

## RESOLUTION NO. 2018-269

1  
2 AN ENABLING RESOLUTION OF THE BOARD OF  
3 COUNTY COMMISSIONERS OF BROWARD COUNTY,  
4 FLORIDA, SCHEDULING A REFERENDUM ELECTION  
5 TO BE HELD AT THE GENERAL ELECTION ON  
6 NOVEMBER 6, 2018, FOR THE PURPOSE OF  
7 DETERMINING WHETHER TO LEVY A ONE  
8 PERCENT (1%) CHARTER COUNTY AND REGIONAL  
9 TRANSPORTATION SYSTEM SALES SURTAX  
10 COMMENCING JANUARY 1, 2019, FOR A PERIOD OF  
11 THIRTY (30) YEARS, AS AUTHORIZED BY STATE LAW;  
12 PROVIDING FOR THE DELIVERY OF A CERTIFIED  
13 COPY OF THIS ENABLING RESOLUTION TO THE  
14 SUPERVISOR OF ELECTIONS BY JUNE 18, 2018; AND  
15 PROVIDING FOR SEVERABILITY AND AN EFFECTIVE  
16 DATE.

17 WHEREAS, Section 212.055(1), Florida Statutes, authorizes Broward County,  
18 Florida ("County"), to levy a Charter County and Regional Transportation System Sales  
19 Surtax ("Transportation Surtax"), subject to approval by referendum by a majority of the  
20 County electorate voting on the ballot measure; and

21 WHEREAS, in furtherance of funding critical transportation and transit needs for  
22 the benefit of present and future generations, the Board of County Commissioners of  
23 Broward County, Florida, desires that a referendum election on the levy of a one  
24 percent (1%) Transportation Surtax commencing January 1, 2019, for a period of thirty  
(30) years, be held at the General Election on November 6, 2018, in Broward County,  
Florida ("Ballot Measure"); and

WHEREAS, if the levy of the Transportation Surtax is approved by referendum at  
the General Election on November 6, 2018, the proceeds of the Transportation Surtax

1 shall be expended for transportation and transit purposes authorized in  
2 Section 212.055(1)(d), Florida Statutes, as further described in the proposed ballot  
3 language, with oversight of expenditures by an independent Transportation Surtax  
4 Oversight Board, NOW, THEREFORE,

5  
6 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
7 BROWARD COUNTY, FLORIDA:

8  
9 Section 1. A referendum election is called and ordered to be held in Broward  
10 County, Florida, on Tuesday, November 6, 2018, and at such other times as permitted  
11 for voting under Chapter 101, Florida Statutes, for the purpose of determining whether  
12 to levy a one percent (1%) Transportation Surtax commencing January 1, 2019, for a  
13 period of thirty (30) years, on all transactions taxable pursuant to Section 212.054(2),  
14 Florida Statutes, consistent with the requirements of applicable law.

15  
16 Section 2. Said referendum election shall be held between the hours of  
17 7:00 a.m. and 7:00 p.m. on Tuesday, November 6, 2018, and at such other days and  
18 times as provided under applicable law, including for early voting as provided by  
19 Section 101.657, Florida Statutes, at the polling places established in Broward County.  
20 Absentee ballots for said referendum election shall be prepared and made available as  
21 provided by law. All registered and qualified electors of Broward County shall be  
22 eligible to vote in the referendum election.

1 Section 3. In accordance with Section 100.342, Florida Statutes, at least thirty  
2 (30) days' notice of the referendum election shall be published by the Broward County  
3 Administrator in a newspaper of general circulation in Broward County at least three (3)  
4 times, including once in the seventh week, once in the fifth week, and once in the third  
5 week prior to the week in which the referendum election is to be held. The notice is  
6 attached hereto and made a part hereof as Exhibit A.

7  
8 Section 4. The title and summary of the Ballot Measure to appear on the ballot  
9 for the referendum election are as follows:

10  
11 **FUNDING FOR COUNTYWIDE TRANSPORTATION SYSTEM IMPROVEMENTS**  
12 **THROUGH LEVY OF SURTAX**

13 Shall countywide transportation improvements to reduce traffic congestion, improve  
14 roads and bridges, enhance traffic signal synchronization, develop safe sidewalks and  
15 bicycle pathways, expand and operate bus and special needs transportation, implement  
16 rail along approved corridors, and implement emerging transportation technologies, be  
17 funded by levying a thirty year, one percent sales surtax, paid by residents and visitors,  
18 with the proceeds held in a newly created trust fund and all expenditures overseen by  
19 an independent oversight board?

20  
21 YES \_\_\_\_\_

22 NO \_\_\_\_\_

23

24

1 Section 5. In accordance with Section 102.012, Florida Statutes, the  
2 Supervisor of Elections shall appoint election boards consisting of clerks and inspectors  
3 to serve in the referendum election.  
4

5 Section 6. The Broward County Canvassing Board shall canvass the returns  
6 in said referendum election and shall, as provided by law, certify the results of such  
7 referendum election to the Board of County Commissioners of Broward County, Florida,  
8 the Broward County Administrator, and the Florida Department of State, to be recorded  
9 in appropriate public records.  
10

11 Section 7. If a majority of the registered and qualified electors voting on the  
12 Ballot Measure in the referendum election vote "Yes" on the Ballot Measure, a one  
13 percent (1%) Transportation Surtax shall be levied commencing January 1, 2019, for a  
14 period of thirty (30) years, pursuant to Ordinance No. 2018-29, enacted by the Board on  
15 June 5, 2018.  
16

17 Section 8. The County Administrator shall furnish a certified copy of this  
18 adopted enabling Resolution to the Broward County Supervisor of Elections on or  
19 before June 18, 2018. The County Administrator is also authorized to perform all other  
20 tasks as may be necessary or useful to comply with the requirements of law relating to  
21 referendum elections.  
22  
23  
24

1 Section 9. SEVERABILITY.

2 If any portion of this Resolution is determined by any court to be invalid, the  
3 invalid portion shall be stricken, and such striking shall not affect the validity of the  
4 remainder of this Resolution. If any court determines that this Resolution, or any portion  
5 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),  
6 or circumstance(s), such determination shall not affect the applicability hereof to any  
7 other individual, group, entity, property, or circumstance.

8  
9 Section 10. EFFECTIVE DATE.

10 This Resolution shall become effective upon adoption.

11  
12 ADOPTED this 5<sup>th</sup> day of June, 2018. (Item 74)

13  
14  
15  
16 Approved as to form and legal sufficiency:  
17 Andrew J. Meyers, County Attorney

18  
19 By /s/ Angela J. Wallace                      05/24/18  
20                      Angela J. Wallace                      (date)  
21                      Deputy County Attorney

22 AJW/hb  
23 05/24/18  
24 2018 Transportation Surtax Ballot Language Reso.doc  
#18-008.00  
#18-114.00

EXHIBIT A

NOTICE OF REFERENDUM ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, AND AT SUCH OTHER TIMES AS PROVIDED FOR UNDER APPLICABLE LAW INCLUDING FOR EARLY VOTING PURSUANT TO SECTION 101.657, FLORIDA STATUTES, TO DETERMINE WHETHER TO LEVY A CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SALES SURTAX AT A RATE OF ONE PERCENT (1%) COMMENCING JANUARY 1, 2019, FOR A PERIOD OF THIRTY (30) YEARS.

A countywide referendum election will be held on Tuesday, November 6, 2018, and at such other times as permitted for voting under Chapter 101, Florida Statutes, for the purpose of determining whether to levy, at a rate of one percent (1%) commencing January 1, 2019, for a period of thirty (30) years, a Charter County and Regional Transportation System Sales Surtax on all transactions taxable pursuant to Section 212.054(2), Florida Statutes ("Ballot Measure").

As set forth in enabling Resolution No. 2018-269, adopted on June 5, 2018, by the Board of County Commissioners of Broward County, Florida, the title and summary of the Ballot Measure to appear on the referendum election ballot shall be as follows:

**FUNDING FOR COUNTYWIDE TRANSPORTATION SYSTEM IMPROVEMENTS  
THROUGH LEVY OF SURTAX**

Shall countywide transportation improvements to reduce traffic congestion, improve roads and bridges, enhance traffic signal synchronization, develop safe sidewalks and bicycle pathways, expand and operate bus and special needs transportation, implement rail along approved corridors, and implement emerging transportation technologies, be funded by levying a thirty year, one percent sales surtax, paid by residents and visitors, with the proceeds held in a newly created trust fund and all expenditures overseen by an independent oversight board?

YES \_\_\_\_\_

NO \_\_\_\_\_

The referendum election on the Ballot Measure shall be held on November 6, 2018, between the hours of 7:00 a.m. and 7:00 p.m., and at such other days and times as provided under applicable law including for early voting as provided by Florida law, at the polling places established in Broward County. Absentee ballots for the referendum election shall be prepared and made available as provided by law. All registered and qualified electors of Broward County shall be eligible to vote in said referendum election.

The Broward County Canvassing Board shall canvass the returns and certify the results of the referendum election to the Board of County Commissioners of Broward County, Florida, the Broward County Administrator, and the Florida Department of State, to be recorded and filed in the appropriate public records.

**Instructions:**

A. Publish three (3) times:

Once on: September 18, 2018

Once on: October 2, 2018

Once on: October 16, 2018

**Mailing Instructions:**

B. Furnish two (2) proofs of publication and invoice to:

Mary Anne Darby, Deputy Clerk  
Records, Taxes and Treasury Division  
Broward County Governmental Center  
115 S. Andrews Avenue, Room 336-U  
Fort Lauderdale, Florida 33301

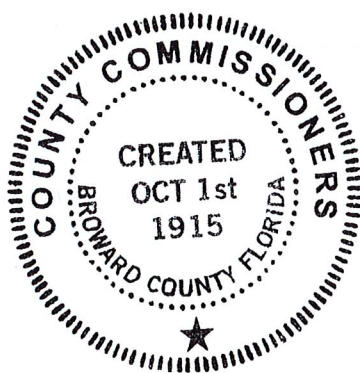
STATE OF FLORIDA )

) SS

COUNTY OF BROWARD )

I, Bertha Henry, County Administrator, in and for Broward County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution 2018-269, the same appears in the minutes of said Board of County Commissioners meeting held on the 5<sup>th</sup> day of June, 2018. (Item 74)

IN WITNESS WHEREOF, I have hereunto set my hand and official seal dated this 26<sup>th</sup> day of June, 2018.



(SEAL)

BERTHA HENRY  
COUNTY ADMINISTRATOR

By *Maryanne Parly*  
Deputy Clerk