

**TOWN OF OCEAN RIDGE, FLORIDA
INFRASTRUCTURE SURTAX CITIZEN OVERSIGHT
COMMITTEE MEETING
AGENDA**

MAY 8, 2017

8:30 A.M.

TOWN HALL * MEETING CHAMBERS

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. SELECT A CHAIR AND VICE CHAIR AND DISCUSS OPERATIONAL RULES OF ENGAGEMENT**
- IV. DISCUSS INFRASTRUCTURE IMPROVEMENT PROJECTS AND DETERMINE IF THEY MEET PROVISIONS OF COUNTY SURTAX ORDINANCE**
- V. ADJOURNMENT**

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE INFRASTRUCTURE SURTAX CITIZEN OVERSIGHT COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, HE/SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. PERSONS WHO NEED AN ACCOMODATION IN ORDER TO ATTEND OR PARTICIPATE IN THIS MEETING SHOULD CONTACT THE TOWN CLERK AT 561-732-2635 AT LEAST 5 DAYS PRIOR TO THE MEETING IN ORDER TO REQUEST SUCH ASSISTANCE. PLEASE TAKE NOTICE THAT ONE OR MORE TOWN COMMISSIONERS MAY BE PRESENT AT ANY BOARD OR COMMISSION MEETING OF THE TOWN OF OCEAN RIDGE.

Agenda: May 8, 2017

Memo: Item # IV

Town of Ocean Ridge, Florida

Agenda Memorandum

Office of the Town Manager

Subject: Ocean Ridge Oversight Committee for Penny Sales Tax

Background:

Earlier this year, Town Resolution No. 2017-02 (attached) appointed all Members of the Planning and Zoning Board inclusive with its Alternates to be seated together as part of a larger committee for the purpose of serving as a required Local Penny Sales Tax Infrastructure Oversight Committee. The purposes of this committee are delineated in the excerpted section below of the County's enabling ordinance:

SECTION 7. CITIZEN OVERSIGHT (Ref. PBC Ordinance 2016-032)

- (a) The County, the Municipalities, and the School Board shall each separately provide for the creation of citizen oversight committees ("Committee" or collectively "Committees") to provide for citizen review of their respective expenditure of Surtax Proceeds, as soon as possible after the Surtax becomes effective, but not later than the date on which Surtax funds are first expended. A Municipality may either participate in an oversight committee created by the Palm Beach League of Cities or create its own committee.
- (b) The Committees shall serve as advisory and reporting bodies to the creating entities. Each creating entity shall establish specific duties and membership requirements governing Committee operations and participation.
- (c) Each Committee shall have the responsibility to review the expenditure of Surtax proceeds by the entity which created it.
- (d) The Committees shall meet monthly, or as otherwise needed to fulfill their duties and responsibilities. Each Committee shall provide an annual report to the governing board of the entity which created it no later than December 31 of each year for acceptance.
- (e) Committee members shall receive no compensation for the performance of their duties.
- (f) The Committees, their members, and all their proceedings shall be governed by and comply with the provisions of the Florida Sunshine Law, Chapter 286, Florida Statutes, the Florida Public Records Law, Chapter 119, Florida Statutes, and the Florida Ethics Code, Chapter 112, Florida Statutes, and all other applicable local or state statutes, ordinances, or rules.

Continued next page

The tasks before you include:

- We ask the committee to understand responsibilities under the enabling ordinances.
- Select operational rules of engagement and confirm your Chair/Vice Chair.
- Consider directing the Town's share of additional revenues generated from the new PBC Infrastructure Sales Tax revenue source for inclusion in the town's rotational paving plan, including infrastructure amenities related to the road resurfacing projects and, or
- Identify any additional projects to recommend for specific expenditures based upon town priorities and needs as identified and eligible under the controlling Ordinances/Statutes.

In the current fiscal year (FY17) paving plans, we have \$200,000 budgeted and appropriated from the Capital projects budget for expending on "phase one" of our rotational mil and overlay repaving programs. If you wish to accelerate the amount paved, additional expenditures can be offset by anticipated revenue from the new Penny Sales Tax from PBC. The current year revenue is estimated \$81,000 (\$108,000 projected x 9 months collection). This requires a budget amendment for the revenue inflow and expenditure outflow. The town would "front money" until the additional sales tax revenues are collected.

We are also considering "Traffic Calming" treatments and other streetscape amenities. Each installation requirement is unique and will require commission consensus, as well as direction to engineer, construct and fund the desired project. Monies can be directed from paving funds, roads and bridges projects and other sources such as eligible Penney Sales Tax revenues.

(Latest collection projections chart will be distributed at the meeting)

RESOLUTION NO. 2017-02

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, DESIGNATING THE TOWN PLANNING AND ZONING COMMISSION, INCLUDING THE ALTERNATES, AS THE TOWN INFRASTRUCTURE SURTAX CITIZEN OVERSIGHT COMMITTEE; ESTABLISHING THE RESPONSIBILITIES AND DUTIES OF THE OVERSIGHT COMMITTEE; ESTABLISHING PROCEDURES FOR THE CONDUCT OF MEETINGS AND OPERATIONS; ESTABLISHING A SUNSET DATE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, on May 17, 2016, the Board of County Commissioners of Palm Beach County (the "BCC") adopted Ordinance No. 2016-032 to impose a voter approved one percent (1%) local government infrastructure surtax (the "Surtax") to be utilized by the County, the School Board, and the municipalities within Palm Beach County for the financing, planning, constructing, reconstructing, renovating and improving of needed infrastructure; and

WHEREAS, a referendum on the Surtax was held on November 8, 2016, and the voters of Palm Beach County approved said Surtax; and

WHEREAS, County Ordinance No. 2016-032 and the ballot language approved by voters in the referendum called for "independent oversight by citizen committees" to review the County, the School Board, and the municipalities' respective expenditures of Surtax proceeds; and

WHEREAS, County Ordinance No. 2016-032 provides that the Town may create its own citizen oversight committee to provide advice and recommendations to the Town Commission regarding the Town's expenditure of Surtax proceeds; and

WHEREAS, the Town Planning and Zoning Commission currently provides recommendations to the Town Council regarding planning and infrastructure matters, and is further authorized, under Code Section 63-31(e)(6), to conduct reviews and provide recommendations as are requested of it from time to time; and

WHEREAS, the Town Commission believes that given the current duties of the Planning and Zoning Commission, such Board is uniquely qualified and experienced to provide oversight regarding the Town's expenditure of Surtax proceeds for the financing, planning, constructing, reconstructing, renovating and improving of needed infrastructure within the Town; and

WHEREAS, the Town Commission desires to designate the Town Planning and Zoning Commission, including the two alternates, to serve as the Town Infrastructure Surtax Citizen Oversight Committee, and in that role, the Planning and Zoning Commission shall be tasked with ensuring that Surtax proceeds received by the Town are expended in a manner consistent with Florida Statutes, County Ordinance No. 2016-032, and the ballot language approved by the voters.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA THAT:

Section 1. The Town Commission hereby designates the Town Planning and Zoning Commission, including the two alternates, as the Town Infrastructure Surtax Citizen Oversight Committee (the “Committee”).

Section 2. The membership, qualifications, terms of office, vacancies, officers and meetings shall be the same as for the Planning and Zoning Commission as provided by the Town Code. However, there must be four members present for the conduct of all Committee meetings.

Section 3. The Committee shall act solely in an oversight and advisory capacity to the Town Commission. The Committee shall prepare an annual report to the Town Commission regarding:

1. Whether the Town’s expenditure of Surtax proceeds for the fiscal year was consistent with the requirements of Section 212.055(2), Florida Statutes, and the ballot language approved by the voters; and
2. Whether the Town’s expenditure of Surtax proceeds for the fiscal year was consistent with the Town’s approved Surtax proceeds project list, or any future revisions to such list as approved and adopted by the Town Commission.

Section 4. The Committee shall compile information received from the Town on Surtax expenditures so that it is able to provide an annual report to the Town Commission by December 31st of each year, or by some other date as determined by the Committee. The Committee also shall provide a final report to the Town Commission prior to sun-setting and completing its operations. Town staff shall provide support services to the Committee, as needed, in order for the Committee to carry out its duties and responsibilities.

Section 5. Members of the Committee shall receive no compensation for the performance of their duties and responsibilities.

Section 6. Pursuant to County Ordinance No. 2016-032, the Surtax shall be in effect only through December 31, 2026. It shall “sunset” and expire thereafter, without further action by any local government. Alternatively, the Surtax shall “sunset” in the event the total aggregate distributions of Surtax proceeds equal or exceed the amount of \$2,700,000,000.00 on or before September 1 of any year during the term of the Surtax, in which event the BCC shall take all necessary action to repeal the Surtax and notify the Florida Department of Revenue prior to the applicable deadline so that the Surtax will not continue for the following calendar year. The Planning and Zoning Commission, including the alternates, shall continue to serve as the Committee for the life of the Surtax, and until all Surtax proceeds are expended by the Town. Thereafter, the Committee shall automatically sunset. No further action of the Town Commission is required for the sunset to occur.

Section 7. This Resolution shall take effect immediately upon its adoption.

Commissioner _____ offered the foregoing Resolution and moved its adoption. The motion was seconded by Commissioner _____, and duly passed by the Commission.

The Mayor thereupon declared the resolution duly passed and adopted this 6th day of February, 2017.

TOWN OF OCEAN RIDGE, FLORIDA

By: _____
Geoffrey A. Pugh, Mayor

Attest: _____
Tracey L. Stevens, Town Clerk

ORDINANCE NO. 2016- 032

AN ORDINANCE IMPOSING A COUNTYWIDE LOCAL GOVERNMENT INFRASTRUCTURE SURTAX OF ONE PERCENT (1.0%) ON ALL AUTHORIZED TAXABLE TRANSACTIONS OCCURRING WITHIN PALM BEACH COUNTY, AS AUTHORIZED BY SECTION 212.055(2), FLORIDA STATUTES, EFFECTIVE BEGINNING JANUARY 1, 2017, FOR A PERIOD OF TEN YEARS; PROVIDING THAT IMPOSITION OF THE SURTAX SHALL BE CONTINGENT ON APPROVAL AT A COUNTYWIDE REFERENDUM; PROVIDING FOR DISTRIBUTION OF SURTAX REVENUES AMONG THE COUNTY, THE MUNICIPALITIES IN THE COUNTY, AND THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA; PROVIDING FOR CITIZEN OVERSIGHT; PROVIDING BALLOT LANGUAGE AND DIRECTING THE SUPERVISOR OF ELECTIONS TO HOLD A COUNTYWIDE PRECINCT REFERENDUM ELECTION ON NOVEMBER 8, 2016.

WHEREAS, Section 212.055(2), Florida Statutes (2015), authorizes the Palm Beach County Board of County Commissioners ("Board") to impose a 0.5 percent (0.5%) or 1.0 percent (1%) local government infrastructure surtax ("Surtax") upon transactions occurring within Palm Beach County ("County") which are taxable under Chapter 212, Florida Statutes (2015); and

WHEREAS, a 1.0 percent (1%) Surtax would, under current State sales tax rates, result in a one cent (1¢) Surtax on each one dollar (\$1.00) sale as specifically provided by law; and

WHEREAS, the Surtax differs from the transactions subject to the State sales tax in that the local option sales tax base applies only to the first \$5,000 of the purchase price of an item of taxable personal property while the State sales tax applies to the entire purchase price regardless of amount, pursuant to section 212.054(b), Florida Statutes; and

WHEREAS, the Surtax does not apply to certain groceries, medical products and supplies, and other specifically identified goods and services listed in section 212.08, Florida Statutes; and

WHEREAS, the funds derived from the imposition of the Surtax shall be distributed to the County and the municipalities of the County (the "Municipalities"), and will include a distribution to the School Board of Palm Beach County (the "School Board"), as provided in an interlocal agreement; and

WHEREAS, moneys received from the local government infrastructure Surtax authorized by section 212.055(2), Florida Statutes (2015), may be utilized by the County, the Municipalities, and the School Board to finance, plan, construct, reconstruct, renovate and improve needed infrastructure; and

WHEREAS, the County, the Municipalities, and the School Board are presently without sufficient fiscal and monetary resources to adequately fund their respective infrastructure needs; and

WHEREAS, adequate public infrastructure facilities of the types herein described promote the safe, efficient, and uninterrupted provision of numerous essential public services provided by the County, the Municipalities, and the School Board, including but not limited to district-owned school buildings, equipment, technology and security; school buses; roads, bridges, sidewalks, streetlights, signalization, parks, recreational and governmental facilities, drainage, and wastewater facilities; and public safety vehicles and equipment; and

WHEREAS, a brief description of the projects to be funded is set forth in the ballot language contained in this Ordinance; and

WHEREAS, the County, the Municipalities, and the School Board shall each establish a citizen oversight committee to provide for citizen review of their respective expenditure of infrastructure Surtax proceeds.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Palm Beach County, Florida, that:

SECTION 1. INCORPORATION OF RECITALS. The above recitals are true and correct and are hereby incorporated by reference.

SECTION 2. IMPOSITION OF LOCAL GOVERNMENT INFRASTRUCTURE SURTAX. There is hereby imposed a 1.0 percent (1%) local government infrastructure surtax ("Surtax") upon all authorized taxable transactions occurring within the County.

SECTION 3. ADMINISTRATION, COLLECTION, AND DISTRIBUTION OF PROCEEDS. The Surtax shall be administered, collected, and enforced in accordance with the provisions of section 212.054, Florida Statutes (2015), and the rules promulgated by the Florida Department of Revenue. The proceeds of the Surtax shall be distributed by the Department of Revenue directly to the County, the Municipalities, and the School Board, in accordance with an interlocal agreement.

SECTION 4. REFERENDUM ELECTION.

(a) The Surtax imposed in Section 2 hereof shall not take effect unless and until approved by a majority of the electors of the County voting in a countywide precinct referendum election on the Surtax.

(b) The Palm Beach County Supervisor of Elections is hereby directed to hold such countywide precinct referendum election on November 8, 2016.

(c) The Palm Beach County Supervisor of Elections shall cause the following proposition to be placed on the ballot:

**PALM BEACH COUNTY DISTRICT SCHOOLS, CITIES
AND COUNTY GOVERNMENT INFRASTRUCTURE ONE-
CENT SALES SURTAX**

To enhance education by improving district-owned school buildings, equipment, technology and security; purchase school buses, public safety vehicles and equipment; and equip, construct and repair roads, bridges, signals, streetlights, sidewalks, parks, drainage, shoreline and wastewater infrastructure, recreational and governmental facilities; shall the County levy a one-cent sales surtax beginning January 1, 2017 and automatically ending on or before December 31, 2026, with independent oversight by citizen committees?

_____ FOR THE ONE CENT SALES TAX

_____ AGAINST THE ONE CENT SALES TAX

SECTION 5. ADVERTISEMENT. The Palm Beach County Clerk of Court shall insure that notice of this referendum shall be advertised in accordance with the provisions of section 100.342, Florida Statutes (2015). Proof of publication shall be provided to the Chair of the Board.

SECTION 6. EXPIRATION DATE; SURVIVAL OF CERTAIN RESTRICTED USES.

(a) *Sunset.* In all events, this Ordinance shall be in effect only through December 31, 2026. It shall "sunset" and expire thereafter, without further action by the Board, at which time it shall be deemed repealed and of no further force and effect, and the Surtax levied hereunder shall terminate. Alternatively, this Ordinance shall "sunset" in the event that the total aggregate distributions of Surtax proceeds equal or exceed the amount of \$2,700,000,000 on or before September 1 of any year during the term of this Ordinance, in which event the Board shall take all necessary action to repeal this Ordinance and notify the Florida Department of

Revenue prior to the applicable deadline so that the Surtax will not continue for the following calendar year.

(b) *Survival of restrictions on use of Surtax proceeds.* Notwithstanding the provisions of subsection (a) for the expiration and repeal of this Ordinance, so long as any Surtax proceeds shall remain unspent, the restrictions hereby imposed concerning the distribution and use of such Surtax proceeds as well as the proceeds of any borrowings payable from Surtax proceeds, and all interest and other investment earnings on either of them shall survive such expiration and repeal and shall be fully enforceable in a court of competent jurisdiction.

SECTION 7. CITIZEN OVERSIGHT.

(a) The County, the Municipalities, and the School Board shall each separately provide for the creation of citizen oversight committees ("Committee" or collectively "Committees") to provide for citizen review of their respective expenditure of Surtax Proceeds, as soon as possible after the Surtax becomes effective, but not later than the date on which Surtax funds are first expended. A Municipality may either participate in an oversight committee created by the Palm Beach League of Cities or create its own committee.

(b) The Committees shall serve as advisory and reporting bodies to the creating entities. Each creating entity shall establish specific duties and membership requirements governing Committee operations and participation.

(c) Each Committee shall have the responsibility to review the expenditure of Surtax proceeds by the entity which created it.

(d) The Committees shall meet monthly, or as otherwise needed to fulfill their duties and responsibilities. Each Committee shall provide an annual report to the governing board of the entity which created it.

(e) Committee members shall receive no compensation for the performance of their duties.

(f) The Committees, their members, and all their proceedings shall be governed by and comply with the provisions of the Florida Sunshine Law, Chapter 286, Florida Statutes, the Florida Public Records Law, Chapter 119, Florida Statutes, and the Florida Ethics Code, Chapter 112, Florida Statutes, and all other applicable local or state statutes, ordinances, or rules.

SECTION 8. CODIFICATION. It is the intention of the Board that the provisions of this Ordinance, including its preamble, shall become and be made a part of the County Code of Ordinances, and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention; provided, however, that Sections 5 and 8 shall not be codified.

SECTION 9. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

SECTION 10. EFFECTIVE DATE. This Ordinance shall become effective upon filing with the Department of State.

PASSED AND DULY ENACTED by the Board of County Commissioners of Palm Beach County, Florida in regular session, this 17th day of May, 2016.
date set forth above.

PALM BEACH COUNTY, FLORIDA

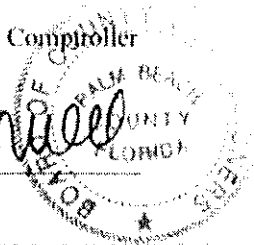
By: Mary Lou Berger
Mary Lou Berger
Mayor

(SEAL)

ATTEST:

Sharon R. Bock, Clerk & Comptroller
Circuit Court

By: Sharon R. Bock
Deputy Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: Paul Feby
County Attorney

Filed with the Department of State on the 19th day of May, 2016.