



PORT ST. LUCIE CITY COUNCIL

AGENDA ITEM SUMMARY

Meeting Date: December 10, 2018

Agenda Item #: 1B
2-10-2018

PLACEMENT: Resolutions

ACTION REQUESTED: Motion / Vote

APPROVE A RESOLUTION ESTABLISHING THE CITY OF PORT ST. LUCIE ONE-HALF CENT SALES TAX CITIZEN OVERSIGHT COMMITTEE

SUBMITTED BY: David Graham, Assistant City Manager

STRATEGIC PLAN LINK: The City's Goal of high-quality infrastructure and facilities.

EXECUTIVE SUMMARY (General Business): At the November 19, 2018 Meeting of the City Council, staff was directed to prepare a resolution to establish the One-Half Cent Sales Tax Citizen Oversight Committee, a requirement of the successful November 6, 2018 General Election Ballot Question #14 (Referendum). Upon approval of the resolution, staff shall publicly announce to the public the opportunity for consideration and participation on the committee.

PRESENTATION INFORMATION: N/A

STAFF RECOMMENDATION: Move that the Council approve the resolution.

ALTERNATE RECOMMENDATIONS:

1. Move that the Council amend the recommendation and approve the resolution.
2. Move that the Council provide staff direction.

BACKGROUND: During the November 19, 2018 meeting of the Council, a discussion regarding composition ensued resulting in the following:

- The Committee shall be a seven-member committee,
- Each Council member may provide two Committee member recommendations to the Mayor,
- The Mayor shall recommend five members of the Oversight Committee of which one appointee will be from the suggestions provided by Council members,
- Two members shall be at-large as nominated by the Mayor.

The Mayor will place the recommended membership of the Citizens One-Half Cent Sales Tax Citizens Oversight Committee on a future agenda for consent by the Council.

ISSUES/ANALYSIS: This action, completed upon the appointment and official formation of the One-Half Cent Sales Tax Citizen Oversight Committee, shall complete fulfillment of a requirement of the Referendum.

FINANCIAL INFORMATION: N/A

SPECIAL CONSIDERATION: N/A

LOCATION OF PROJECT: N/A

ATTACHMENTS: Enabling resolution.

NOTE: All of the listed items in the "Attachment" section above are in the custody of the City Clerk. Any item(s) not provided in City Council packets are available upon request from the City Clerk.

LEGAL SUFFICIENCY REVIEW:

Reviewed by Melany K. Crawford, Chief Assistant City Attorney. Approved as to Legal form and sufficiency by James D. Stokes, Interim City Attorney. *KSCW for JDS*

ROUTING:

1. Department requesting Agenda Item: City Manager's Office

APPROVAL(S):

2. Department preparing Agenda Item: City Manager's Office

3. Secondary Department Approval: N/A

4. City Manager's Office: David Graham, Assistant City Manager *DG*

5. City Manager's Office: N/A

6. City Manager: Russ Blackburn *Russ Blackburn*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, ESTABLISHING THE PORT ST. LUCIE INFRASTRUCTURE SURTAX CITIZENS OVERSIGHT COMMITTEE; ESTABLISHING THE MEMBERSHIP, RESPONSIBILITIES, DUTIES, AND PROCEDURES FOR THE CONDUCT OF MEETINGS AND OPERATIONS OF THE COMMITTEE; ESTABLISHING A SUNSET DATE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 3, 2018, the Board of County Commissioners of St. Lucie County adopted Ordinance No. 18-004 to impose a voter approved half percent (.5%) local government infrastructure surtax (the “Surtax”) to be utilized by St. Lucie County (the “County”), the City of Port St. Lucie, Florida (“City”), and the other municipalities within St. Lucie County for the financing, planning, constructing, reconstructing, renovating and improving of needed infrastructure; and

WHEREAS, a referendum on the Surtax was held on November 6, 2018, and the voters of St. Lucie County approved the Surtax; and

WHEREAS, the City Council of the City of Port St. Lucie, Florida (“City Council”), adopted Ordinance 18-50 committing the City to expend all proceeds of the Surtax on projects listed in the adopted projects list as set forth in the ordinance (“Projects List”); and

WHEREAS, County Ordinance No. 18-004 and the ballot language approved by voters in the referendum called for oversight by an “independent citizens committee” to review the City’s expenditures of Surtax proceeds; and

WHEREAS, the City Council desires that its Infrastructure Surtax Oversight Citizens Committee be tasked with helping ensure that the Surtax proceeds are expended in a manner consistent with City Ordinance 18-50, County Ordinance No. 18-004 and state statute.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Port St. Lucie, Florida that:

Section 1. Ratification of Recitals. The City Council hereby adopts and ratifies those matters as set forth in the foregoing recitals.

Section 2. Establishment and Purpose. There is hereby established, an oversight committee to be known as the “Port St. Lucie Infrastructure Surtax Citizens Oversight Committee” (the “Committee”) to provide for citizen review of City expenditures of the Surtax.

Section 3. Membership and Qualifications: Term of Appointment; Vacancy.

A. The Committee shall consist of seven (7) members and two (2) alternates. All members shall have the following qualifications:

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1. All members shall be a resident of the City;
 2. Three (3) Committee members and two (2) alternates shall be appointed by the Mayor with the advice and consent of the City Council;
 3. Each of the remaining Councilmembers shall nominate two (2) members to the Committee, of which one (1) of the two (2) shall be appointed by the Mayor and consented to by the City Council;
 4. Members shall not be elected officials or City staff members;
 5. Consideration should be given to applicants that have a background in engineering, planning or finance.
- B. The term of each member of the Committee nominated by an individual Councilmember shall coincide with the terms of the Councilmember that nominated the member of the Committee. No Committee member shall serve more than two (2) consecutive terms. No alternate member may serve more than two (2) consecutive terms as an alternate.
- C. All Committee members nominated by an individual Councilmember shall serve at the pleasure of the Councilmember who nominated the Committee member. Committee members shall be automatically removed for lack of attendance. Lack of attendance means three (3) unexcused absences by any Committee member or alternate member (if his or her presence is requested) in any calendar year. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Absences shall be entered into the minutes of the Committee meeting.
- D. Vacancies occurring for any reason during the term of office by a Committee member shall be filled within thirty (30) days from the date of the vacancy.

Section 4. Responsibilities and Duties. The Committee shall act solely in an oversight and advisory capacity to the City Council. The Committee shall not be responsible for identifying projects or determining the priority of a proposed project on the approved Projects List. Project priorities are determined by the City Council based upon many factors, including, but not limited to, availability of surtax revenues along with the status of project design and permitting. The Committee shall have the following responsibilities and duties:

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- A. Prepare an annual report to the City Council regarding:
 - 1. Whether City'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 City's expenditure of Surtax proceeds for the fiscal year was consistent with City Ordinance 18-50.

- B. Review documents and projects:
 - 1. The Committee will be presented with appropriate documents, plans, budgets, designs, permits (or permit applications), reports, photographs, presentations or other materials to sufficiently determine the status of each project.
 - 2. Review and comment upon any changes or additions to the Projects List that may occur as a result of emergencies, hurricanes or other acts of God that might necessitate altering the Projects List. In the case of an emergency, the Committee may be consulted after-the-fact.

Section 5. Operations and Procedures. The Committee shall be governed by the following rules of procedure:

- A. Chair and Vice Chair: During the initial meeting of the Committee (organizational), the Committee shall select a Chair and Vice Chair from its membership to preside over and conduct meetings. The Chair and Vice Chair shall be selected by a majority vote of the Committee members. After the first year of service, the Committee shall annually select one of its members as Chair and one of its members as Vice Chair. In the event the Chair or Vice Chair of the Committee is not fulfilling his or her responsibilities, the Committee, may in its own discretion, remove said Committee member from the Chair or Vice Chair position, and appoint a replacement for the remainder of the term.

- B. Meetings: The Committee shall meet quarterly. Special meetings may be called by a majority vote of the Committee members or as requested by City Council in order to fulfill its duties and responsibilities. The Committee shall endeavor to schedule the first meeting of the Committee in March of 2019. During the initial (organizational) meeting of the Committee, the Committee shall, by majority vote, set a meeting schedule for the upcoming year. The Committee shall set meeting

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schedules for subsequent years as determined by the Committee. The meeting schedule shall include the date, time, and location of the meetings. All meetings and business of the Committee, and any Subcommittees, shall comply with and be subject to the requirements of the Florida Sunshine Law (Chapter 286, Florida Statutes); the Florida Public Records Law (Chapter 119, Florida Statutes), the Florida Ethics Code (Chapter 112, Florida Statutes), and all other applicable local or state statutes, ordinances, or rules. All meetings of the Committee and any Subcommittees shall be open to the public at all times, shall be subject to public participation requirements as outlined in the Florida Statutes. Minutes of each meeting shall be recorded.

- C. Quorum. A quorum shall consist of no less than four (4) members. Recommendations and decisions of the Committee shall be made by a majority vote of those present and voting.
- D. Agendas. The City Manager or designee, with input and assistance from the Chair, shall be responsible for preparing the meeting agenda and distributing the agenda to all Committee members prior to the meeting.
- E. Reports. The Committee shall compile information received from the City on Surtax expenditures so that it is able to provide annual reports to the City Council 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 City Council prior to sun-setting and completing its operations.
- F. Subcommittees. By majority vote of the Committee members present and voting, a subcommittee, task force, or work group, may be created to further the purpose of the Committee. Any such task force, work group, or sub-committee shall be made up of Committee members, and shall report their findings and/or recommendations back to the Committee for action.
- G. Staff Support. The City shall provide the Committee adequate staff and support services to enable the Committee to carry out its duties and responsibilities.

Section 6. Compensation. Members of the Committee shall receive no compensation for the performance of their duties and responsibilities.

Section 7. Sunset Provisions. Pursuant to County Ordinance No. 18-004, the Surtax shall be in effect only through December 31, 2028. It shall “sunset” and expire thereafter, without further

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action by any local government. The Committee shall remain in effect for the life of the Surtax imposed pursuant to County Ordinance No. 18-004 and until all Surtax proceeds are expended by the City Council. Thereafter, the Committee shall automatically sunset.

Section 8. Conflict. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 9. Severability. The provisions of this Resolution are intended to be severable. If any part of this Resolution is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

Section 10. Effective Date. This Resolution shall become effective immediately upon final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 10TH day of December, 2019.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Gregory J. Oravec, Mayor

ATTEST:

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

James D. Stokes, Interim City Attorney