Schroeder	<u>Administrator</u>	<u>Administrator/Town Clerk</u>
		Martin Sherwood, CPA CGFO	Russell C. Muniz, MMC

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (954) 434-0008 for assistance no later than four days prior to the meeting.

**1. Call to Order/Roll Call**

**2. Pledge of Allegiance**

**3. Public Comment**

- All Speakers are limited to 3 minutes.
- Public Comment will last for 30 minutes.
- All comments must be on non-agenda items.
- All Speakers must fill out a request card prior to speaking.
- All Speakers must state first name, last name, and mailing address.
- Speakers will be called in the order the request cards were received.
- Request cards will only be received until the first five minutes of public comment have concluded.

**4. Board Reports**

**5. Council Member Comments**

**6. Legal Comments**

**7. Administration Comments**

**Resolutions**

- 8. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY PROVIDING FOR THE DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE TRANSPORTATION SYSTEM SURTAX; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**
- 9. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING RESOLUTION NO. 2018-054 AND EXTENDING A ZONING IN PROGRESS, PURSUANT TO SECTION 005-240 OF THE TOWN'S UNIFIED LAND DEVELOPMENT CODE, TO FURTHER REGULATE ANY NEW COMMERCIAL NURSERY,**

**EXPANSION OF AN EXISTING COMMERCIAL NURSERY, OR STORAGE OR GROWTH OF ANY PLANT MATERIAL IN CONTAINERS; EXTENDING A ZONING IN PROGRESS FOR A PERIOD OF TIME NOT TO EXCEED SIX (6) MONTHS OR UNTIL THE TOWN'S REVISED REGULATIONS HAVE BEEN ADOPTED, WHICHEVER IS SOONER; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**10. Approval of Minutes**

**a. August 9, 2018 Regular Meeting**

**11. Adjournment**

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.



**Town of Southwest Ranches**  
**13400 Griffin Road**  
**Southwest Ranches, FL 33330-2628**

**(954) 434-0008 Town Hall**  
**(954) 434-1490 Fax**

**Town Council**  
**Doug McKay, Mayor**  
**Freddy Fisikelli, Vice Mayor**  
**Steve Breitreuz, Council Member**  
**Gary Jablonski, Council Member**  
**Denise Schroeder, Council Member**

**Andrew D. Berns, Town Administrator**  
**Keith M. Poliakoff, JD, Town Attorney**  
**Russell Muniz, Assistant Town Administrator/Town Clerk**  
**Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator**

## **COUNCIL MEMORANDUM**

**TO:** Honorable Mayor McKay and Town Council  
**VIA:** Andrew D. Berns, Town Administrator  
**FROM:** Russell Muñoz, Assistant Town Administrator/Town Clerk  
**DATE:** 9/12/2018  
**SUBJECT:** Transportation Systems Surtax

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### **Recommendation**

Town Council consideration for a motion to approve the resolution.

### **Strategic Priorities**

- A. Sound Governance
- B. Enhanced Resource Management
- D. Improved Infrastructure

### **Background**

The Broward County Commission enacted Ordinance #2018-29 on June 5, 2018 to authorize the levy of a transportation system surtax to fund transportation system improvements subject to voter approval. The Transportation System Surtax (SURTAX), if approved by voters during the November 6, 2018 election, will levy a 1% sales tax, the proceeds of which will be placed into a surtax trust fund.

Broward County has committed through the interlocal agreement (ILA) that it will earmark a minimum of 10% of the SURTAX to fund submitted municipal projects that meet eligibility requirements as set forth in Section III. (Eligibility) and are prioritized by the MPO as set forth in Section IV. (MPO Review and Ranking) of the ILA. In order for the Town of Southwest Ranches to receive any proceeds from the SURTAX for submitted municipal projects it must

be a party to the ILA.

**Fiscal Impact/Analysis**

While there is no cost to enter into the agreement, not doing so will negate the Town from receiving any possible funding for eligible projects in the future.

**Staff Contact:**

Russell Muñiz, Assistant Town Administrator/Town Clerk

**ATTACHMENTS:**

Description	Upload Date	Type
Transportation Surtax Reso - TA approved	8/31/2018	Resolution
ILA - Exhibit 1	8/31/2018	Exhibit

## **RESOLUTION NO. 2018 – XXX**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY PROVIDING FOR THE DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE TRANSPORTATION SYSTEM SURTAX; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO EXECUTE SAID AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Broward County Commission enacted Ordinance #2018-29 on June 5, 2018 to authorize the levy of a transportation system surtax to fund transportation system improvements subject to voter approval; and

**WHEREAS**, the Transportation System Surtax (SURTAX), if approved by voters during the November 6, 2018 election, will levy a 1% sales tax, the proceeds of which will be placed into a surtax trust fund; and

**WHEREAS**, Broward County has committed, through the interlocal agreement (ILA), that it will earmark a minimum of 10% of the SURTAX to fund submitted municipal projects that meet eligibility requirements as set forth in Section III. (Eligibility) and are prioritized by the MPO as set forth in Section IV. (MPO Review and Ranking) of the ILA; and

**WHEREAS**, in order for the Town of Southwest Ranches to receive any proceeds from the SURTAX for submitted municipal projects it must be a party to the ILA; and

**WHEREAS**, should the SURTAX be approved by the voters, this Agreement will remain in place until all SURTAX proceeds received by any party have been expended and thereafter until ninety (90) days after the Oversight Board has completed its review of each applicable party's final audit; and

**WHEREAS**, if the ballot measure is not approved by the voters during the November 6, 2018 election the ILA shall be null and void.

**NOW, THEREFORE, BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1:** Recitals. The above-referenced recitals are true and correct and are incorporated herein by reference.

**Section 2:** The Town Council hereby approves the Interlocal Agreement with Broward County, substantially in the form attached hereto and incorporated herein by reference as Composite Exhibit "1," providing for the division and distribution of the proceeds of the Transportation System Surtax.

**Section 3:** Authorization. The Mayor, Town Administrator and Town Attorney are hereby authorized to enter into the Interlocal Agreement with Broward County for the division and distribution of the proceeds of the Transportation System Surtax, and to make such modifications, additions and/or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

**Section 4:** Effective Date. This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest

Ranches, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2018 on a motion by \_\_\_\_\_

\_\_\_\_\_ and seconded by \_\_\_\_\_.

McKay \_\_\_\_\_  
Fisikelli \_\_\_\_\_  
Breitkreuz \_\_\_\_\_  
Jablonski \_\_\_\_\_  
Schroeder \_\_\_\_\_

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_

\_\_\_\_\_  
Doug McKay, Mayor

ATTEST:

\_\_\_\_\_  
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

\_\_\_\_\_  
Keith M. Poliakoff, J.D., Town Attorney

115075911.1

## TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT

This Transportation System Surtax Interlocal Agreement (the "Agreement") is entered into by and between Broward County, a political subdivision of the State of Florida (the "County"), the municipalities that formally approve this Agreement and execute and return to the County a signature page bearing the above legend, each of which is a municipal corporation within Broward County existing under the laws of the State of Florida (collectively, the "Municipalities"), and the Broward County Metropolitan Planning Organization, duly organized and existing under Section 339.175, Florida Statutes (the "MPO").

### Recitals

A. Because of the urgent need for transportation system improvements, the County Commission voted on June 5, 2018, to place on the November 6, 2018, ballot, for consideration by the countywide electorate, a proposed transportation surtax levy of one percent (1%) (the "Ballot Proposal"). On June 5, 2018, the County Commission also enacted Ordinance No. 2018-29, the Broward County Transportation Surtax Ordinance, which is codified in Section 31½-71, et seq., Broward County Code of Ordinances, and which, among other things:

1. Levied the surtax subject to subsequent voter approval;
2. Established a transportation surtax trust fund into which all surtax proceeds will be deposited;
3. Established an independent oversight board (the "Oversight Board") to ensure transparency and objectivity in the review of applications for funding from surtax proceeds;
4. Established a seven (7) member entity (the "Appointing Authority") to appoint the members of the Oversight Board. One of the members is a designee of the Broward League of Cities; and
5. Provided a process by which any municipality within Broward County may apply for project funding from surtax proceeds, which process includes a request that the MPO review and rank all municipal projects based on each project's ability to alleviate traffic congestion and enhance connectivity.

B. The County and the Municipalities enter into this Agreement to demonstrate their commitment to work together to protect the health, safety, and welfare of their mutual residents and visitors, including by educating the electorate, consistent with state law requirements, on the critical importance of the Ballot Proposal.

C. The County Commission, the governing body of each of the Municipalities, and the MPO enter into this Agreement on behalf of their respective entities after having made the following findings:

1. Without a dedication of substantial new revenues, the existing transit system within Broward County will not be sustainable, alternative modes of transportation will not be realized, and traffic congestion will continue to worsen;
2. The ten-year Transportation Development Plan approved by the County Commission on January 9, 2018, identifies that the County's transit system will be substantially underfunded by 2025, despite the current dedication of substantial *ad valorem* tax revenues to subsidize transit operations;
3. The proposed transportation surtax would enable the advancement of transportation and premium transit projects presently identified in the MPO's Commitment 2045 Metropolitan Transportation Plan and the current five-year Transportation Improvement Program, and would provide funding for roadway capital investment projects that would improve safety, reduce congestion, and advance multimodal mobility options for residents and visitors, which projects are currently infeasible for reasons including a lack of dedicated revenue for operations and maintenance; and
4. Critically, the proposed transportation surtax would provide a dedicated funding source that would enable the County to leverage revenues contributed by residents and visitors to obtain federal transportation grants available only to grant applicants that can demonstrate the financial resources to build, operate, and maintain, through their useful lives, major transportation projects, thereby bringing back to Broward County more of the tax dollars paid by local residents and businesses that would otherwise be allocated to other counties and states. The proposed surtax would enable the County to compete directly for, and work collaboratively with other governmental and private partners to acquire, certain discretionary state and federal funding to advance the mobility goals of the region.

**NOW, THEREFORE,** for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

#### Agreement

I. **Recitals.** The above-stated Recitals are true and correct and are incorporated herein by this reference.

II. **Applications for Funding.** All municipal projects included within the Regional Mobility & Transportation Enhancements Surtax Initiative, which will be considered by the County Commission on September 13, 2018 (the "Current Municipal Projects"), shall be deemed to have been properly submitted by the Municipalities to the County consistent



with Section 31½-75(h), Broward County Code of Ordinances, and are not required to be resubmitted. There are seven hundred nine (709) Current Municipal Projects, with an estimated total cost of \$2.8 billion (including the City Project Contingency). All of these projects have been submitted to the MPO for review, ranking, and prioritization, consistent with Section IV below.

**III. Eligibility.** While the Transportation Surtax Ordinance prioritizes funding for municipal projects that will relieve traffic congestion and increase connectivity, the following municipal projects may be considered for funding:

A. Street lighting - Improvements to lighting systems along a public road that illuminate the right-of-way for vehicles, pedestrians, and bicyclists. A lighting justification report consistent with Broward County and FDOT policies is required for these improvements to be considered;

B. Drainage - Improvements to a public road storm water system that address drainage deficiencies, provided the drainage improvements only address storm water runoff from a public roadway. Improvements to address runoff from private roads and developments are not eligible;

C. Buffer/Sound Walls - Improvements that are consistent with the Florida Department of Transportation's noise decibel level criteria;

D. Fiber-optic - Improvements supporting only communications for the public transportation system, provided that the proposed improvements have received approval from the maintaining and operating agency(ies). Shared conduit may not be considered for surtax funding;

E. Landscaping - Only improvements within the public road right-of-way that meet the applicable design criteria may be considered for funding;

F. Parking - Improvements used for park-and-ride or other transit-oriented development parking that serves the public. Garages directly related to a transportation project that serves the public will be considered, provided the parking fees do not exceed costs associated with securing, operating, and maintaining the facility; and

G. Road Improvements - Resurfacing and road repairs, pavement markings, signage, guardrails, ADA accommodations, and traffic calming projects are eligible. High-end decorative lighting, decorative road signage, brick pavers, and similar items are not eligible.

**IV. MPO Review and Ranking.** For all Current Municipal Projects and all future municipal projects submitted to the MPO (collectively, "Submitted Municipal Projects"), the MPO agrees to review, rank, and prioritize the projects based upon each project's ability to alleviate traffic congestion and enhance connectivity. The parties hereto acknowledge that the MPO might lack adequate resources to review, rank, and prioritize

the Submitted Municipal Projects prior to calendar year 2020. The impact of this is addressed in Section V below.

**V. Surtax Proceeds for Submitted Municipal Projects.**

A. If the proposed surtax levy is approved by the voters in the November 6, 2018, election, the net amount of transportation surtax proceeds the County receives from the Florida Department of Revenue ("FDOR") shall be defined as the "Transportation Surtax Proceeds." The amount of Transportation Surtax Proceeds currently estimated to be received during the thirty-year levy is approximately \$15.6 billion.

B. Section 212.055, Florida Statutes, which authorizes the levy of the proposed surtax, was recently amended to require, prior to the conducting of the referendum, completion of an independent "performance audit of the program associated with the surtax adoption proposed by the county." In connection with that audit, the County submitted to the state's Office of Program Policy Analysis and Government Accountability a table attached hereto as Exhibit A (the "Table"). The Table shows the amount of Transportation Surtax Proceeds currently projected to be received by the County and the current intended use of such proceeds.

C. The row of the Table titled "City Projects" represents the County's current estimate of the amount of money available and intended in good faith to be utilized during the thirty-year tax levy to fund Submitted Municipal Projects approved by the Oversight Board (a separate row of the Table addresses Community Bus Service).

D. Consistent with Section 212.055(1)(d), Florida Statutes, the County Commission hereby determines it appropriate and the County hereby commits that, for each applicable year during which Transportation Surtax Proceeds are received by the County, an amount equal to a minimum of ten percent (10%) of the Transportation Surtax Proceeds received by the County that year, less the amount directly paid from Transportation Surtax Proceeds for Community Bus Service as outlined below, shall be used to fund Submitted Municipal Projects in the order of ranking by the MPO (with the highest-ranked project receiving the first funding). The timing and process of providing such funding shall be consistent with applicable law including Section 129.01, Florida Statutes. If there is insufficient funding remaining within such ten percent (10%) commitment (less Community Bus Service funding) to fund the highest-ranked Submitted Municipal Project that remains unfunded (i.e., the next project that would receive funding), the County Commission may, at its option, either (i) exceed the ten percent (10%) commitment (less Community Bus Service funding) by funding the highest-ranked unfunded project or (ii) not fund that project and add the difference between the amount of funding provided and the ten percent (10%) commitment (less Community Bus Service funding) to the amount to be funded the following year. Notwithstanding anything in this Agreement to the contrary, no Transportation Surtax Proceeds may be used to fund any Submitted Municipal Project: (i) submitted by a municipality that is not a party to this Agreement; (ii) that has not been approved by the Oversight Board; or (iii) to the extent utilization of Transportation Surtax Proceeds on such project would be impermissible

under applicable law. Additionally, this ten percent (10%) commitment shall be reduced in any year to the extent requested expenditures for Submitted Municipal Projects prioritized by the MPO are below ten percent (10%) of Transportation Surtax Proceeds received during such year less Community Bus Service funding for such year. Funding of Submitted Municipal Projects and Community Bus Service shall be accomplished through interlocal agreements between the County and the applicable Municipalities. The unincorporated area of the County shall be considered a municipality eligible to receive funding committed under this section, and projects proposed on behalf of the unincorporated area of the County shall constitute Submitted Municipal Projects. Each Municipality agrees to keep any and all Transportation Surtax Proceeds it receives in a segregated financial account, and agrees not to comingle such proceeds with any other funds.

E. Community Bus Service. Transportation Surtax Proceeds will be used to directly fund all reasonable and necessary operating, maintenance, and capital costs of existing Community Bus Service and improved or new Community Bus Service, subject to the following conditions and subject to such expenditures being approved by the Oversight Board. Funding of Community Bus Service is not subject to any review or ranking by the MPO. To receive surtax funding, the Community Bus Service must meet or exceed the standard of 7.1 passengers per revenue service hour per route (the County has the discretion to increase this standard based on future population and ridership growth, in which event the increased standard must be met to be eligible for surtax funding). Notwithstanding anything to the contrary stated in this Agreement, the County shall not be obligated to fund in any year Community Bus Service in an amount exceeding ten percent (10%) of the Transportation Surtax Proceeds received by the County during that year.

F. Potential Limitation for Calendar Year 2019. Notwithstanding anything in this Agreement to the contrary, if the MPO is unable to review, rank, and prioritize Submitted Municipal Projects prior to calendar year 2020, the County shall fund during calendar year 2019 the Community Bus Service described in paragraph E above, and the differential (the amount of the ten percent commitment less the amount of 2019 surtax funding for such Community Bus Service) shall be added to the funding for Submitted Municipal Projects in 2020.

**VI. Condition Precedent to Effectiveness of this Agreement; Joining After the Agreement Becomes Effective.** This Agreement shall become effective only if, on or before September 30, 2018, the MPO and municipalities representing a majority of the population of Broward County formally approve, execute, and return the executed Agreement to the County, with a contemporaneous copy e-mailed to the County Administrator and County Attorney at the e-mail addresses provided below. Any municipality may join the Agreement after it becomes effective. No municipality is eligible to receive any Transportation Surtax Proceeds prior to that municipality becoming a party to this Agreement. Additionally, if a municipality has not joined the Agreement on or before September 30, 2018, that municipality shall not be eligible to receive any

Transportation Surtax Proceeds received by the County in 2019 (whether or not such proceeds are added to the 2020 funding as referenced in paragraph F above).

**VII. Reporting, Audit, and Related Requirements.** The County and each Municipality receiving funding pursuant to this Agreement agree to fully comply with the Reporting Requirements specified on Exhibit B, agree to fully comply and otherwise fully cooperate with the auditing, project review, and oversight requirements stated in Section 31½-75, Broward County Code of Ordinances, as same may be amended by the County (provided that such amendment(s) apply equally to the County), and agree that all of their respective expenditures of Transportation Surtax Proceeds will be consistent with applicable law and with the conditions, if any, of the approval received by the Oversight Board. The obligations stated in this paragraph shall survive expiration or earlier termination of this Agreement.

**VIII. Term of Agreement.** This Agreement shall remain in full force and effect until all Transportation Surtax Proceeds received by any party pursuant hereto have been expended and thereafter until ninety (90) days after the Oversight Board has completed its review of each applicable party's final audit. If the Ballot Measure is not approved by majority vote in connection with the November 6, 2018, election, this Agreement shall be null and void *ab initio*.

**IX. No Impact on Future Levies.** Nothing in this Agreement shall impact in any way, whatsoever, any future ballot question (whether placed on a ballot in 2019 or any time thereafter) seeking to impose, extend, or increase any levy of any surtax, or impact in any way any distribution from any such new, extended, or increased levy.

**X. Funding Limited to Transportation Surtax Proceeds.** The County's funding obligations under this Agreement shall be met solely through the use of Transportation Surtax Proceeds, and funding provided shall be consistent with applicable law including Section 129.01, Florida Statutes.

**XI. Pledge of Support.** To the full extent permissible under applicable law, all parties pledge to support the approval of the Ballot Measure and agree to work cooperatively to enhance the regional transportation system. Nothing stated in this section shall be interpreted to impede the free speech rights of any individual.

**XII. Amendment.** This Agreement may be amended by a written document formally approved by the County and by such Municipalities that, at the time the amendment is being considered, both (i) constitute a majority of the Municipalities that are a party to the Agreement, and (ii) cumulatively represent more than fifty percent (50%) of the County's total population. The MPO's written approval of any amendment shall only be required if the amendment purports to modify any express obligation of the MPO hereunder. Any properly approved amendment shall be binding on all parties hereto.

**XIII. Governing Law, Venue, and Waiver of Jury Trial.** This Agreement shall be interpreted and construed in accordance with, and governed by, the laws of the State of

Florida. The parties agree that the exclusive venue for any lawsuit arising from, related to, or in connection with this Agreement shall be in the state courts of the Seventeenth Judicial Circuit in and for Broward County, Florida. **BY ENTERING INTO THIS AGREEMENT, EACH PARTY HERETO HEREBY EXPRESSLY WAIVES ANY AND ALL RIGHTS THAT PARTY MAY HAVE TO A TRIAL BY JURY OF ANY CAUSE OF ACTION OR CLAIM ARISING FROM, RELATED TO, OR IN CONNECTION WITH THIS AGREEMENT.**

**XIV. Counterparts.** This Agreement may be executed in counterparts, and such counterparts together shall constitute one and the same instrument.

**XV. Further Actions.** If an audit conducted in connection herewith or in connection with Chapter 31½, Broward County Code of Ordinances, documents any misspent funds or other violation of this Agreement, the party in violation shall promptly take all reasonable and required actions to correct the violation. This provision shall survive the expiration or earlier termination of this Agreement.

**XVI. Notices.** Any notice under this Agreement shall be provided by email to the following recipients:

As to the County:	Broward County Administrator Current e-mail: <a href="mailto:bhenry@broward.org">bhenry@broward.org</a>
With a copy to:	Broward County Attorney Current e-mail: <a href="mailto:ameyers@broward.org">ameyers@broward.org</a>
As to Municipality:	Manager/Administrator Name and current e-mail provided on signature page
With a copy to:	Municipal Attorney Name and current e-mail provided on signature page
MPO:	MPO Executive Director Current e-mail: <a href="mailto:stuartg@browardmpo.org">stuartg@browardmpo.org</a>
With a copy to:	MPO General Counsel Current e-mail: <a href="mailto:agabriel@wsh-law.com">agabriel@wsh-law.com</a>

A party's notice address may be changed at any time by that party, provided that party provides notice of such change consistent with the requirements of this section.

**XVII. Entire Agreement.** This Agreement constitutes the entire agreement between the parties and supersedes any other agreement, representation, or communication, whether oral or written, between the parties relating to the subject matter of this Agreement.

**XVIII. Headings.** The section and subsection headings in this Agreement are inserted for convenience only and shall not affect in any way the meaning or interpretation of this Agreement.

**XIX. Joint Preparation.** The preparation of this Agreement has been a joint effort of the parties hereto, and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against any party.

**XX. Severability.** In the event any portion of this Agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective and the parties agree to negotiate in good faith to modify the invalidated portion of the Agreement in a manner designed to effectuate the original intent of the parties.

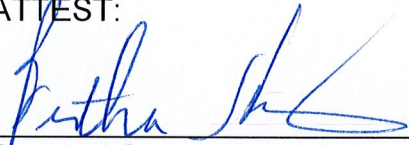
**XXI. Advice of Counsel.** Each party acknowledges and agrees that it has had the opportunity to consult with and be represented by counsel of its choice in connection with the negotiation and drafting of this Agreement.

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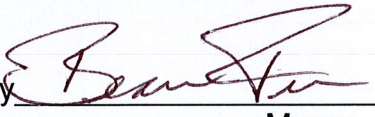
IN WITNESS WHEREOF, the parties have made and executed this Agreement on the respective dates under each signature: BROWARD COUNTY, by its Board of County Commissioners, signing by and through its Mayor or Vice-Mayor, duly authorized to execute same by Board action on the 21<sup>st</sup> day of August, 2018; each Municipality signing by and through its authorized officer or official, duly authorized to execute same by official action taken on the date identified on its signature page; and the MPO signing by and through its authorized officer or official, duly authorized to execute same by official action taken on the date identified on its signature page.

**BROWARD COUNTY**

ATTEST:

  
\_\_\_\_\_  
Broward County Administrator, as  
ex officio Clerk of the Broward County  
Board of County Commissioners

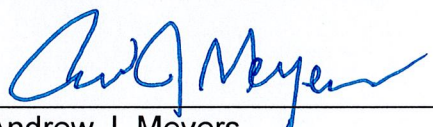
BROWARD COUNTY, by and through  
its Board of County Commissioners

By   
\_\_\_\_\_  
Mayor

24 day of August, 2018

Approved as to form by:

Andrew J. Meyers  
Broward County Attorney  
Governmental Center, Suite 423  
115 South Andrews Avenue  
Fort Lauderdale, Florida 33301  
Telephone: (954) 357-7600  
Telecopier: (954) 357-7641

By:   
\_\_\_\_\_  
Andrew J. Meyers  
Broward County Attorney

24 day of August, 2018

Signature Page for Municipality

**TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT**

**Each Municipality to supply its own valid signature page (to be valid, the signature page must include notice information and date of formal action approving the Agreement)**



MPO Signature Page

**TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT**

**MPO to provide its own valid signature page (to be valid, the signature page must include notice information and date of formal action approving the Agreement)**

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### 30-Year Financial Summary Regional Mobility and Transportation Surtax Initiative

<b>OPERATING</b>	
<b>Costs</b>	<b>30-Year Period</b>
Status Quo - Existing Transit Operations	\$4,827,170,163
Paratransit Operations	\$2,467,849,760
New 30-yr. Bus Service Plan	\$4,410,485,324
New Light Rail Transit (LRT)	\$1,417,566,886
Public Works	\$210,473,592
Transit Security - Operations	\$95,150,831
<b>Total Operating Costs</b>	<b>\$13,428,696,555</b>
<b>Revenues</b>	<b>30-Year Period</b>
Status Quo - Existing Transit Operations	\$4,088,261,812
Paratransit Operations (State Transportation Disadvantaged Program Grants)	\$136,635,092
Public Works	\$0
State Block Grants - New Bus	\$286,681,546
State Block Grants - New LRT	\$92,141,848
All Other New Revenue	\$351,240,271
Farebox Revenues - New Bus	\$1,014,411,624
Farebox Revenues - New LRT	\$212,635,033
<b>Total Operating Revenues</b>	<b>\$6,182,007,227</b>
<b>Operating Revenues Minus Operating Costs</b>	<b>(\$7,246,689,328)</b>
<b>New Surtax Funding for Operating</b>	<b>\$7,246,689,328</b>
<b>CAPITAL</b>	
<b>Costs</b>	<b>30-Year Period</b>
Status Quo - Existing Transit Capital	\$962,717,549
Paratransit Vehicles	\$164,268,523
New 30-yr. Bus Service Plan (New Vehicles)	\$208,226,329
New 30-yr. Bus Service Plan (Replacement Vehicles)	\$370,447,855
New LRT Infrastructure	\$2,145,799,008
New LRT Vehicles	\$194,290,841
Public Works	\$1,445,131,915
New BRT/Rapid Bus Infrastructure	\$396,749,505
New Transit Infrastructure (IT/Sec./Maint. Fac./Shelters/NTCs/P-R)	\$737,550,537
Planning Studies/Passenger Surveys	\$108,244,632
<b>Total Capital Costs</b>	<b>\$6,733,426,694</b>
<b>Revenues</b>	<b>30-Year Period</b>
Status Quo - Existing Transit Capital	\$837,472,658
Federal Transit Administration (FTA) Bus & Bus Facilities Formula Grants (New)	\$16,984,854
FTA Formula Grants (New Bus)	\$142,672,770
FTA Formula Grants (New LRT)	\$53,051,568
FTA State of Good Repair Formula Grants (New LRT)	\$62,953,800
Other New Public Works Grants (FDOT, MPO, FHWA)	\$90,000,000
FTA/FDOT New Starts/Small Starts Discretionary Grants (New LRT/BRT)	\$815,141,042
Other New Disc. Grants (25% FTA + 25% FDOT)	\$632,470,793
<b>Total Capital Revenues</b>	<b>\$2,650,747,485</b>
<b>Capital Revenues Minus Capital Costs</b>	<b>(\$4,082,679,210)</b>
<b>New Surtax Funding for Capital</b>	<b>\$4,082,679,210</b>
<b>Projected 1-cent Sales Tax Revenue</b>	<b>\$15,629,448,616</b>
<b>(Less 5% of Total Surtax Revenue)</b>	<b>(\$781,472,431)</b>
<b>Remaining Annual Surtax Revenue</b>	<b>\$14,847,976,185</b>
<b>(Broward Co. Operating &amp; Capital Deficit)</b>	<b>(\$11,329,368,538)</b>
<b>Total Broward Co. Contingency</b>	<b>\$960,414,552</b>
<b>City Allocation (Minimum 10% of Surtax Revenue):</b>	
<b>Direct Funding of Community Shuttle Capital and O&amp;M</b>	<b>\$539,665,526</b>
<b>City Projects</b>	<b>\$2,700,000,000</b>
<b>City Project Contingency</b>	<b>\$100,000,000</b>
<b>TOTAL</b>	<b>\$3,339,665,526</b>



## Exhibit A: Regional Mobility and Transportation Surtax Initiative

## 30-YEAR DETAILED PLAN

OPERATING											
Costs	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	
Status Quo - Existing Transit Operations	\$114,302,548	\$117,944,394	\$120,998,506	\$124,234,444	\$127,011,406	\$129,867,417	\$132,804,761	\$135,825,800	\$138,932,948	\$141,791,381	
Paratransit Operations	\$30,722,766	\$32,549,604	\$34,503,664	\$36,644,581	\$38,880,586	\$41,272,626	\$43,831,698	\$46,578,665	\$49,551,063	\$52,523,664	
New 30-yr. Bus Service Plan	\$13,147,623	\$18,341,056	\$26,562,060	\$38,894,543	\$46,352,084	\$59,535,519	\$72,027,953	\$80,629,668	\$95,290,129	\$103,798,953	
New Light Rail Transit (LRT)	\$0	\$0	\$0	\$0	\$6,584,227	\$6,781,753	\$6,985,206	\$7,191,762	\$25,842,110	\$26,617,373	
Public Works	\$0	\$167,350	\$798,263	\$1,460,824	\$2,034,271	\$2,726,711	\$3,402,167	\$3,995,275	\$4,538,220	\$4,900,769	
Transit Security - Operations	\$2,000,000	\$2,060,000	\$2,121,800	\$2,185,454	\$2,251,018	\$2,318,548	\$2,388,105	\$2,459,748	\$2,533,540	\$2,609,546	
<b>Total Operating Costs</b>	<b>\$160,172,937</b>	<b>\$171,062,403</b>	<b>\$184,984,293</b>	<b>\$203,419,846</b>	<b>\$223,113,590</b>	<b>\$242,502,575</b>	<b>\$261,439,889</b>	<b>\$276,683,918</b>	<b>\$316,688,009</b>	<b>\$332,241,685</b>	
Revenues	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	
Status Quo - Existing Transit Operations	\$127,446,601	\$127,980,824	\$128,541,022	\$129,128,080	\$129,739,836	\$129,750,354	\$129,704,276	\$129,691,689	\$130,087,682	\$130,857,218	
Paratransit Operations (State Transportation Disadvantaged Program Grants)	\$3,928,001	\$3,967,281	\$4,006,954	\$4,047,023	\$4,087,494	\$4,128,369	\$4,169,652	\$4,211,340	\$4,253,462	\$4,295,927	
Public Works	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
State Block Grants - New Bus	\$854,596	\$1,192,169	\$1,726,534	\$2,528,145	\$3,012,885	\$3,869,809	\$4,681,817	\$5,240,928	\$6,193,858	\$6,746,932	
State Block Grants - New LRT	\$0	\$0	\$0	\$0	\$0	\$408,814	\$484,038	\$467,660	\$1,679,737	\$1,730,129	
All Other New Revenue	\$363,543	\$408,021	\$573,677	\$821,600	\$3,311,240	\$4,118,149	\$4,884,076	\$5,417,051	\$7,419,947	\$7,981,552	
Farebox Revenues - New Bus	\$3,023,953	\$4,218,443	\$6,109,274	\$8,945,745	\$10,660,979	\$13,093,169	\$16,556,429	\$18,544,824	\$21,916,730	\$23,873,759	
Farebox Revenues - New LRT	\$0	\$0	\$0	\$0	\$987,634	\$1,017,263	\$1,017,281	\$1,070,214	\$3,876,316	\$3,992,606	
<b>Total Operating Revenues</b>	<b>\$135,616,694</b>	<b>\$137,766,738</b>	<b>\$140,957,461</b>	<b>\$145,470,894</b>	<b>\$151,828,043</b>	<b>\$156,787,927</b>	<b>\$161,508,069</b>	<b>\$164,852,714</b>	<b>\$178,422,732</b>	<b>\$179,478,194</b>	
<b>Operating Revenues Minus Operating Costs</b>	<b>(\$24,556,244)</b>	<b>(\$33,295,665)</b>	<b>(\$44,026,832)</b>	<b>(\$57,949,252)</b>	<b>(\$71,285,547)</b>	<b>(\$85,714,649)</b>	<b>(\$99,931,820)</b>	<b>(\$111,831,204)</b>	<b>(\$141,265,277)</b>	<b>(\$152,763,492)</b>	
<b>New Surtax Funding for Operating</b>	<b>\$24,556,244</b>	<b>\$33,295,665</b>	<b>\$44,026,832</b>	<b>\$57,949,252</b>	<b>\$71,285,547</b>	<b>\$85,714,649</b>	<b>\$99,931,820</b>	<b>\$111,831,204</b>	<b>\$141,265,277</b>	<b>\$152,763,492</b>	
CAPITAL											
Costs	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	
Status Quo - Existing Transit Capital	\$28,759,760	\$31,493,123	\$35,573,263	\$42,456,688	\$51,086,583	\$64,031,335	\$74,220,764	\$85,272,888	\$98,034,737	\$112,392,082	
Paratransit Vehicles	\$7,807,600	\$3,128,280	\$3,193,780	\$2,040,980	\$1,996,440	\$1,996,440	\$1,996,440	\$1,996,440	\$4,108,160	\$4,003,980	
New 30-yr. Bus Service Plan (New Vehicles)	\$9,922,464	\$4,542,284	\$15,790,112	\$8,433,090	\$8,686,083	\$17,893,330	\$13,822,598	\$7,457,621	\$18,854,221	\$6,473,282	
New LRT Infrastructure	\$29,744,318	\$89,232,955	\$89,232,955	\$176,331,036	\$37,008,082	\$222,588,490	\$222,588,490	\$264,312,708	\$41,754,218	\$250,525,306	
New LRT Vehicles	\$0	\$0	\$27,864,539	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Public Works	\$0	\$7,030,917	\$50,384,704	\$58,262,128	\$40,264,418	\$48,443,350	\$57,251,501	\$66,518,103	\$42,647,172	\$81,764,651	
New BRT/Rapid Bus Infrastructure	\$20,000,000	\$20,000,000	\$32,000,180	\$11,364,361	\$11,705,292	\$20,866,933	\$21,492,912	\$22,137,730	\$15,201,241	\$15,659,278	
New Transit Infrastructure (IT/Sec./Maint. fac./Shelters/RTICUP-R)	\$31,225,000	\$55,310,374	\$76,482,622	\$34,970,604	\$11,911,260	\$13,094,001	\$16,880,317	\$20,940,924	\$17,130,861	\$17,487,797	
Planning Studies/Passenger Surveys	\$7,075,222	\$2,313,429	\$2,413,783	\$2,466,197	\$2,560,782	\$2,637,606	\$2,716,294	\$2,798,235	\$2,882,183	\$2,968,649	
<b>Total Capital Costs</b>	<b>\$129,734,364</b>	<b>\$114,581,410</b>	<b>\$237,674,938</b>	<b>\$286,345,082</b>	<b>\$148,308,939</b>	<b>\$351,551,485</b>	<b>\$424,854,012</b>	<b>\$408,579,369</b>	<b>\$168,612,794</b>	<b>\$405,475,006</b>	
Revenues	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	
Status Quo - Existing Transit Capital	\$25,416,010	\$25,282,810	\$25,403,100	\$25,527,011	\$24,649,256	\$24,750,552	\$24,851,887	\$24,962,352	\$25,073,010	\$25,399,777	
Federal Transit Administration (FTA) Bus & Bus Facilities Formula Grants (New)	\$85,989	\$117,817	\$165,582	\$233,397	\$271,486	\$340,542	\$399,871	\$443,521	\$498,462	\$527,114	
FTA Formula Grants (New Bus)	\$730,710	\$989,659	\$1,393,885	\$1,060,533	\$2,280,485	\$2,860,555	\$3,358,514	\$3,649,077	\$4,187,080	\$4,427,754	
FTA Formula Grants (New LRT)	\$0	\$0	\$0	\$0	\$390,187	\$390,187	\$390,187	\$390,187	\$1,346,330	\$1,346,330	
FTA State of Good Repair Formula Grants (New LRT)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Other New Public Works Grants (FDOT, MPO, FHWA)	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	
FTA/FDOT New Starts/Small Starts Discretionary Grants (New LRT/BRT)	\$0	\$0	\$0	\$19,476,493	\$19,476,493	\$116,858,957	\$149,788,830	\$132,516,789	\$15,617,832	\$93,946,990	
Other New Dis. Grants (25% FTA + 25% FDOT)	\$0	\$0	\$0	\$0	\$0	\$25,927,132	\$25,927,132	\$25,927,132	\$25,927,132	\$19,920,129	
<b>Total Capital Revenues</b>	<b>\$29,213,709</b>	<b>\$30,390,289</b>	<b>\$30,869,587</b>	<b>\$50,197,434</b>	<b>\$50,067,808</b>	<b>\$174,127,924</b>	<b>\$207,890,616</b>	<b>\$189,241,863</b>	<b>\$78,356,908</b>	<b>\$148,857,144</b>	
<b>Capital Revenues Minus Capital Costs</b>	<b>(\$100,520,655)</b>	<b>(\$84,191,121)</b>	<b>(\$206,805,351)</b>	<b>(\$236,147,648)</b>	<b>(\$98,241,131)</b>	<b>(\$177,423,561)</b>	<b>(\$215,632,146)</b>	<b>(\$219,337,506)</b>	<b>(\$91,260,886)</b>	<b>(\$256,617,862)</b>	
<b>New Surtax Funding for Capital</b>	<b>\$100,520,655</b>	<b>\$84,191,121</b>	<b>\$206,805,351</b>	<b>\$236,147,648</b>	<b>\$98,241,131</b>	<b>\$177,423,561</b>	<b>\$215,632,146</b>	<b>\$219,337,506</b>	<b>\$91,260,886</b>	<b>\$256,617,862</b>	
Projected 1-cent Sales Tax Revenue (Less 5% of Total Surtax Revenue)	\$192,848,347	\$339,523,289	\$348,690,418	\$358,105,059	\$367,773,896	\$377,703,791	\$387,901,793	\$398,378,143	\$409,131,271	\$420,177,815	
Remaining Annual Surtax Revenue (Broward Co. Operating & Capital Deficit)	(\$125,056,899)	(\$10,466,790)	(\$151,942,203)	(\$204,096,001)	(\$169,526,579)	(\$263,138,208)	(\$216,895,216)	(\$239,868,016)	(\$234,522,165)	(\$409,081,254)	
<b>Total Broward Co. Contingency</b>	<b>\$0</b>	<b>\$10,149,913</b>	<b>\$17,869,647</b>	<b>\$24,979,613</b>	<b>\$25,475,121</b>	<b>\$25,984,007</b>	<b>\$26,506,633</b>	<b>\$27,043,270</b>	<b>\$27,594,599</b>	<b>\$28,160,741</b>	
<b>City Allocation (Minimum 10% of Surtax Revenue):</b>											
Direct Funding of Community Shuttle Capital and O&M	\$13,294,397	\$10,501,259	\$11,473,843	\$10,915,028	\$12,637,860	\$17,088,392	\$10,693,680	\$16,350,432	\$12,915,224	\$14,111,379	
City Projects	\$0	\$122,744,798	\$23,395,199	\$42,298,979	\$174,815,505	\$86,683,039	\$49,518,735	\$41,361,948	\$69,598,661	\$27,806,402	
City Project Contingency	\$0	\$4,166,666	\$0	\$4,166,666	\$4,166,666	\$4,166,666	\$4,166,666	\$4,166,666	\$4,166,666	\$4,166,666	
<b>TOTAL</b>	<b>\$13,294,397</b>	<b>\$137,412,723</b>	<b>\$34,869,042</b>	<b>\$57,380,673</b>	<b>\$191,619,931</b>	<b>\$107,938,097</b>	<b>\$64,379,091</b>	<b>\$61,879,046</b>	<b>\$86,680,551</b>	<b>\$42,017,781</b>	



Exhibit A: Regional Mobility and Transportation Surtax Initiative

OPERATING											
Costs	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	
Status Quo - Existing Transit Operations	\$144,712,450	\$147,697,535	\$150,748,011	\$153,865,406	\$157,051,097	\$160,306,614	\$163,633,486	\$167,033,276	\$170,507,582	\$174,058,832	
Paratransit Operations	\$55,678,645	\$59,027,320	\$62,581,712	\$66,351,593	\$70,359,531	\$74,610,944	\$79,124,150	\$83,915,423	\$89,002,056	\$94,402,421	
New 30-yr. Bus Service Plan	\$110,339,050	\$122,655,313	\$129,056,633	\$133,654,311	\$143,829,395	\$151,118,364	\$156,445,253	\$169,384,635	\$177,716,074	\$183,914,457	
New Light Rail Transit (LRT)	\$27,415,894	\$28,238,313	\$49,830,343	\$51,325,253	\$52,865,011	\$54,450,961	\$62,824,257	\$64,708,585	\$66,650,251	\$68,649,762	
Public Works	\$5,131,193	\$5,689,645	\$6,143,431	\$6,266,147	\$6,783,973	\$7,328,356	\$7,671,828	\$8,210,069	\$8,672,196	\$9,035,002	
Transit Security - Operations	\$2,687,833	\$2,768,468	\$2,851,522	\$2,937,067	\$3,025,179	\$3,115,935	\$3,209,413	\$3,305,695	\$3,404,866	\$3,507,012	
<b>Total Operating Costs</b>	<b>\$345,955,065</b>	<b>\$366,076,652</b>	<b>\$401,211,682</b>	<b>\$414,462,778</b>	<b>\$433,914,189</b>	<b>\$450,931,173</b>	<b>\$472,908,387</b>	<b>\$496,558,084</b>	<b>\$515,953,028</b>	<b>\$533,565,687</b>	
Revenues	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	
Status Quo - Existing Transit Operations	\$131,641,321	\$132,435,145	\$133,238,851	\$134,052,600	\$134,876,560	\$135,710,901	\$136,555,797	\$137,411,428	\$138,277,070	\$139,155,627	
Paratransit Operations (State Transportation Disadvantaged Program Grants)	\$4,338,057	\$4,382,346	\$4,426,170	\$4,470,432	\$4,515,136	\$4,560,287	\$4,605,890	\$4,651,949	\$4,698,460	\$4,745,453	
Public Works	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
State Block Grants - New Bus	\$7,173,038	\$7,972,595	\$8,388,681	\$8,687,530	\$9,348,911	\$9,827,694	\$10,168,941	\$11,010,001	\$11,551,545	\$11,954,440	
State Block Grants - New LRT	\$1,782,033	\$1,835,494	\$3,238,972	\$3,336,141	\$3,436,226	\$3,539,312	\$4,083,577	\$4,206,084	\$4,332,267	\$4,462,235	
All Other New Revenue	\$8,426,567	\$9,219,729	\$10,904,310	\$11,274,998	\$11,983,175	\$12,521,116	\$13,348,735	\$14,243,959	\$14,866,272	\$15,304,274	
Farebox Revenues - New Bus	\$25,377,982	\$28,210,722	\$29,683,026	\$30,740,492	\$33,080,761	\$34,757,224	\$35,982,408	\$38,058,466	\$40,874,697	\$42,300,325	
Farebox Revenues - New LRT	\$4,112,384	\$4,235,756	\$7,474,551	\$7,698,788	\$7,929,752	\$8,167,644	\$9,423,639	\$9,706,348	\$9,997,538	\$10,297,461	
<b>Total Operating Revenues</b>	<b>\$182,851,282</b>	<b>\$188,291,788</b>	<b>\$197,354,561</b>	<b>\$200,260,981</b>	<b>\$205,170,520</b>	<b>\$209,079,178</b>	<b>\$214,168,988</b>	<b>\$220,188,235</b>	<b>\$224,598,762</b>	<b>\$228,279,818</b>	
<b>Operating Revenues Minus Operating Costs</b>	<b>(\$163,113,783)</b>	<b>(\$177,784,864)</b>	<b>(\$203,857,121)</b>	<b>(\$214,141,797)</b>	<b>(\$228,743,668)</b>	<b>(\$241,851,995)</b>	<b>(\$258,739,398)</b>	<b>(\$276,369,849)</b>	<b>(\$291,354,266)</b>	<b>(\$305,285,869)</b>	
<b>New Surtax Funding for Operating</b>	<b>\$163,113,783</b>	<b>\$177,784,864</b>	<b>\$203,857,121</b>	<b>\$214,141,797</b>	<b>\$228,743,668</b>	<b>\$241,851,995</b>	<b>\$258,739,399</b>	<b>\$276,369,849</b>	<b>\$291,354,266</b>	<b>\$305,285,869</b>	
CAPITAL											
Costs	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	
Status Quo - Existing Transit Capital	\$26,941,159	\$27,503,089	\$28,078,183	\$28,666,779	\$29,269,227	\$29,885,885	\$30,517,122	\$31,163,315	\$31,824,855	\$32,502,140	
Paratransit Vehicles	\$4,166,219	\$4,332,868	\$4,506,183	\$4,686,430	\$4,873,887	\$5,068,843	\$5,271,596	\$5,482,460	\$5,701,759	\$5,929,829	
New 30-yr. Bus Service Plan (New Vehicles)	\$0	\$15,261,123	\$1,929,739	\$0	\$15,008,617	\$4,294,132	\$0	\$16,400,321	\$4,692,314	\$0	
New 30-yr. Bus Service Plan (Replacement Vehicles)	\$0	\$0	\$14,147,061	\$6,476,210	\$22,512,920	\$12,023,570	\$12,384,277	\$25,511,611	\$19,707,710	\$10,632,784	
New LRT Infrastructure	\$250,525,306	\$264,090,798	\$13,565,492	\$81,392,952	\$81,392,952	\$81,392,952	\$0	\$0	\$0	\$0	
New LRT Vehicles	\$70,595,927	\$0	\$0	\$0	\$33,106,808	\$0	\$0	\$0	\$0	\$0	
Public Works	\$48,725,088	\$16,527,101	\$49,295,552	\$40,118,604	\$72,989,883	\$71,712,512	\$64,656,088	\$35,894,854	\$83,194,742	\$34,530,854	
New BRT/Rapid Bus Infrastructure	\$16,126,997	\$27,684,677	\$28,515,218	\$32,307,243	\$15,125,897	\$15,578,624	\$19,256,472	\$16,528,476	\$17,024,331	\$17,335,061	
New Transit Infrastructure (IT&C/Maint. Fac./Shelters/ITC/P-R)	\$13,781,862	\$14,195,318	\$18,673,100	\$22,385,463	\$18,785,215	\$19,250,594	\$16,456,265	\$16,499,952	\$22,296,766	\$16,729,614	
Planning Studies/Passenger Surveys	\$3,057,208	\$3,149,439	\$3,231,923	\$3,311,210	\$3,411,477	\$3,534,722	\$3,681,063	\$3,760,595	\$3,873,413	\$3,989,616	
<b>Total Capital Costs</b>	<b>\$433,820,267</b>	<b>\$372,744,414</b>	<b>\$163,954,840</b>	<b>\$219,375,420</b>	<b>\$296,506,899</b>	<b>\$242,752,883</b>	<b>\$142,193,788</b>	<b>\$181,691,505</b>	<b>\$180,315,898</b>	<b>\$131,849,697</b>	
Revenues	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	
Status Quo - Existing Transit Capital	\$25,732,061	\$26,070,017	\$26,413,771	\$26,763,454	\$27,119,201	\$27,481,148	\$27,849,438	\$28,224,214	\$28,605,627	\$28,993,830	
Federal Transit Administration (FTA) Bus & Bus Facilities Formula Grants (New)	\$543,982	\$587,032	\$599,663	\$602,934	\$629,003	\$642,534	\$648,805	\$678,814	\$691,415	\$694,716	
FTA Formula Grants (New Bus)	\$4,569,417	\$4,931,069	\$5,031,106	\$5,064,612	\$5,291,187	\$5,397,284	\$5,424,761	\$5,702,041	\$5,808,138	\$5,835,615	
FTA Formula Grants (New LRT)	\$1,346,330	\$1,346,330	\$2,327,272	\$2,327,272	\$2,327,272	\$2,327,272	\$2,628,315	\$2,628,315	\$2,628,315	\$2,628,315	
FTA State of Good Repair Formula Grants (New LRT)	\$0	\$709,800	\$709,800	\$709,800	\$709,800	\$2,475,200	\$2,475,200	\$2,475,200	\$2,475,200	\$2,475,200	
Other New Public Works Grants (FDO1, MPO, FHWA)	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	
FTA/FDOT New Starts/Small Starts Discretionary Grants (New LRT/BRT)	\$120,420,463	\$93,946,990	\$0	\$0	\$7,911,956	\$8,179,328	\$10,109,631	\$8,577,450	\$8,932,274	\$8,205,507	
Other New Disc. Grants (25% FTA + 25% FDO1)	\$14,954,430	\$18,520,559	\$32,612,604	\$30,584,708	\$28,153,394	\$12,784,148	\$14,240,221	\$29,430,942	\$23,358,400	\$18,681,099	
<b>Total Capital Revenues</b>	<b>\$170,566,713</b>	<b>\$159,161,797</b>	<b>\$79,726,276</b>	<b>\$69,882,810</b>	<b>\$75,171,884</b>	<b>\$67,286,915</b>	<b>\$66,553,440</b>	<b>\$80,816,977</b>	<b>\$75,494,899</b>	<b>\$73,289,081</b>	
<b>Capital Revenues Minus Capital Costs</b>	<b>(\$263,253,554)</b>	<b>(\$213,582,617)</b>	<b>(\$84,228,564)</b>	<b>(\$149,492,606)</b>	<b>(\$221,335,015)</b>	<b>(\$175,465,967)</b>	<b>(\$76,640,348)</b>	<b>(\$98,874,588)</b>	<b>(\$104,820,999)</b>	<b>(\$58,556,616)</b>	
<b>New Surtax Funding for Capital</b>	<b>\$263,253,554</b>	<b>\$213,582,617</b>	<b>\$84,228,564</b>	<b>\$149,492,606</b>	<b>\$221,335,015</b>	<b>\$175,465,967</b>	<b>\$76,640,348</b>	<b>\$98,874,588</b>	<b>\$104,820,999</b>	<b>\$58,556,616</b>	
Projected 1-cent Sales Tax Revenue	\$454,234,323	\$466,498,660	\$479,094,123	\$492,029,665	\$505,314,466	\$518,957,956	\$532,969,821	\$547,360,006	\$562,138,728	\$577,316,472	
(Less 5% of Total Surtax Revenue)	(\$22,711,717)	(\$23,324,933)	(\$23,954,706)	(\$24,601,483)	(\$25,265,723)	(\$25,947,898)	(\$26,648,491)	(\$27,368,000)	(\$28,106,936)	(\$28,865,824)	
<b>Remaining Annual Surtax Revenue</b>	<b>\$431,522,606</b>	<b>\$443,173,727</b>	<b>\$455,139,417</b>	<b>\$467,428,181</b>	<b>\$480,048,742</b>	<b>\$493,010,058</b>	<b>\$506,311,330</b>	<b>\$519,992,006</b>	<b>\$534,031,790</b>	<b>\$548,450,648</b>	
(Broward Co. Operating & Capital Deficit)	(\$426,467,337)	(\$391,367,481)	(\$297,091,366)	(\$364,464,407)	(\$450,078,713)	(\$417,317,963)	(\$334,379,747)	(\$247,241,437)	(\$149,175,205)	(\$32,855,485)	
<b>Total Broward Co. Contingency</b>	<b>\$27,169,901</b>	<b>\$20,806,246</b>	<b>\$30,668,051</b>	<b>\$30,582,192</b>	<b>\$31,228,969</b>	<b>\$31,693,269</b>	<b>\$32,975,384</b>	<b>\$33,275,977</b>	<b>\$33,995,480</b>	<b>\$34,734,422</b>	
<b>City Allocation (Minimum 10% of Surtax Revenue):</b>											
Direct Funding of Community Shuttle Capital and O&M	\$13,424,108	\$15,542,728	\$21,016,547	\$13,151,890	\$20,108,069	\$18,884,097	\$17,358,217	\$16,509,640	\$19,115,595	\$25,847,726	
City Projects	\$29,728,154	\$28,774,649	\$128,526,492	\$60,982,888	\$21,268,419	\$49,013,847	\$143,792,214	\$145,443,457	\$99,846,779	\$147,982,283	
City Project Contingency	\$0	\$0	\$4,166,666	\$4,166,666	\$0	\$4,166,666	\$4,166,666	\$4,166,666	\$4,166,666	\$4,166,666	
<b>TOTAL</b>	<b>\$43,152,262</b>	<b>\$44,317,373</b>	<b>\$150,709,724</b>	<b>\$74,773,958</b>	<b>\$48,004,874</b>	<b>\$69,064,610</b>	<b>\$165,314,097</b>	<b>\$166,120,083</b>	<b>\$122,229,039</b>	<b>\$177,966,678</b>	



Exhibit A: Regional Mobility and Transportation Surtax Initiative

OPERATING										
Costs	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048
Status Quo - Existing Transit Operations	\$177,686,291	\$181,394,059	\$185,183,069	\$189,055,094	\$193,011,942	\$197,055,457	\$201,187,525	\$205,410,069	\$209,725,053	\$214,134,478
Paratransit Operations	\$100,136,039	\$106,223,653	\$112,687,301	\$119,550,402	\$126,837,837	\$134,576,017	\$142,793,125	\$151,518,924	\$160,785,165	\$170,625,554
New 30-yr. Bus Service Plan	\$199,040,160	\$208,562,528	\$215,766,651	\$222,239,651	\$233,610,911	\$241,685,244	\$248,935,801	\$260,644,202	\$269,594,632	\$277,682,471
New Light Rail Transit (LRT)	\$70,709,255	\$72,830,532	\$75,015,448	\$77,265,912	\$79,583,889	\$81,971,406	\$84,430,548	\$86,963,465	\$89,572,369	\$92,259,540
Public Works	\$9,380,205	\$9,910,878	\$10,515,375	\$10,766,733	\$11,357,078	\$11,582,446	\$12,488,216	\$12,715,915	\$12,725,411	\$14,075,645
Transit Security - Operations	\$3,617,222	\$3,720,589	\$3,832,207	\$3,947,173	\$4,065,588	\$4,187,556	\$4,313,183	\$4,442,578	\$4,575,855	\$4,713,131
Total Operating Costs	\$850,564,172	\$882,642,239	\$903,000,052	\$922,824,964	\$948,497,246	\$971,058,156	\$994,148,399	\$1,017,695,153	\$1,046,978,485	\$1,073,490,819
Revenues	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048
Status Quo - Existing Transit Operations	\$140,044,574	\$140,945,013	\$141,851,144	\$142,781,172	\$143,717,310	\$144,665,772	\$145,626,779	\$146,600,557	\$147,587,340	\$148,587,364
Paratransit Operations (State Transportation Disadvantaged Program Grants)	\$4,792,908	\$4,840,837	\$4,889,245	\$4,938,138	\$4,987,519	\$5,037,394	\$5,087,768	\$5,138,645	\$5,189,032	\$5,241,933
Public Works	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
State Block Grants - New Bus	\$12,937,610	\$13,556,564	\$14,024,832	\$14,445,577	\$15,186,059	\$15,709,541	\$16,180,877	\$16,941,873	\$17,523,651	\$18,049,361
State Block Grants - New LRT	\$4,596,102	\$4,733,585	\$4,876,004	\$5,022,384	\$5,172,953	\$5,328,141	\$5,487,986	\$5,652,625	\$5,822,204	\$5,996,870
All Other New Revenue	\$16,401,688	\$17,106,819	\$17,676,858	\$18,207,164	\$19,037,423	\$19,670,652	\$20,260,772	\$21,123,015	\$21,824,571	\$22,479,309
Farebox Revenues - New Bus	\$45,779,237	\$47,069,381	\$48,626,330	\$51,115,120	\$53,737,410	\$55,587,606	\$57,255,234	\$59,948,166	\$62,006,765	\$63,866,968
Farebox Revenues - New LRT	\$10,606,388	\$10,924,580	\$11,257,317	\$11,589,887	\$11,937,583	\$12,295,711	\$12,664,587	\$13,044,520	\$13,435,855	\$13,838,931
Total Operating Revenues	\$235,158,517	\$240,077,179	\$244,202,731	\$248,099,342	\$253,776,857	\$259,294,817	\$265,563,948	\$268,449,402	\$273,390,419	\$278,040,735
Operating Revenues Minus Operating Costs	(\$615,405,655)	(\$482,565,060)	(\$658,797,321)	(\$674,725,622)	(\$694,720,389)	(\$711,763,339)	(\$728,584,451)	(\$749,245,750)	(\$773,588,065)	(\$805,450,083)
New Surtax Funding for Operating	\$625,405,655	\$642,565,060	\$658,797,321	\$674,725,622	\$694,720,389	\$711,763,339	\$728,584,451	\$749,245,750	\$773,588,065	\$805,450,083
CAPITAL										
Costs	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048
Status Quo - Existing Transit Capital	\$33,195,582	\$33,905,603	\$34,637,637	\$35,377,130	\$36,130,540	\$36,902,339	\$37,720,012	\$38,538,055	\$39,377,981	\$40,237,317
Paratransit Vehicles	\$6,167,022	\$6,413,703	\$6,670,251	\$6,937,061	\$7,214,511	\$7,503,125	\$7,803,250	\$8,115,380	\$8,439,996	\$8,777,595
New 30-yr. Bus Service Plan (New Vehicles)	\$19,912,304	\$5,127,418	\$0	\$0	\$5,602,868	\$0	\$0	\$6,122,406	\$0	\$0
New 30-yr. Bus Service Plan (Replacement Vehicles)	\$26,881,611	\$9,229,353	\$0	\$21,758,712	\$25,773,195	\$9,233,527	\$53,496,748	\$23,265,141	\$17,057,018	\$59,756,393
New LRT Infrastructure	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
New LRT Vehicles	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Public Works	\$49,348,155	\$29,635,947	\$26,787,441	\$55,426,928	\$57,497,366	\$55,887,285	\$49,060,099	\$10,439,887	\$52,174,000	\$86,861,706
New BRT/Rapid Bus Infrastructure	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
New Transit Infrastructure (ITSec/Maint. Fac./Shelters/ITC/P-R)	\$22,430,565	\$22,886,215	\$19,649,640	\$25,848,063	\$26,455,236	\$26,139,117	\$26,783,268	\$27,465,743	\$28,064,989	\$28,668,870
Planning Studies/Passenger Surveys	\$4,109,301	\$4,227,583	\$4,358,561	\$4,490,317	\$4,625,058	\$4,763,810	\$4,906,724	\$5,053,926	\$5,205,543	\$5,361,710
Total Capital Costs	\$162,044,543	\$111,831,823	\$102,109,830	\$149,832,242	\$163,307,827	\$141,442,203	\$179,770,101	\$118,983,538	\$183,819,527	\$221,663,591
Revenues	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048
Status Quo - Existing Transit Capital	\$29,388,978	\$29,791,235	\$30,200,765	\$30,617,739	\$31,042,331	\$31,474,722	\$31,915,095	\$32,363,643	\$32,820,556	\$33,286,038
Federal Transit Administration (FTA) Bus & Bus Facilities Formula Grants (New)	\$729,916	\$742,547	\$745,818	\$745,818	\$761,227	\$764,498	\$764,498	\$777,128	\$780,399	\$786,799
FTA Formula Grants (New Bus)	\$6,131,294	\$6,237,391	\$6,264,868	\$6,264,868	\$6,394,303	\$6,421,780	\$6,421,780	\$6,527,877	\$6,555,353	\$6,555,353
FTA Formula Grants (New LRT)	\$2,628,315	\$2,628,315	\$2,628,315	\$2,628,315	\$2,628,315	\$2,628,315	\$2,628,315	\$2,628,315	\$2,628,315	\$2,628,315
FTA State of Good Repair Formula Grants (New LRT)	\$4,240,600	\$4,240,600	\$4,240,600	\$4,240,600	\$4,240,600	\$4,240,600	\$4,240,600	\$4,240,600	\$4,240,600	\$4,240,600
Other New Public Works Grants (FOOT, HPO, FTHA)	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000
FTA/FOOT New Starts/Small Starts Discretionary Grants (New LRT/BRT)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other New Dis. Grants (25% FTA + 25% FOOT)	\$24,612,240	\$18,671,493	\$18,671,493	\$21,803,387	\$28,015,610	\$17,686,322	\$40,140,022	\$28,412,145	\$33,811,023	\$45,212,631
Total Capital Revenues	\$80,731,343	\$85,311,581	\$86,908,166	\$91,810,322	\$97,492,828	\$86,728,837	\$99,619,896	\$78,404,307	\$94,345,827	\$99,312,837
Capital Revenues Minus Capital Costs	(\$81,313,200)	(\$46,220,242)	(\$45,201,664)	(\$58,021,918)	(\$65,815,002)	(\$54,713,366)	(\$80,159,205)	(\$40,518,231)	(\$89,473,700)	(\$122,350,754)
New Surtax Funding for Capital	\$81,313,200	\$46,220,242	\$45,201,664	\$58,021,918	\$65,815,002	\$54,713,366	\$80,159,205	\$40,518,231	\$89,473,700	\$122,350,754
Projected 1-cent Sales Tax Revenue	\$592,904,017	\$608,912,425	\$628,353,061	\$642,237,593	\$659,878,008	\$677,380,618	\$695,676,053	\$714,459,307	\$733,749,708	\$753,540,590
(Less 5% of Total Surtax Revenue)	(\$29,645,201)	(\$30,445,621)	(\$31,267,653)	(\$32,111,880)	(\$32,978,008)	(\$33,866,331)	(\$34,783,803)	(\$35,722,665)	(\$36,687,489)	(\$37,678,042)
Remaining Annual Surtax Revenue	\$563,258,816	\$578,466,804	\$597,085,408	\$610,125,714	\$626,899,999	\$643,514,287	\$660,892,250	\$678,736,642	\$697,062,222	\$715,862,548
(Broward Co. Operating & Capital Deficit)	(\$406,718,855)	(\$388,785,302)	(\$404,001,665)	(\$452,747,537)	(\$480,536,190)	(\$487,479,706)	(\$521,734,656)	(\$593,763,981)	(\$653,061,765)	(\$630,880,738)
Total Broward Co. Contingency	\$35,493,310	\$36,272,687	\$37,073,107	\$37,895,139	\$38,739,360	\$39,606,386	\$40,498,817	\$41,411,289	\$42,350,451	\$43,314,871
City Allocation (Minimum 10% of Surtax Revenue):										
Direct Funding of Community Shuttle Capital and O&M	\$16,175,166	\$24,731,495	\$19,535,435	\$31,344,727	\$20,305,160	\$23,509,770	\$31,789,443	\$19,893,414	\$30,416,619	\$24,826,126
City Projects	\$129,370,643	\$154,185,855	\$159,754,155	\$125,239,297	\$114,563,598	\$121,723,656	\$96,874,000	\$154,284,794	\$102,789,680	\$50,181,870
City Project Contingency	\$4,166,666	\$4,166,666	\$4,166,666	\$4,166,666	\$4,166,666	\$4,166,666	\$4,166,666	\$4,166,666	\$4,166,666	\$4,166,666
TOTAL	\$149,912,478	\$183,054,016	\$183,456,236	\$150,750,691	\$129,435,432	\$149,410,992	\$132,530,109	\$178,344,874	\$137,372,971	\$76,374,679

## **Exhibit B - Reporting Requirements**

The County and each Municipality shall submit to the Oversight Board an annual detailed report of the progress made in carrying out their respective projects funded through the surtax. The report shall be audited by an independent CPA, with an opinion as to whether the financial information is presented in accordance with Generally Accepted Accounting Principles and whether the projects are in accordance with the ILA. The audit shall contain sufficient information for the Oversight Board to determine if the project expenditures conform to this Agreement and applicable law. In this regard, the report must include cumulative financial information for each individual project undertaken pursuant to this Agreement.

The annual report must conform to the report format presented below and must include the following three sections:

**Section One** presents expenditures for the current year and the cumulative expenditures for each project as follows:

- 1) A description of the project;
- 2) The projected costs of the project as originally approved by the Oversight Board;
- 3) The cumulative expenditures for the project up to the beginning of the year being reported;
- 4) The expenditures for the project for the current report year; and
- 5) The total cumulative expenditures for the project as of the end of the current year being reported.

**Section Two** presents the Statement of Revenue, Expenditures, and Changes in Fund Balance for the separate account/fund established for any and all Surtax funds received pursuant to this Agreement, and includes:

- 1) Revenue received by source;
- 2) The project expenditures;
- 3) Administrative costs including, as applicable, salaries, contractual services, and capital outlay;
- 4) Debt service, including principal and interest;
- 5) Other expenditures; and
- 6) The beginning and ending fund balances.

**Section Three** presents the Balance Sheet for the Surtax fund.

The annual report should include appropriate footnote disclosures in support of the items presented in sections one to three and include disclosure of any issue of noncompliance with this Agreement or applicable law. The following is a sample format of the required report.

**Sample Format for Financial Information for the Annual Report**  
**XYZ Municipality/County Receiving Surtax Funding for Fiscal Year Ended September 30, 201x**

**Section I: Project Expenditures** (to include detail on Project components of each approved project)

Description Project	Project Budget	Expenditures through Prior FY	Current Expenditures	Cumulative Expenditures
Project 1 (Show detail of expenditures by budget line item)	##	##	##	##
Project 2 (Show detail of expenditures by budget line item)	##	##	##	##
Total	##	##	##	##

**Section II: Statement of Revenue, Expenditures & Changes in Fund Balance**

Revenues:	
Surtax Receipts	\$ #,###,###
Other	#,###,###
Interest	#,###
Total Revenues	\$ #,###,###
Project/Activity Expenditures (total from Section I, Current Expenditures)	\$ #,###,###
Administrative Costs:	
Salaries	###,###
Contractual Services	###,###
Capital Outlay	###,###
Total Administrative Costs	###,###
Debt Service:	
Principal	###,###
Interest	###,###
Total Debt Service	###,###
Other Expenditures	###,###
Total Expenditures	###,###
Excess of Revenues Over Expenditures	###,###
Fund Balance October 1	###,###
Fund Balance September 30	###,###

**Section III: Balance Sheet**

Assets (in detail)	\$ #,###,###
Liabilities and Fund Balances (in detail)	\$ #,###,###





**Town of Southwest Ranches**  
**13400 Griffin Road**  
**Southwest Ranches, FL 33330-2628**

**(954) 434-0008 Town Hall**  
**(954) 434-1490 Fax**

**Town Council**  
**Doug McKay, Mayor**  
**Freddy Fisikelli, Vice Mayor**  
**Steve Breitzkreuz, Council Member**  
**Gary Jablonski, Council Member**  
**Denise Schroeder, Council Member**

**Andrew D. Berns, Town Administrator**  
**Keith M. Poliakoff, JD, Town Attorney**  
**Russell Muniz, Assistant Town Administrator/Town Clerk**  
**Martin D. Sherwood, CPA, CGMA, CGFO, Town Financial Administrator**

## **COUNCIL MEMORANDUM**

**TO:** Honorable Mayor McKay and Town Council  
**VIA:** Andrew D. Berns, Town Administrator  
**FROM:** Keith Poliakoff, Town Attorney  
**DATE:** 9/12/2018  
**SUBJECT:** Zoning In Progress - Nurseries

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### **Recommendation**

Town Council consideration for a motion to approve the resolution.

### **Strategic Priorities**

A. Sound Governance

### **Background**

As vacant lands become scarce in Broward County, more and more nursery operators are looking to open commercial nursery operations within the Town. Although the Town prides itself on being rural, commercial nursery operations have been popping up in the middle of residential communities, without any regard to access or minimum lot size requirements.

The commercial traffic generated by these nurseries are causing damage to the Town's rural roadway network, and creating unsafe conditions. As a result, the Town is now forced to enact guidelines to properly site commercial nursery operations in order to ensure the health, safety, and welfare of its residents.

In order to give the Town the necessary time to fully examine this matter, a zoning in progress was enacted on April 12, 2018, pursuant to Resolution No. 2018-046. The Town needs some additional time to finalize an appropriate solution, and as such an extension of the enacted zoning in progress is necessary.

**Fiscal Impact/Analysis**

N/A

**Staff Contact:**

Keith Poliakoff - Town Attorney

**ATTACHMENTS:**

Description

Upload Date

Type

ZIP Nursery Extension - TA approved

8/31/2018

Resolution

**RESOLUTION NO. 2018-\_\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING RESOLUTION NO. 2018-054 AND EXTENDING A ZONING IN PROGRESS, PURSUANT TO SECTION 005-240 OF THE TOWN'S UNIFIED LAND DEVELOPMENT CODE, TO FURTHER REGULATE ANY NEW COMMERCIAL NURSERY, EXPANSION OF AN EXISTING COMMERCIAL NURSERY, OR STORAGE OR GROWTH OF ANY PLANT MATERIAL IN CONTAINERS; EXTENDING A ZONING IN PROGRESS FOR A PERIOD OF TIME NOT TO EXCEED SIX (6) MONTHS OR UNTIL THE TOWN'S REVISED REGULATIONS HAVE BEEN ADOPTED, WHICHEVER IS SOONER; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEAREAS**, as vacant lands become scarce in Broward County, more and more nursery operators are looking to open commercial nursery operations within the Town; and

**WHEREAS**, although the Town prides itself on being rural, commercial nursery operations have been popping up in the middle of residential communities, without any regard to access or minimum lot size requirements; and

**WHEREAS**, the commercial traffic generated by these nurseries are causing damage to the Town's rural roadway network, and creating unsafe conditions; and

**WHEREAS**, as a result, the Town is now forced to enact guidelines to properly site commercial nursery operations in order to ensure the health, safety, and welfare of its residents; and

**WHEREAS**, in order to give the Town the necessary time to fully examine this matter, a zoning in progress was enacted on April 12, 2018, pursuant to Resolution No. 2018-046; and

**WHEREAS**, the Town needs some additional time to finalize an appropriate solution, and as such an extension of the enacted zoning in progress is necessary;

**NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1. Recitals.** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

**Section 2.** That in furtherance of Section 005-240 of the Town's Unified Land Development Code ("ULDC"), the Town Council hereby establishes a zoning in progress to further regulate any new commercial nursery, expansion of an existing commercial nursery, or storage or growth of any plan material in containers.

**Section 3.** The Town shall prohibit the creation of any new commercial nursery operation until this zoning in progress has been terminated.

**Section 4.** This zoning in progress shall place a temporary hold on the issuance of any permit, business tax receipt, or certificate of use, for any new, or the expansion of, a nursery operation in the Town for a period of time not to exceed six (6) months or until the Town's revised regulations have been adopted, whichever is sooner.

**Section 5. Conflicts.** All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 6. Severability.** If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

**Section 7. Effective Date.** This Resolution shall become effective immediately upon its passage and adoption.

**[Signatures on Following Page]**

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest

Ranches, Florida, this \_\_\_\_\_ day of September 2018 on a motion by

\_\_\_\_\_ and seconded by \_\_\_\_\_.

McKay \_\_\_\_\_  
Fisikelli \_\_\_\_\_  
Breitkreuz \_\_\_\_\_  
Jablonski \_\_\_\_\_  
Schroeder \_\_\_\_\_

Ayes \_\_\_\_\_  
Nays \_\_\_\_\_  
Absent \_\_\_\_\_  
Abstaining \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Doug McKay, Mayor

\_\_\_\_\_  
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

\_\_\_\_\_  
Keith Poliakoff, J.D., Town Attorney  
115074902.1

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**REGULAR MEETING MINUTES OF THE TOWN COUNCIL**  
**Southwest Ranches, Florida**

Thursday 7:00 PM

August 9, 2018

13400 Griffin Road

Present:

Mayor Doug McKay

Vice Mayor Freddy Fisikelli

Council Member Steve Breitkreuz

Council Member Gary Jablonski

Council Member Denise Schroeder

Andy Berns, Town Administrator

Ivette Solera, Deputy Town Clerk

Martin D. Sherwood, Town Financial Administrator

Richard DeWitt, Deputy Town Attorney

Regular Meeting of the Town Council of Southwest Ranches was held at 13400 Griffin Road in the Southwest Ranches Council Chambers. The meeting, having been properly noticed, was called to order by Mayor McKay at 7:01 PM. Attendance was noted by roll call and was followed by the Pledge of Allegiance.

**3. Public Comment**

The following members of the public addressed the Town Council: Newell Hollingsworth, David Kuczenski, and Omar Kahn, and Mike Hanley.

**4. Board Reports**

None were presented.

**5. Council Member Comments**

Council Member Jablonski advised of upcoming events including the Parks Board Bingo Night on August 13<sup>th</sup>, Property Appraiser Outreach on August 20<sup>th</sup>, Budget Workshop on August 21<sup>st</sup>, and the Household Hazardous Waste at the Park on September 8<sup>th</sup>. He also spoke about the waste pickup zones, and suggested that they change the pickup zones to numbers instead of letters. He opined that this would make it easier for residents to remember their zone.

Council Member Schroeder thanked everyone for coming. She spoke about the charter amendments and stated that she does not agree with the 5-0 vote. She stressed the importance of protecting the Town's rural lifestyle so that it doesn't become a commercial area.

Council Member Breitkreuz spoke about Waste Pro's level of service. He said that it was unacceptable. He also spoke about the charter amendments and how important it is to get out and vote in order to maintain our rural lifestyle.

The Mayor brought up an issue where residents are buying property in Town and then living in their trailers or RV's on site while their house is being built. He would like to see Code Enforcement be proactive instead of reactive to stop future residents from doing the same.

Community Development Director Robert Solera informed that this issue is indeed a violation of the Code, however, code enforcement in Town is reactive not proactive per Council. He asked the

Council if they would prefer a more proactive approach on this issue. The Council replied that they would like code enforcement to be proactive on this issue going forward.

Also, the Mayor opined that the charter amendments should not be a 5-0 vote. He urged to residents to vote "No" on the two items. He also announced that Bob Hartmann and John Eastman are running for Council.

Vice Mayor Fisikelli had no comments.

## **6. Legal Comments**

Deputy Town Attorney Richard DeWitt announced an upcoming Shade Session which will take place on Tuesday, August 21, 2018 at 6 pm. The litigation to be discussed was styled as CACE 15-008766 Town of Southwest Ranches Wesley J. Clark Jr., Amy Clark, Robert and Joan Bartleman vs. City of Pembroke Pines.

## **7. Administration Comments**

Town Administrator Berns spoke about a matter that Mike Hanley brought up earlier but was advised not to speak in detail about it. An elderly resident from a group home out west was in distress, but our officers were not able to respond to the call because they were on the other side of Town dealing with another incident at the time. Two additional officers, not from the Town, were called but since they were not familiar with the Town they had a hard time finding the address to the group home where the resident was in distress.

Mr. Berns added that he and Town Financial Administrator Martin Sherwood are hard at work getting ready for the Budget workshop presentation scheduled for next week.

## **8. Approval of Minutes**

### **a. July 12, 2018 – Regular Meeting**

The following motion was made by Vice Mayor Fisikelli, seconded by Council Member Jablonski, and passed by a 5-0 roll call vote. The vote was as follows: Council Members Breitkreuz, Jablonski, Schroeder, Vice Mayor Fisikelli, and Mayor McKay voting Yes.

**MOTION:** TO APPROVE THE MINUTES.

## **12. Adjournment** - Meeting was adjourned at 7:38 PM.

*Respectfully submitted:*

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*Ivette Solera, Deputy Town Clerk*

*Adopted by the Town Council on*



*this 12<sup>th</sup> day of Sept. 2018.*

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*Doug McKay, Mayor*

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.