

RESOLUTION NO. 17-01

A RESOLUTION OF THE PALM BEACH COUNTY LEAGUE OF CITIES, INC. ESTABLISHING THE INFRASTRUCTURE SURTAX CITIZEN OVERSIGHT COMMITTEE; ESTABLISHING THE MEMBERSHIP OF THE 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 Palm Beach County (the "County"), the School Board of Palm Beach 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 a municipality may either create its own citizen oversight committee or participate in an oversight committee created by the Palm Beach County League of Cities, Inc.; and

WHEREAS, the Palm Beach County League of Cities, Inc. (the "League") desires to establish a Citizen Oversight Committee for any of the currently existing thirty-nine (39) Municipalities within Palm Beach County wishing to participate (the "Participating Municipality"); and said Committee shall be tasked with ensuring that Surtax proceeds received by Participating Municipalities are expended in a manner consistent with the Florida Statutes, County Ordinance No. 2016-032, and the ballot language approved by the voters.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS FOR THE PALM BEACH COUNTY LEAGUE OF CITIES, INC. THAT:

Section 1: Establishment and Purpose. The League hereby establishes the Infrastructure Surtax Citizen Oversight Committee (the "Committee") pursuant to County Ordinance No. 2016-032 and the ballot language approved by the voters. Said Committee shall constitute an Ad Hoc Committee of the League pursuant to Article Ten, Section 14 of the League's Bylaws.

Section 2: Membership and Qualifications; Term of Appointment; Vacancy.

- A. The Committee shall consist of five (5) regular members, and one (1) alternate member. All regular and alternate members shall have the following qualifications:
1. A member shall be a resident of a municipality within Palm Beach County;
 2. A member shall be nominated for appointment by the governing body of a Municipal Member of the League. There shall be no limit to the number of nominations that a Municipal Member may make;
 3. A member shall not be an elected official;
 4. A member may be an employee of a municipality within Palm Beach County so long as the employing municipality is not a Participating Municipality;
 5. Special consideration shall be given to nominees for the Committee that have financial or engineering backgrounds and experience.
- B. The term of all appointments to the Committee shall be for one (1) year and such appointments shall be made by the Board of Directors for the League. All regular and alternate Committee Members may be reappointed for additional one (1) year terms subject to the Board of Directors' approval.
- C. All regular and alternate Committee Members shall serve at the pleasure of the Board of Directors for the League. Annually, all regular and alternate Committee Members shall be reviewed by the Board of Directors in order to evaluate the service of such appointees, and to determine reappointments. In the event a regular or alternate Committee Member fails to abide by the requirements of this Resolution, said Member shall be removed by a majority vote of the Board of Directors.

Additionally, regular Committee Members shall be automatically removed for lack of attendance. Lack of attendance means failure to attend three (3) consecutive regularly scheduled meetings or failure to attend at least two-thirds of the regularly scheduled meetings during a 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. This attendance requirement applies only to regular Committee Members. The alternate Committee Member is strongly encouraged to attend all meetings of the Committee.

- D. Vacancies occurring for any reason during the term of office by a regular or alternate Committee Member shall be filled within ninety (90) days from the date of the vacancy by the Board of Directors. Vacancies occurring during the term of office shall be filled for the remainder of the term of office.

Section 3: Responsibilities and Duties. The Committee shall act solely in an oversight and advisory capacity to the governing body of each Participating Entity. The Committee shall have the following responsibilities and duties:

- A. Prepare an annual report to the governing body of each Participating Municipality regarding:
 - 1. Whether the Participating Municipality'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 Participating Municipality's expenditure of Surtax proceeds for the fiscal year was consistent with the Participating Municipality's approved Surtax proceeds project list, if any, or any future revisions to that list as approved and adopted by the governing body of each Participating Municipality; and
- B. Prepare an annual report to the Board of Directors for the League providing a summary of Committee activities for the fiscal year; and a summary of findings relating to the Participating Municipalities' Surtax expenditures for the fiscal year.

Section 4: Operations and Procedures. The Committee shall be governed by the following rules of procedure:

- A. Chair, Vice Chair and Secretary: During the initial meeting of the Committee (organizational), the Committee shall select a Chair, Vice Chair and Secretary from its membership to preside over and conduct meetings. The Chair, Vice Chair and Secretary shall be selected by majority vote of the Committee Members. After the first year of service, the Committee shall annually select one of its members as Chair, one of its members as Vice Chair, and one of its members as Secretary.

In the event the Chair, Vice Chair or Secretary of the Committee is not fulfilling his or her responsibilities, the Committee, may in its own discretion, remove said Committee Member from the Chair, Vice Chair or Secretary position, and appoint a replacement for the remainder of the term.

- B. Meetings: The Committee shall meet monthly, or as needed, as determined by the Committee in order to fulfill its duties and responsibilities. The League shall endeavor to schedule the first meeting of the Committee in March of 2017. 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 schedules for subsequent years as determined by the Committee. The meeting schedule shall include the date, time, and location of the meetings. The League shall endeavor to hold Committee meetings at host municipalities within Palm Beach County and coordinate with Committee Members regarding specific locations. Changes in the schedule may be made as necessary so long as the meetings

are rescheduled by a majority vote of the Committee Members present and voting, and there is sufficient time to publicly notice any rescheduled or added 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), the Palm Beach County Ethics Code, the Palm Beach County Office of Inspector General Ordinance; 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, and shall be conducted substantially in conformance with Roberts Rules of Order. Minutes of each meeting shall be recorded by the Committee Secretary.

- C. Quorum. A quorum shall consist of no less than three (3) members. Recommendations and decisions of the Committee shall be made by a majority vote of those present and voting.
- D. Agendas: The Executive Director for the League, 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. The Executive Director or his designee shall endeavor to be present at all Committee meetings, and present informational updates on all matters to the Board of Directors for the League.
- E. Reports: The Committee shall compile information received from each Participating Municipality on Surtax expenditures so that it is able to provide annual reports to each Participating Municipality and the Board of Directors for the League 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 each Participating Municipality and the Board of Directors for the League 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 purposes 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 League shall provide the Committee adequate staff and support services to enable the Committee to carry out its duties and responsibilities.

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

Section 6: Sunset Provisions. 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 Committee shall remain in effect for the life of the Surtax imposed pursuant to County Ordinance No. 2016-032, and until all Surtax proceeds are expended by the Participating Municipalities. Thereafter, the Committee shall automatically sunset. No further action of the Board of Directors for the League is required for the sunset to occur.

Section 7: Participating Municipalities. Any municipality within Palm Beach County may elect to have citizen oversight of Surtax expenditures conducted by the League Committee. Municipalities desiring to utilize the League Committee for oversight shall notify the League of its election to participate by January 31, 2017 for the first year of the Surtax, or may later opt-in by December 31st of each subsequent year of the Surtax. A Participating Municipality may withdraw from League Committee oversight at any time; provided, however, that said Municipality shall have established its own citizen oversight committee to ensure no gaps in oversight, and to remain compliant with County Ordinance No. 2016-032.

Section 8: Effective Date: This Resolution shall take effect immediately upon its adoption by Board of Directors for the League.

PASSED AND ADOPTED this 25th day of January, 2017.

BOARD OF DIRECTORS OF
THE PALM BEACH COUNTY
LEAGUE OF CITIES, INC.



Robert M.W. Shalhoub, President

ATTEST:



Mo Thornton, Secretary/Treasurer

(SEAL)