

RESOLUTION NO. 19-R06

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **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 March 19, 2018, the City of Fort Pierce adopted Resolution No. 18-R15 supporting the St. Lucie County Board of County Commissioners intention to impose a voter approved half percent (.5%) local government infrastructure surtax (the “Surtax”) to be utilized by the City of Fort Pierce 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 the St. Lucie County approved the Surtax; and

WHEREAS, City Resolution No. 18-R15 and the ballot language approved by voters in the referendum called for “independent oversight by citizen committee” to review the City’s expenditures of Surtax proceeds; and

WHEREAS, the City of Fort Pierce desires that the Infrastructure Surtax Citizen Oversight Committee be tasked with the review of projects funded by the Infrastructure Surtax and issue reports to the City Commission to insure transparency and to provide the citizens of the City with the assurance that funds are being spent in the manner approved by the voters and in accordance with state law.

NOW, THEREFORE, BE IT RESOLVED by the City of Fort Pierce, Florida that:

Section 1: Establishment and Purpose: The City of Fort Pierce hereby establishes the Infrastructure Surtax Citizen Oversight Committee (the “Committee”) pursuant to City Resolution No. 18-R15 and the ballot language approved by the voters.

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

- A. The Committee shall consist of seven (7) members. All members shall have the following qualifications:
1. A member shall be a resident of the City of Fort Pierce;

2. One member shall be appointed by each member of the City Commission;
 3. Two members shall be appointed at large;
 4. At-large members shall serve a term of four years;
 5. Members shall not be elected officials or City staff members;
 6. Consideration should be given to applicants to the Committee that have a background in engineering, planning or finance.
- B. The term of each member of the Committee appointed by an individual City Commission member shall coincide with the terms of the City Commission member that appointed the member of the Committee.
- C. All Committee Members appointed by an individual City Commission member shall serve at the pleasure of the City Commission member who appointed the Committee member.
- 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.
- D. Vacancies occurring for any reason during the term of office by a Committee Member shall be filled within ninety (90) days from the date of the vacancy.

Section 3: Responsibilities and Duties.

The Committee shall act solely in an oversight and advisory capacity to the City Commission. 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 Commission 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:

- A. Prepare an annual report to the City Commission 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 the City's approved Surtax proceeds project list, if any, or any future revisions to that list as approved and adopted by the City of Fort Pierce Commission.
- 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 project 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 4: 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, 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 at 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, or as needed, as

determined by the Committee 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 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.

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 Committee, 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 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 City Commission 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 or 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 5: Compensation. Members of the Committee shall receive no compensation for the performance of their duties and responsibilities.

Section 6: Sunset Provisions. Pursuant to City Resolution No. 18-R15, the Surtax shall be in effect only through December 31, 2028. It shall “sunset” and expire thereafter, without further action by any local government. The Committee shall remain in effect for the life of the Surtax imposed and until all Surtax proceeds are expended by the City Commission. Thereafter, the Committee shall automatically sunset.

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

IN WITNESS WHEREOF, this Resolution has been duly adopted this 4th day of February, 2019.

LINDA HUDSON, MAYOR COMMISSIONER

ATTEST:

LINDA W. COX, CITY CLERK

(CITY SEAL)

APPROVED AS TO FORM
AND CORRECTNESS:

PETER J. SWEENEY, ESQ.
CITY ATTORNEY