

RESOLUTION

of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
regarding
**THE ORANGE COUNTY TRANSPORTATION INITIATIVE
REPORT**

Resolution No. 2022-M-20

WHEREAS, in its enactment of the Orange County Charter County and Regional Transportation System Surtax Ordinance (the “**Transportation Surtax Ordinance**”), the Orange County Board of County Commissioners (the “**Board**”) found that:

- (1) It is necessary and desirable to promote and protect the health and safety of the traveling public in Orange County, Florida (the “**County**”) and to maintain and improve the quality of life and economic prosperity of the citizens of the County by providing safe and adequate road, transportation, and transit facilities;
- (2) The need for adequate public transit, roadway improvements, public safety measures including lighting, pedestrian and cyclist safety measures, and road resurfacing in the County has continued to increase and is a matter of great public importance; and
- (3) Based on community and citizen input, meetings with local municipalities and public transit leadership, and transportation deficiency assessments performed by County staff, current funding sources are insufficient to meet the County’s transportation and transit needs; and

WHEREAS, as a result of its findings, the Board enacted the Transportation Surtax Ordinance in order place a levy of a one percent (1%) Charter County and Regional Transportation System Surtax (“**Transportation Surtax**”) on the ballot to be voted upon by the County’s electors; and

WHEREAS, the Board desires to adopt the Orange County Transportation Initiative Report in order to ensure that, should the majority of the County’s electors approve the levy of the Transportation Surtax, such surtax proceeds are expended in a transparent manner that:

- (1) Uses a data-driven and needs-based approach through the use of objective criteria in the prioritization of transportation improvement projects throughout the County;
- (2) Is flexible enough to address shifting and emerging needs over the 20-year

period for which the Transportation Surtax will be levied; and

- (3) Is adaptive to new transportation and transit technologies and innovations as they are developed.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Recitals. The above recitals are hereby incorporated herein by reference.

Section 2. The Orange County Transportation Initiative Report.

(A) *Expenditure Categories and Allocation.* The Orange County Transportation Initiative Report (the “**Report**”) was created based on input received from citizens and the community, municipal and transit leadership, and transportation deficiency assessments performed by County staff. Based upon such input, the following three (3) Transportation Surtax expenditure categories were developed as appropriate uses for Transportation Surtax proceeds, with percentages of the Transportation Surtax proceeds allocated as follows:

Expenditure Category	General Summary	Allocation % Range
County Transportation Improvements (Category 1)	Safety improvements to include pedestrian and bicycle safety, ADA compliance, lighting, intersections, and technology and operations; major roadway improvements (including county roads that run through cities), complete streets, widening projects; intersection capacity improvements; new traffic signals, and mast arm upgrades; operations and maintenance to include roadway resurfacing and grading, bridge repair and maintenance, railroad crossing repair, roadway pond/drainage improvements and maintenance; and associated transit accommodations and passenger amenities	45%
Transit Improvements (Category 2)	Increasing coverage, availability, and frequency of bus routes; expanding service hours; improving paratransit services; increasing frequency and connectivity to airport; optimizing high capacity corridors; providing faster more direct service to work; reducing headway times; enhancing and expanding commuter rail system including frequency, routes, and stations	45%
Municipal Partnership	Roadway, safety, and operations and maintenance projects based on the individual needs of each	

Plans & Projects (Category 3)	municipality, as reflected in the transportation plans and project lists from each participating municipality	10%
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(B) *Adoption of the Report.* The Board hereby adopts the Orange County Transportation Initiative Report dated April 11, 2022, incorporated herein by this reference and available on the Orange County website. Transportation Surtax proceeds shall only be expended on uses authorized in section 212.055(1), Florida Statutes, and consistent with the Report. Substantive changes to the Report shall be presented to the Board for consideration at least annually and any such changes must be approved by resolution of the Board prior to becoming effective.

Section 3. Transportation and Transit Initiative Technical Committee.

(A) *Establishment & Duties.* The Board hereby establishes the Transportation & Transit Initiative Technical Committee (“Technical Committee”), which shall:

- i. Review the status of projects submitted by each jurisdiction or entity;
- ii. Review approved projects and ensure they are compatible and coordinated amongst various jurisdictions; and
- iii. Identify opportunities for joint projects and project collaboration.

(B) *Composition.* The Technical Committee shall be a multijurisdictional staff committee composed of 15 members, one (1) from each of the following entities and agencies, as appointed by each jurisdiction’s governing body or designated by the agency’s chief administrative official: Orange County; Florida Department of Transportation; LYNX/SunRail; Metroplan Orlando; City of Apopka; City of Belle Isle; Town of Eatonville; City of Edgewood; City of Maitland; Town of Oakland; City of Ocoee; City of Orlando; Town of Windermere; City of Winter Garden; and City of Winter Park.

(C) *Qualifications.* All appointees and designees to the Technical Committee must be staff members of the agencies appointing or designating them and must possess the knowledge, skills, and expertise to represent and provide input on behalf of their designating agency regarding major roadway improvement and transportation safety and technology in Orange County.

(D) *Officers; Legal guidance.*

i. Chair and Vice Chair. The Orange County appointee shall serve as the Chair of the Technical Committee. The Vice Chair of the Technical Committee shall be nominated and appointed by the members at large.

ii. Staff Support. A non-voting designee of the Orange County Administrator shall be responsible for providing ministerial support for the

Technical Committee as necessary.

iii. Legal guidance. The County shall make a member of the Orange County Attorney's Office available to provide legal support and guidance to the Technical Committee if needed.

Section 4. Transportation & Transit Initiative Citizens Oversight Board.

(A) *Establishment & Duties.* The Board hereby establishes a Transportation & Transit Initiative Citizens Oversight Board ("Oversight Board") which shall:

i. Ensure accountability and transparency in the expenditure of Transportation Surtax proceeds;

ii. Ensure that the participating jurisdictions and agencies spend the Transportation Surtax proceeds appropriately, timely, and in full compliance with all applicable laws;

iii. Request and review audits of the Transportation Surtax; and

iv. Oversee the preparation of a nontechnical report or consolidated schedule of projects identifying the following information for each active project or purpose funded by the Transportation Surtax, which shall be updated and posted prominently on the County's website at least annually:

a. Original estimated cost;

b. Current estimated cost if different from original estimated cost;

c. Amounts expended in prior fiscal years;

d. Amounts expended in current fiscal year;

e. Any excess proceeds which have not been expended for project or purpose;

f. Estimated completion date, and the actual completion cost of project completed during the fiscal year; and

g. A statement of what corrective action the responsible jurisdiction or authority has planned with respect to each project which is underfunded or behind schedule.

v. Hold public meetings prior to January 2024, as needed, to elect the Chair and Vice Chair and to accomplish any additional tasks as set forth in this Section.

vi. Review past and future projects.

(B) *Composition.* The Oversight Board shall be composed of 11 members who shall serve four-year terms as the appointees of the following individuals and agencies:

i. Two (2) individuals appointed by the Orange County Mayor, one (1) of whom shall be a consumer of public transportation;

ii. Six (6) individuals, one appointed by each Orange County Commissioner, each of whom shall be a resident of the commission district that the appointing Commissioner represents;

iii. One (1) individual appointed by the Mayor of the City of Orlando; and

iv. Two (2) individuals collectively appointed by the remaining municipalities.

(C) *Qualifications.* All members of the Oversight Board shall be residents of Orange County who possess experience or interest in the fields of finance or accounting, transportation, mobility improvement operations, land use planning, or engineering. No member of the Oversight Board shall, at any time during their term, be an elected official or an employee of any city, county, state, special district, or federal government; or be materially engaged for remuneration by any public or private recipient of Transportation Surtax proceeds.

(D) *Officers; Legal guidance.*

i. Chair and Vice Chair. The Chair and Vice Chair shall be nominated and appointed by the members of the Oversight Board.

ii. Staff Support. A non-voting designee of the Orange County Administrator shall be responsible for providing ministerial support to the Oversight Board as needed.

iii. Legal Guidance. The County shall make a member of the Orange County Attorney's Office available to provide legal support and guidance to the Oversight Board if needed.

iv. Rules of Procedure. The Oversight Board shall conduct its meetings in accordance with Robert's Rules of Order.

Section 5. Exemption from Chapter 2, Article VI. Unless expressly provided for in this Resolution, the Technical Committee and Oversight Board shall be exempt from Chapter 2, Article VI ("Orange County Advisory Boards Ordinance"), Orange County Code, and shall sunset when the following two conditions are met:

- (A) The Transportation Surtax is no longer being levied; and
- (B) All Transportation Surtax proceeds have been expended.

Section 6. This Resolution shall take effect immediately upon adoption.

ADOPTED this 26th day of April, 2022.



ORANGE COUNTY, FLORIDA

By: Orange County Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

BY: *Katie Smith*
Deputy Clerk