

B.E.R.T.A.

**Broward County Education,
Research, and Training
Authority**

BROWARD COUNTY EDUCATION, RESEARCH AND TRAINING AUTHORITY

Pursuant to Part VIII of Chapter 159, Florida Statutes, consisting of Sections 159.831, 159.832, 159.833, 159.834, 159.835, 159.836, 159.837, 159.838, the Legislature of the State of Florida has enacted the County of Broward to create a local governmental body as a public body corporate and politic, to be known as the "Broward County Education, Research, and Training Authority," or "Broward Authority." The Broward Authority is constituted as a public instrumentality for the purposes of development, operation, management, and financing of education, research, and training park, and the exercise by the Broward Authority of the powers conferred by this act shall be deemed and held to be the performance of an essential public purpose and function.

PURPOSE

The Broward County Education, Research and Training Authority (B.E.R.T.A. or Broward E.R.T.A. or Broward Authority) has been created for the purpose of promoting economic development and employment opportunities through public-private partnerships. These partnerships are designed to integrate resources to facilitate job training and retraining programs to meet mid-career changes and technological advances; address community school skill-building efforts to enhance practical competency; and provide opportunities for vocational training in conjunction with academic education, targeting changing needs of the private sector. It is intended that such partnerships combine resources of secondary, post-secondary, and vocational-technical education facilities, together with education and training administrations, to facilitate a broad range of academic and training opportunities and to better utilize federal and other training funds. It is the purpose of the "Broward Authority" or the "Broward education, research, and training authority" to be a mechanism through which Broward County may provide, through acquisition, construction, or other devices, facilities, structures, and developments to promote and cultivate opportunities to accomplish its objectives.

POWERS OF THE BROWARD AUTHORITY

The Broward Authority is authorized and empowered:

1. To have perpetual succession as a body politic and corporate and to adopt bylaws for the regulation of its affairs and the conduct of its business.
2. To adopt an official seal and alter the same at pleasure.
3. To maintain an office at such place or places in the County as it may designate.
4. To sue and be sued in its own name, and to plead and be impleaded.
 - a. To determine the location and character of any project to be financed under the provision of this act.
 - b. To construct, reconstruct, maintain, repair, operate, lease as lessee or lessor, and regulate same.
 - c. To enter into contracts for any or all of such purposes.

6. To enter into contracts for the management and operation of a project. To issue bonds, bond anticipation notes, and other obligations of the Broward Authority for any of its corporate purposes, and to fund or refund the same, all as provided in Section 159.34, Florida Statutes.
7. Generally, to fix and revise from time to time and charge and collect rates, rents, fees, and charges for the use of and for the services furnished or to be furnished by a project or any portion thereof and to contract with any person, partnership, association, or corporation or other body public or private in respect thereof.
8. To establish rules and regulations for the use of a project or any portion thereof.
9. To employ consulting engineers, architects, planners, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation.
10. To receive and accept from any public agency loans or grants for or in aid of the construction of a project or any portion thereof, and to receive and accept loans, grants, aid, or contributions from any source of either money, property, labor, or other thing of value, to be held, used, and applied only for the purposes for which such loans, grants, aid, and contributions are made.
11. To mortgage any project and the site thereof for the benefit of the holders of revenue bonds issued to finance such projects.
12. To charge to and equitably apportion among participating educational institutions its administrative costs and expenses incurred in the exercise of the powers and duties conferred by this act.
13. To do all things necessary or convenient to carry out the purposes of this act.

MEMBERS OF BROWARD AUTHORITY

Three persons who are residents and electors of Broward County or who have their principal place of employment in Broward County shall be selected by the Broward County Board of Commissioners. Of the members first appointed, one shall serve for one year, one for two years, and one for three years. In each case, each member shall serve until their successor is appointed and qualified.

The School Board of Broward County shall appoint one individual for a term of two years and the Town Council of Davie shall appoint one person whose principal place of employment is in Broward County and who resides within the Town of Davie.

Thereafter, each appointing government shall appoint, for terms of four years, members to succeed those whose terms expire. In addition to the other members, each participating

educational institution shall designate a member to the Broward Authority who shall serve ex-officio.

MEMBER PROFILE

Dr. Winifred L. Dickinson 3401 Rosehill Way Lauderhill, Florida 33319 (954) 733-3401 Fax: Represents: Appointed By: Broward County Commissioner Nominated By: Commissioner Thompson	Start First Term: 08/16/94 Current Term Start: 08/22/95 Current Term End: 08/21/99 District Number: 1 Board Code: ER Term Length: Four Years Office: Vice-Chair
Ms. Judy Stern 191 Wimbledon Lake Drive Plantation, Florida 33024 (954) 452-7797 Fax: Represents: Appointed By: Broward County Commission Nominated By: Commissioner Gunzburger	Start First Term: 08/16/94 Current Term Start: 10/01/96 Current Term End: 10/01/00 District Number: 6 Board Code: ER Term Length: Four Years Office: Secretary
Mr. Mitch Cleasar 8181 West Broward Boulevard, #300 Plantation, Florida 33324 (954) 475-2500 Fax: Represents: Appointed By: Broward County Commission Nominated By: Commissioner Rodstrom	Start First Term: 08/16/94 Current Term Start: 08/16/94 Current Term End: 08/16/97 District Number: 7 Board Code: ER Term Length: Four Years Office: Chair
Mr. James F. Notter address city, state, zip phone Fax: Represents: Appointed By: School Board of Broward County Nominated By:	Start First Term: Current Term Start: Current Term End: Term Length: Office: Member
Mr. Morton Meyers address city, state zip	Start First Term: Current Term Start:

phone
Fax:
Represents:
Appointed By: Town of Davie
Nominated By:

Current Term End:
Term Length:
Office: Treasurer

OATH

Each member of the Broward Authority, before entering upon his or her duties, shall take and subscribe the oath of affirmation required by the State Constitution. A record of each oath shall be filed in the Division of Elections of the Department of State and with the clerk of the circuit court.

FUNDING

The Broward Authority can issue bonds, bond anticipation notes and other obligations for any of its corporate purposes, and to fund or refund the same as provided in Section 159.34, Florida Statutes, and the act establishing the Broward Authority. The Broward Authority can charge to and equitably apportion among participating educational institutions its administrative costs and expenses incurred in the exercise of the powers and duties conferred by the enabling act and charge fees or service charges as are necessary for the conduct of the Broward Authority.

ORGANIZATIONAL STRUCTURE

The Broward Authority shall consist of its Members as outlined above. The Broward Authority is currently investigating the hiring of an Executive Director to serve at the pleasure of the Authority. The Authority may as it deems necessary hire other staff to serve at its pleasure to facilitate the daily operations of the Authority, budget allowing.

**BY LAWS
OF
The BROWARD COUNTY EDUCATION, RESEARCH AND TRAINING
AUTHORITY**

An Independent Special District Established by the State of Florida

**ARTICLE I
PURPOSES**

The Broward County Education, Research and Training Authority, ("Authority") has been established by the State of Florida for the purpose of promoting economic development and employment opportunities through public-private partnerships. The authority is constituted as a public instrumentality for the purposes of development, operation, management, and financing of an education, research, and training park, and the exercise by an authority of the powers conferred by the act creating the authority shall be deemed and help to be the performance of an essential public purpose and function. The partnerships are designed to integrate resources to facilitate job training and retraining programs.

**ARTICLE II
FUNCTIONS**

The functions of the Authority shall include:

1. To provide opportunities for vocational training in conjunction with academic education
2. To facilitate retraining programs to meet mid career changes and technological advances
3. Enhance skill building efforts to enhance practical competency
4. To combine the resources of secondary, post secondary and vocational - technical education facilities together with education and training administrations to facilitate a broad range of academic and training opportunities and to utilize federal and other training funds.
5. To provide through acquisition, construction, or other devices, facilities, structures, and developments to promote and cultivate opportunities to accomplish the objectives as stated herein.

**ARTICLE III
DEFINITIONS**

- A. "Authority" or "Broward Authority" or Broward education, research and training authority" means the public corporation created pursuant to this act.
- B. "Bonds" or "revenue bonds" means the bonds authorized to be issued by the authority under this act, which may consist of a single bond.

C. "cost" as applied to a project shall embrace the cost of construction; land or rights in land; other property both real and personal; machine and equipment; financing and charges, including interest; and all other costs necessary for placing the project in operation. "Cost" shall also include the cost of financial consultants, accountants, legal services, engineering, and architectural services, feasibility studies, and services by other consultants and such experts as many be selected by the lessee of any such project if the cost thereof shall be paid by the lessee or shall be included as a cost of the project reimbursed from proceeds of any bonds issue to finance the cost of such project.

D. "Project" means any capital project comprising an education, research, and training park, or any part thereof and including one or more buildings and other structures, machinery, fixtures, and equipment, and any rehabilitation or addition to any building or structure and machinery and equipment.

E. "Real Property" includes all lands, including improvements and fixtures thereon, and any property of any nature appurtenant thereto, or used in connection therewith and every estate, interest, and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise and the indebtedness secured by such liens.

Wherever the singular term "education, research, and training park" appears it shall be construed as to include the plural term "education, research, and training parks."

ARTICLE IV MEETINGS

A. Meetings.

1. Regular Meetings. Regular meetings of the Authority shall be held not less than quarterly during each fiscal year. The time and location of the regular meeting shall be determined by the Chairman. Members may submit items to be considered at each meeting and the Chairman shall prepare an agenda including said items for consideration. Regular meetings will take place on the second Monday of each month except when otherwise decided by a vote of the Authority.

2. Special Meetings. Special meetings of the Authority may be called:

(a) by the Chairman

(b) by motion of the Council; or

(c) by the Chairman, at the request of any two (2) of the Members in

writing.

Notice of a special meeting shall be posted in accordance with the notification requirements under Florida statutes. Only those subjects appearing on the agenda for the special meeting shall be discussed at that called meeting. The date, time, and location of the special meeting shall be determined by the Chairman.

3. Order of Business for Meetings. The Following order of business shall be used for meetings as applicable:

I. Call to Order and Roll Call

2. Additions, Deletion or Modifications to Agenda
3. Announcements by the Chairman
4. Minutes
5. Specific Agenda Items
6. Old Business
7. New Business
8. Committee and Staff Reports
9. Member Reports
10. Public Comment
11. Adjournment

ARTICLE V
MEMBERSHIP

1. Members of the authority shall be appointed by the respective public bodies defined in the authorizing legislation: Three persons who are residents and electors of or have their principal place of employment in Broward County are selected by the Broward County Board of Commissioners. Of the members first appointed, one shall serve for 1 year, one for 2 years and one for 3 years. In each case, each member shall serve until his/her successor is appointed and qualified, The School Board of Broward County shall appoint one individual who is a resident of Broward County or whose principal place of employment is Broward County for a term of 2 years, and The Town Council of the Town of Davie shall appoint one person whose principal place of employment is in Broward County and who resides within the Town of Davie. Thereafter each appointing government shall appoint for terms of 4 years, members to succeed those whose terms expires. A member of the authority shall be eligible for reappointment. Any member of the authority may be removed by the appointing government for misfeasance, malfeasance or willful neglect of duty. Each member of the authority before entering upon his/her duties shall take and subscribe the oath or affirmation required by the State Constitution. A record of each oath shall be filed in the Division of Elections of the Department of State and with the clerk of the circuit court.
2. In addition to other members each participating educational institution shall designate a member to the authority who shall serve ex officio.
3. Officers. The authority shall annually elect one of its members as chairman and one as vice chairman and may also appoint an executive director and a secretary who each shall not be members of the authority and receive compensation as shall be fixed by the authority.
 - a) The secretary shall keep a record of the proceedings of the authority and shall be custodian of all books and record of the authority and of its official seal.
 - b) The authority may also appoint such other officers as it may deem necessary.
 - c) A majority of the members of the authority shall constitute a quorum, and the affirmative vote of a majority of the members present shall be necessary for

any action taken by the authority provided that any action involving the issuance of bonds or the transfer, development, lease or encumbrance of any lands owned by the authority shall require an affirmative vote of a majority of the quorum constituted by two thirds of the authority membership. No vacancy in membership shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

d) Any action taken by the authority may be authorized by resolution at any regular or special meetings and each such resolution shall take effect immediately and need not be published or posed.

e) The members of the authority shall receive no compensation for the performance of their duties hereunder.

ARTICLE VI COMMITTEES

Special and Standing Committees may be established by the Authority.

ARTICLE VII RULES OF ORDER

Robert's Rules of Order (latest edition) shall be the parliamentary authority for all matters of procedure not covered by these By - Laws. The Authority attorney shall serve as parliamentarian.

ARTICLE VIII AMENDMENTS

Amendments to these Bylaws may be proposed by any member of the authority with written notice of the proposal to each of the other members, and shall become effective upon affirmative vote of a majority of all the members.

THESE BYLAWS, as amended, were approved by affirmative vote of the five members, the last of which was received by the undersigned on
March 18, 1996

Broward Education, Research and Training Authority

BY: Harold Coen

Chairman

Attest:

Judith Stein
Secretary

Adopted:

**RULES OF
The BROWARD COUNTY EDUCATION, RESEARCH AND TRAINING
AUTHORITY**

**RULE I
ORGANIZATION, PURPOSE, AND OPERATION**

1.01 **ORGANIZATION.** The Broward County Education, Research and Training Authority, ("Authority") has been established by the State of Florida for the purpose of promoting economic development and employment opportunities through public-private partnerships.

1.02 **PURPOSE.** The authority is constituted as a public instrumentality for the purposes of development, operation, management, and financing of education, research, and training facilities, and the exercise of the powers conferred by the act creating the authority. Partnerships are formed with institutions of higher education in Broward County and/or the School Board of Broward County to facilitate job training and retraining programs.

The purpose of the Authority shall include:

- (1) To provide opportunities for vocational training in conjunction with academic education
- (2) To facilitate retraining programs to meet mid career changes and technological advances
- (3) Enhance skill building efforts to enhance practical competency
- (4) To combine the resources of secondary, post secondary and vocational -technical education facilities together with education and training administrations to facilitate a broad range of academic and training opportunities and to utilize federal and other training funds.
- (5) To provide through acquisition, construction, or other devices, facilities, structures, and developments to promote and cultivate opportunities to accomplish the objectives as stated herein.

Said purpose shall be achieved by

(1) financing and refinancing capital projects related to the establishment of research and training facilities, including appurtenant facilities for the complete operation thereof, in the manner provided by the Florida Industrial Development Financing Act and applicable sections of the Florida Statutes.

~~(2) acquiring by lease, purchase or option real and personal property for use as a site for the park and constructing thereon access roads, drainage facilities, utilities and other improvements necessary for the ultimate use of the park.~~

3) Exercising all powers and authority delegated to it by Sections _____ Florida Statutes.

Agenda

Broward County Education Research and Training Authority

Monday, Feb,27 1995 4:30 PM

**McFatter Vocational Center
6500 Nova Drive,
Davie, Florida 33314**

Administrative Building Conference Room

- 1. Minutes**
- 2. Presentation and Adoption By Laws**
- 3. Legal Representation**
- 4. Discussion:**
 - Proposals**
 - Old Business**
 - New Business**
- Adjournment**

1.03 DEFINITIONS. Terms used in any rule adopted by the Broward County Education, Research, and Training authority shall have the same meaning as in Florida Statutes _____.

1) "Authority" or "Broward Authority" or Broward education, research and training authority" means the public corporation created pursuant to FS _____.

(2) "Bonds" or "revenue bonds" means the bonds authorized to be issued by the authority under this act, which may consist of a single bond.

(3) "Cost" as applied to a project shall embrace the cost of construction; land or rights in land; other property both real and personal; machine and equipment; financing and charges, including interest; and all other costs necessary for placing the project in operation. "Cost" shall also include the cost of financial consultants, accountants, legal services, engineering, and architectural services, feasibility studies, and services by other consultants and such experts as may be selected by the lessee of any such project if the cost thereof shall be paid by the lessee or shall be included as a cost of the project reimbursed from proceeds of any bonds issue to finance the cost of such project.

(4) "County" means Broward County, Florida.

(5) "Project" means any capital project comprising an education, research, or training facility, or any part thereof and including one or more buildings and other structures, machinery, fixtures, and equipment, and any rehabilitation or addition to any building or structure and machinery and equipment.

(6) "Members" means the members of the Broward County Research and Training Authority.

(7) "Real Property" includes all lands, including improvements and fixtures thereon, and any property of any nature appurtenant thereto, or used in connection therewith and every estate, interest, and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise and the indebtedness secured by such liens.

1.04 INFORMATION AND REQUESTS. The public may obtain information about the Authority or may submit requests thereto by writing to the following address:

Broward County Education, Research and Training Authority
PO Box

Fort Lauderdale, Florida

Attention: Executive Director

1.05 MEMBERSHIP, TERM OF OFFICE, VOTING AND COMPENSATION.

(1) Members of the authority shall be appointed by the respective public bodies defined in the authorizing legislation: Three persons who are residents and electors of or have their principal place of employment in Broward County are selected by the Broward County Board of Commissioners. Of the members first appointed, one shall serve for 1 year, one for 2 years and one for 3 years. In each case, each member shall serve until his/her successor is appointed and qualified. The School Board of Broward County shall appoint one individual who is a resident of Broward County or whose principal place of employment is Broward County for a term of 2 years, and The Town Council of the Town of Davie shall appoint one person

whose principal place of employment is in Broward County and who resides within the Town of Davie. Thereafter each appointing government shall appoint for terms of 4 years, members to succeed those whose terms expires. A member of the authority shall be eligible for reappointment.

(2) Any member of the authority may be removed by the appointing government for misfeasance, malfeasance or willful neglect of duty. Each member of the authority before entering upon his/her duties shall take and subscribe the oath or affirmation required by the State Constitution. A record of each oath shall be filed in the Division of Elections of the Department of State and with the clerk of the circuit court.

(3) In addition to other members each participating educational institution shall designate a member to the authority who shall serve ex officio.

1.06 Officers.

The authority shall annually elect one of its members as chairman and one as vice chairman and may also appoint an executive director and a secretary who each shall not be members of the authority and receive compensation as shall be fixed by the authority.

(1) The secretary shall keep a record of the proceedings of the authority and shall be custodian of all books and record of the authority and of its official seal.

(2) The authority may also appoint such other officers as it may deem necessary.

(3) A majority of the members of the authority shall constitute a quorum, and the affirmative vote of a majority of the members present shall be necessary for any action taken by the authority provided that any action involving the issuance of bonds or the transfer, development, lease or encumbrance of any lands owned by the authority shall require an affirmative vote of a majority of the quorum constituted by two thirds of the authority membership. No vacancy in membership shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

(4) Any action taken by the authority may be authorized by resolution at any regular or special meetings and each such resolution shall take effect immediately and need not be published or posed.

(5) The members of the authority shall receive no compensation for the performance of their duties hereunder.

1.07 MEETINGS, AGENDA, AND NOTICE.

(1) Regular meetings of the Authority shall be held not less than quarterly during each fiscal year. The time and location of the regular meeting shall be determined by the Chairman. Members may submit items to be considered at each meeting and the Chairman shall prepare an agenda including said items for consideration. Regular meetings will take place on the second Monday of each month except when otherwise decided by a vote of the Authority.

(2) Special meetings of the Authority may be called:

(a) by the Chairman

(b) by motion of the Council; or

(c) by the Chairman, at the request of any two (2) of the Members
in writing.

(3) Notice of a special meeting shall be posted in accordance with the notification requirements under Florida statutes. Only those subjects appearing on the agenda for the special meeting shall be discussed at that called meeting. The date, time, and location of the special meeting shall be determined by the Chairman.

(4) The Following order of business shall be used for meetings as applicable:

1. Call to Order and Roll Call
2. Additions, Deletion or Modifications to Agenda
3. Announcements by the Chairman
4. Minutes
5. Specific Agenda Items
6. Old Business
7. New Business
8. Committee and Staff Reports
9. Member Reports
10. Public Comment
11. Adjournment

(4) Special and Standing Committees may be established by the Authority.

1.08 PROCEDURE. Robert's Rules of Order (latest edition) shall be the parliamentary authority for all matters of procedure not covered by the Rules of the Broward County Education, Research and Training Authority. The Authority attorney shall serve as parliamentarian.

RULE 2

RULE MAKING PROCEDURES

2.01 COMMENCEMENT OF PROCEEDINGS. Proceedings held to adopt, amend or repeal a rule shall be conducted according to Chapter 120, Florida Statutes and these rules.

2.02 NOTICE OF RULE MAKING PROCEDURES

(1) Except as provided in 2.03, notice of intent to adopt, amend or repeal any rule shall be given fourteen (14) days prior to the date the Board meets to take such action.

(2) The notice shall contain:

- (a) A short and plain statement of the purpose and effect of the proposed rule;
- (b) A summary of the proposed rule
- (c) The specific legal authority under which the rule is authorized.
- (d) A summary of the estimated economic impact of the

proposed rule on all person affected by the rule, if applicable.

(e) The location where the text of the proposed rule can be obtained, if the text is not included in the notice.

(3) Except as provided by law, the Authority shall define the placement of the notification of the rule making proceeding and the manner in which notice is to be provided such affected persons.

(4) Following deliberation by the Authority on the rule, one(1) certified copy of the rule, a summary of the rule, and a summary of any hearings held on the rule shall be filed with the records of the Authority.

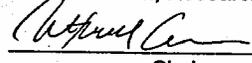
2.03 PROCEEDINGS AND HEARINGS. Proceedings and hearings shall be conducted in accordance with the rules set forth in Chapters 28-3 and 28-5, Florida Administrative Code.

Rule 3
AMENDMENTS AND ADOPTION

3.01 AMENDMENTS. These rules may be altered, amended, or added to by the vote of the Authority, provided the procedure is in compliance with Rule 2.

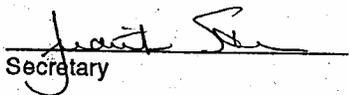
3.02 ADOPTION. These rules shall be effective upon their adoption by the vote of the authority.

Broward Education, Research and Training Authority

BY: 

Chairman

Attest:


Secretary

Adopted:

March 18, 1996, Nunc Pro Tunc April 11, 1995