

**RESOLUTION NO. 2017-03**

**A RESOLUTION OF THE TOWN OF HAVERHILL, FLORIDA, DESIGNATING AN 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 Council may create its own citizen oversight committee to provide advice and recommendations to the Town Council regarding the Town's expenditure of Surtax proceeds; and

**WHEREAS**, the Town Council believes that given the duties of the Committee are 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 Council desires to designate the Committee as the Infrastructure Surtax Citizen Oversight Committee, and in that role 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 OF HAVERHILL, FLORIDA THAT:**

**Section 1.** The Town Council hereby designates the Committee as the Town's Infrastructure Surtax Citizen Oversight Committee (the "Committee").

**Section 2.** The Committee shall act solely in an oversight and advisory capacity to the Town Council. The Committee shall prepare an annual report to the Town Council 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 Council.

**Section 3.** 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 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 Town Council 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 4.** Members of the Committee shall receive no compensation for the performance of their duties and responsibilities.

**Section 5.** 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 continue to serve 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 Council is required for the sunset to occur.

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

Council Member Rhyler, offered the foregoing Resolution, and moved its adoption. The motion was seconded by Council Member Uptegraph, and upon being put to a vote, the vote was as follows:

|                                   | Aye                                 | Nay                      | Absent                   |
|-----------------------------------|-------------------------------------|--------------------------|--------------------------|
| JAY G. FOY, MAYOR                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| LAWRENCE GORDON, VICE MAYOR       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| MARK C. UPTOGRAPH, COUNCIL MEMBER | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| JO PLYLER, COUNCIL MEMBER         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| REMAR HARVIN, COUNCIL MEMBER      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The Mayor thereupon declared this Resolution duly passed and adopted this 16 day of November, 2017.

TOWN OF HAVERHILL, FLORIDA  
BY: \_\_\_\_\_  
JAY G. FOY, MAYOR

ATTEST:  
BY: \_\_\_\_\_  
JANICE C RUTAN, TOWN ADMINISTRATOR