



**INFRASTRUCTURE SURTAX CITIZENS' OVERSIGHT COMMITTEE AGENDA
ADVISORY/ COMMITTEE BOARD MEETING
226 Cypress Lane
Palm Springs, FL 33461
Wednesday, November 18, 2020
6:00 PM**

Persons who need an accommodation in order to attend or participate in this meeting should contact the Village Clerk at (561) 965-4010 at least three (3) business days prior to the meeting in order to request such assistance.

1. CALL TO ORDER

2. ROLL CALL Committee Members

*Susan Chapman, Chairperson
James Mandigo, Committee Member
Diana Sardina, Committee Member*

STAFF

*Senior Administrative Manager Ashley Saingilus
Village Clerk Kimberly M. Wynn*

3. ADDITIONS, DELETIONS, OR MODIFICATIONS, AND APPROVAL OF AGENDA

4. AGENDA

4.1 Infrastructure Surtax Citizen Committee Meeting Minutes - March 10, 2020

1. [Minutes - March 10, 2020](#)

4.2 Approve Completed Infrastructure Surtax Projects - FY 2020

1. [Completed Infrastructure Surtax Projects List - FY 2020](#)

4.3 Approve FY 2020 Infrastructure Surtax Projects Annual Report - Recommendation of Approval to Village Council

1. [Approve Sales Tax Projects Annual Report Final Report - FY 2020](#)

4.4 Approve Proposed New Infrastructure Surtax Projects - FY 2021 - Confirm Consistency with the Village's Resolution, PBC's Sales Tax Ordinance and State Law

1. Resolution No. 2017-06 - Establishing the Village of Palm Springs Infrastructure Surtax Citizen Oversight Committee
2. Infrastructure Surtax Interlocal Agreement -- PBC, School District of PBC & Municipalities
3. Ordinance No. 2016-032 - Palm Beach County
4. Local Government Infrastructure Surtax - Florida Statute 212.055
5. Public Facilities Definitions 163.3164, Chapter 163.3221 & 189.01 - Florida Statutes
6. Proposed Infrastructure Surtax - FY 2021

5. **OTHER BUSINESS**

6. **PUBLIC COMMENTS**

7. **ADJOURNMENT**

If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



Village of Palm Springs

Executive Brief

AGENDA DATE: November 18, 2020

DEPARTMENT: Administration

ITEM 4.1: Infrastructure Surtax Citizen Committee Meeting Minutes - March 10, 2020

SUMMARY:

FISCAL IMPACT:

ATTACHMENTS:

Minutes - March 10, 2020



AGENDA
INFRASTRUCTURE SURTAX CITIZENS' OVERSIGHT COMMITTEE MEETING
COUNCIL CHAMBERS
MARCH 10, 2020
6:00 PM

1. CALL TO ORDER

2. ROLL CALL

Committee Members

Susan Chapman, Chairperson James
Mandigo, Committee Member Diana
Sardina, Committee Member

Staff

Village Manager Richard Reade - Absent
Senior Administrative Manager Ashley Saingilus
Chief of Police Tom Ceccarelli
Parks and Recreation Director Justin Lucas
Program Manager Walter Sanchez
Director of Public Works Ronald Eyma
Deputy Clerk Jane R. Worth

3. ADDITIONS, DELETIONS OR MODIFICATION, AND APPROVAL OF AGENDA

4. AGENDA

4.1 Infrastructure Surtax Citizen Committee Meeting Minutes - November 1, 2018

[11-01-2018 Infrastructure Surtax Committee Meeting Minutes.doc](#)

Approved

Motion: James Mandigo	Second: Dlane Sardina	Vote: Motion Approve: 3 - 0
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4.2 Approve FY 2019 Infrastructure Surtax Projects Annual Report -
Recommendation of Approval to Village Council
[Infrastructure Surtax Annual Report - FY 2019](#)
Approved

Mrs. Saingilus stated the Infrastructure Surtax Oversight Committee is requested to approve the completed sales tax funded projects to ensure that each proposed project meets the requirements of the Village's Resolution, PBC's Sales Tax Ordinance and State law. The completed projects have been funded utilizing Infrastructure Surtax Funding that have been received by the Village of Palm Springs. Below you will find a list of projects completed during the FY 2019.

Committee Member Diana Sardina made a motion to approve FY 2019 Infrastructure Surtax Projects Annual Report. Committee Member James Mandigo seconded the motion for approval. Motion carried 3-0.

Motion: Diane Sardina	Second: James Mandigo	Vote: Motion Approve: 3 - 0
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4.3 Approve Proposed New Infrastructure Surtax Projects - FY 2020 - Confirm
Consistency with the Village's Resolution, PBC's Sales Tax Ordinance and State
Law
[Resolution No. 2017-06 - Establishing the Village of Palm Springs Infrastructure
Surtax Citizen Oversight Committee](#)
[Infrastructure Surtax Interlocal Agreement -- PBC, School District of PBC &
Municipalities](#)
[Ordinance No. 2016-032 - Palm Beach County](#)
[Local Government Infrastructure Surtax - Florida Statute 212.055](#)
[Public Facilities Definitions 163.3164, Chapter 163.3221 & 189.01 - Florida Statutes](#)
[Proposed New Infrastructure Surtax Project List - FY 2020](#)
Approved

Mrs. Saingilus stated in May 2016, the Village Council entered into an Interlocal Agreement with Palm Beach County and the School District of Palm Beach County to support a one-cent infrastructure surtax for Capital Improvement Projects (CIP).

In September 2019, the Village Council approved the Village's Capital Improvement Plan (CIP) that included a number of projects (in addition to the previously approved FY 2019 & FY 2018 sales tax projects) to be funded utilizing infrastructure surtax dollars. Approval of these projects by the Village Council was completed during the FY 2020 budget process. The Village is expected to receive approximately \$1,709,896 in FY 2020 (and has approved bringing forward \$3,244,211 from Fund Balance - Assigned) to support these projects.

The approved list of sales tax funded projects is being presented to the Infrastructure Surtax Citizen Oversight Committee to ensure that each proposed project meets the requirements of the Village's Resolution, PBC's Sales Tax Ordinance and State law.

Committee Member Diana Sardina asked if the projects were just for Parks and Recreation. Mrs. Saingilus informed the Members that at this time it was Parks and Recreation that was bringing forward project's FY 2020.

The Committee did ask about the Police Department projects. Chief of Police Tom Ceccarelli said since the last meeting, the Police Department went out for Request for Quote (RFQ) and set up a committee. There were six (6) proposals submitted, and the Committee chose Song and Associates. There will be a meeting on March 11, 2020 with the Architect. They will have to go back out for the construction project. He said it was slow, but they were getting there.

Chairman Susan Chapman also asked for an update on the projects that were started to date. Parks and Recreation Director Justin Lucas stated the surveillance cameras have been added to every park. There were two (2) fishing docks in Sago Park and Frost Park, they were made of a composite that lasts much longer.

Some new projects underway:

- A new Community Center, property must be obtainable for the Village.
- Sable Palm Park – new restroom facilities. There is a restroom in place, the project is not complete, sod and sidewalks are needed and then it will be open to the public.
- Sago Palm Park - new pavilions, a large and small one. They are picked out and it will take 60-90 days to install for use. New playgrounds, shade structures and park improvements are also listed.
- Pathway park, the design was started last fiscal year and within 60 days, there will be an enhanced sidewalk, a new concrete called lumino glow, paver bricks, which is the first stage of the nine (9) park connectors.

Director Lucas also mentioned the year before the two (2) Blue Bird school buses were bought. There was also a smaller passenger bus that is ADA compliant with a lift. They are also in the process of getting the buses wrapped, to spruce them up.

Program Manager Walter Sanchez stated FY 2019 two (2) sidewalk projects were completed, August 19, 2019 which was on Reo Lane. The other one was on Lakewood Road, both the south and north sides. The project was completed July 19, 2019, between Davis Road and Kirk Road.

Chairman Susan Chapman asked for a motion to approve Item 3.3. Committee Member James Mandio made a motion to approve the proposed new Infrastructure

Surtax Projects - FY 2020. Seconded by Committee Member Diana Sardina. Motion carried 3-0.
Approved

Motion: James Mandigo	Second: Dlane Sardina	Vote: Motion Approve: 3 - 0
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5. OTHER BUSINESS

Director of Public Works Ronald Eyma wanted to introduce himself to the Committee as Public Works would also have projects and help in a lot of the projects. He also thanked the Committee Members for their time that they are volunteering.

6. PUBLIC COMMENTS

7. ADJOURNMENT

Hearing no further business, Chairman Susan Chapman adjourned the meeting at 6:19 PM.

If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he 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 accommodation in order to attend or participate in this meeting should contact the Village Clerk at (561) 965-4010 at least 3 business days prior to the meeting in order to request such assistance.

ATTEST:

Susan Chapman, Chairman

Jane R. Worth, Deputy Clerk

Approved by ISCOC _____
(Date)



Village of Palm Springs

Executive Brief

AGENDA DATE: November 18, 2020

DEPARTMENT: Administration

ITEM 4.2:

Approve Completed Infrastructure Surtax Projects - FY 2020

SUMMARY:

The Infrastructure Surtax Citizen Oversight Committee is requested to approve the completed sales tax funded projects to ensure that each proposed project meets the requirements of the Village's Resolution, PBC's Sales Tax Ordinance and State law. The completed projects have been funded utilizing Infrastructure Surtax Funding that have been received by the Village of Palm Springs under the County's One-Cent Infrastructure Surtax for Capital Improvement Projects and Equipment:

Parks & Recreation:

Purchase two (2) New Buses

- New buses were received in May 2019 and the wraps were completed **September 2020**

Sabal Palm Park - Install New Bathroom Facilities

- Installation of the bathroom facility was completed **July 2020**

FISCAL IMPACT:

The completed projects have been funded utilizing Infrastructure Surtax Funding that have been received by the Village of Palm Springs under the County's One-Cent Infrastructure Surtax for Capital Improvement Projects and Equipment.

ATTACHMENTS:

Completed Infrastructure Surtax Projects List - FY 2020



**Village of Palm Springs
Infrastructure Surtax Completed Projects
Fiscal Year 2020**

Parks & Recreation:

Purchase two (2) New Buses

- The buses were received in May 2019 and the wrapping was completed **September 2020**

Sabal Palm Park - Install New Bathroom Facilities

- This project was completed **July 2020**



Village of Palm Springs

Executive Brief

AGENDA DATE: November 18, 2020

DEPARTMENT: Administration

ITEM 4.3: Approve FY 2020 Infrastructure Surtax Projects Annual Report - Recommendation of Approval to Village Council

SUMMARY:

The Infrastructure Surtax Citizen Oversight Committee is requested to review and recommend the required FY 2020 Infrastructure Projects Annual Report (Resolution 2017-06 - Section 3.) to the Village Council for final approval. This report provides an update on the status of each project that was previously submitted to the Citizen Committee for review and approved to ensure compliance with all state, County and Village surtax funding requirement.

Public Service-Public Works:

- New Bike Lanes - Congress Avenue (2nd Avenue south to 6th Avenue)
- Pedestrian Safety Enhancements - Congress Avenue and 10th Avenue

Police Department:

- Police Department Building Expansion (Design and Engineering)

Parks and Recreation:

- Sago Palm Park Improvements
- Sabal Palm Park - Install New Bathroom Facilities **(July 2020)**
- Royal Palm Park - New Fishing Dock
- Lakewood Garden Park - Install Playground Shade Structure
- Village Center - Install Playground Shade Structure
- Village Complex - Ballfield Turf Grass Renovations
- Purchase two (2) New Buses (Completed - May 2019) **(Wrap installed September 2020)**
- Property Purchase Community Center

- Pathway Park - Expansion - Engineering & Construction Cost

The proposed Annual Report was prepared by the Senior Administrative Manager with the assistance of the Parks and Recreation Director, Police Chief, Project Manager and Assistant Public Service Director and reviewed by the Finance Director.

FISCAL IMPACT:

There is no fiscal impact to the Village.

ATTACHMENTS:

Approve Sales Tax Projects Annual Report Final Report - FY 2020



Village of Palm Springs
Infrastructure Surtax Projects Annual Report
Fiscal Year 2020

* Please note COVID-19 has impacted the timeline for many projects causing delays and/or change in fiscal year start date.

Public Service - Public Works:

New Bike Lanes – Congress Avenue (2nd Avenue South to 6th Avenue)

- This project is included in the Villages Capital Improvement Projects for FY 2022. Discussions with the Florida Department of Transportation and Palm Beach County Roadway are planned for the near future to discuss the project and the permitting agencies requirements.

Pedestrian Safety Enhancements - Congress Avenue & 10th Avenue N

- This project is included in the Villages Capital Improvement Projects for FY 2022. Discussions with the Florida Department of Transportation and Palm Beach County Roadway are planned for the near future to discuss the project and the permitting agencies requirements.

Police Department:

Police Department Building Expansion (Design and Engineering)

- Architect representatives conducted a site visit of the police department and took numerous photos of the interior and exterior of the building. A brief meeting to review the space needs and finalize some of the numbers. The meeting allowed the architect to verify the Needs Assessment / Programming for the facility. After the meeting, the architect analyzed the program data and developed several “big picture” options for the project approach.

A meeting was held to review the approach options to eliminate any direction that should not be further pursued.

After receiving all three design options the proposed costs did not meet the initial budget projected. A revised presentation document was received reducing the overall project cost and proposed square footage to better align with the available budget. Revisions included site approach, budget adjustments, and program changes.



Staff is currently reviewing the latest revisions to discuss the next steps going forward.

Parks & Recreation:

The below park projects are ongoing and in the planning stage. A landscape architect will be retained to perform a complete redesign of the Sago Park. This would include establishing standards for the pavilions. Once Sago Park is complete the remaining park projects will be conducted.

Sago Palm Park Improvements (renovation) – (This project was originally approved by Council with separate line items, it now has been combined as one large project to include the below:

- Kayak Launch
- Renovate/Replace Restroom
- Replace Metal Pavilions (1) one large group pavilion
- Replace Metal Pavilions (1) one small group pavilion
- Install New Playground Equipment
- Install Playground Shade Structure
- Surfacing/landscaping
- ADA Sidewalk
- Renovate the entry way into Sago Palm Park
- Parking Improvements

Sabal Palm Park - Install New Bathroom Facilities

- This project was completed **July 2020**

Royal Palm Park - New Fishing Dock

- Engineering for this fishing dock has been completed- bid prices were higher than budget; will work to find grants that can be used to supplement this cost

Lakewood Garden Park - Install Playground Shade Structure

We received a grant from Land Water Conservation Fund (LWCF), and Sales Tax Dollars will be used to fund this project to include the below:

- Amenities include:
- Replacement of playground
- Playground Surfacing
- Adding shade to the playground
- New picnic tables
- Renovation of basketball court



- Renovation of sand volleyball court
- New landscaping
- Trash/recycling
- New combo pet/bottle filler/water fountain

Village Center - Install Playground Shade Structure

- Playground has been selected and includes equipment that provides shade

Ballfield Turf Grass Renovations – Village Complex

- This project includes removal of old sod, laser grading, new soil, irrigation and sodding has been completed. Grow in period with completion in November 2020

Purchase two (2) New Buses)

- The buses were received in May 2019 and the wrapping was completed **September 2020**

Property Purchase Community Center – 250,000 Sales Tax Portion

- Staff is currently researching and looking for sites

Pathway park – Expansion – Engineering Cost

- Phase 1 and Phase 2 Engineering is nearly complete. Construction Administration and bidding to be completed in 2021
- Phase 3 and 4 100% plans have been done- funding for construction administration remains



Village of Palm Springs

Executive Brief

AGENDA DATE: November 18, 2020

DEPARTMENT: Administration

ITEM 4.4: Approve Proposed New Infrastructure Surtax Projects - FY 2021 - Confirm Consistency with the Village's Resolution, PBC's Sales Tax Ordinance and State Law

SUMMARY:

In May 2016, the Village Council entered into an Interlocal Agreement with Palm Beach County and the School District of Palm Beach County to support a one-cent infrastructure surtax for Capital Improvement Projects (CIP) and equipment that were not funded due to the recent recession and dramatic decrease in assessed property values over the past decade. In November 2016, the one-cent sales tax was approved by 56.63% of the voters of Palm Beach County. The Village will receive approximately \$12,567,545 million dollars over a 10-year period to complete various Capital Improvement Projects (CIP).

In September 2020, the Village Council approved the Village's Capital Improvement Plan (CIP) that included a number of projects (in addition to the previously approved FY 2019 & FY 2020 sales tax projects) to be funded utilizing infrastructure surtax dollars. Approval of these projects by the Village Council was completed during the FY 2021 budget process. The Village is expected to receive approximately \$1,479,402 in FY 2021 (and has approved bringing forward \$2,097,250 from Fund Balance - Assigned) to support these projects.

The below projects for FY 2021 have been previously approved and are being carried forward from FY 2020

Police Department:

- Police Department Building - Expansion Design and Engineering - FY 21

Parks & Recreation:

- Sago Palm Park Improvements (renovation) - FY 21
- Lakewood Garden Park - Install Playground Shade Structure - FY 21

- Pathway Park - Expansion Engineering and Construction Cost - FY 21

FISCAL IMPACT:

The Village is expected to receive approximately \$1,479,402 in FY 2021 (and has approved bringing forward \$2,097,250 from Fund Balance - Assigned) to support the design, purchase and/or installation of various capital related projects, which will contribute to the Village's goal of maintaining a "small town feel" within our community.

ATTACHMENTS:

Resolution No. 2017-06 - Establishing the Village of Palm Springs Infrastructure Surtax Citizen Oversight Committee

Infrastructure Surtax Interlocal Agreement -- PBC, School District of PBC & Municipalities

Ordinance No. 2016-032 - Palm Beach County

Local Government Infrastructure Surtax - Florida Statute 212.055

Public Facilities Definitions 163.3164, Chapter 163.3221 & 189.01 - Florida Statutes

Proposed Infrastructure Surtax - FY 2021

RESOLUTION NO. 2017-06

A RESOLUTION OF THE VILLAGE OF PALM SPRINGS, 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 Village Council may create its own citizen oversight committee to provide advice and recommendations to the Village Council regarding the Village's expenditure of Surtax proceeds; and

WHEREAS, the Village Council believes that given the duties of the Committee are uniquely qualified and experienced to provide oversight regarding the Village's expenditure of Surtax proceeds for the financing, planning, constructing, reconstructing, renovating and improving of needed infrastructure within the Village; and

WHEREAS, the Village 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 Village 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 VILLAGE OF PALM SPRINGS, FLORIDA THAT:

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

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

1. Whether the Village'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 Village's expenditure of Surtax proceeds for the fiscal year was consistent with the Village's approved Surtax proceeds project list, or any future revisions to such list as approved and adopted by the Village Council.

Membership; Term of Appointment; Meetings. The Committee shall consist of three (3) members. All members shall be a resident of the Village. The term of appointment shall be for a three year period and there is no limit on the number of terms a member may serve, however, the initial appointment for the first member shall be for a one year period, for the second member a two year period and for the third member a three year period. All appointments shall recommended by the Village Manager and approved by the Village Council. Members shall serve at the pleasure of the Village Council.

During the initial meeting, the Committee shall select a Chair. The Committee shall meet as needed, as determined by the Committee and Village Manager, in order to fulfill its duties and responsibilities. All meetings of the Committee 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 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. The meeting date, time and agenda shall be set by Village staff.

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.

Section 3. The Committee shall compile information received from the Village on Surtax expenditures so that it is able to provide an annual report to the Village 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 Village Council prior

to sun-setting and completing its operations. The Committee shall serve in an advisory capacity to the Village Manager and as required by State law and provide an annual report to the Village outlining the Village's expenditure of surtax revenues in accordance with State law and Village's project list as established annually. The Committee will not be responsible for identifying proposed projects nor will they be responsible for determining the priority of a proposed project. The Committee shall also review the projects, that use the surtax proceeds, prior to construction. Village 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 Village. Thereafter, the Committee shall automatically sunset. No further action of the Village Council is required for the sunset to occur.

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

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

	Aye	Nay	Absent
BEV SMITH, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
JONI BRINKMAN, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PATTI WALLER, MAYOR PRO TEM

DOUG GUNTHER, COUNCIL MEMBER

LIZ SHIELDS, COUNCIL MEMBER

The Mayor thereupon declared this Resolution duly passed and adopted this 9th day of February, 2017.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: Joni Brinkman

BEV SMITH, MAYOR

ATTEST:

BY: Susan M. Caljean
SUSAN M. CALJEAN, VILLAGE CLERK



REVIEWED FOR LEGAL FORM AND SUFFICIENCY

BY: Glen J. Torcivia
GLEN J. TORCIVIA, VILLAGE ATTORNEY

R 2016 05 88

INTERLOCAL AGREEMENT AMONG PALM BEACH COUNTY, THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA, AND THE SIGNATORY MUNICIPALITIES PERTAINING TO THE SHARED DISTRIBUTION AND USE OF THE ONE CENT LOCAL GOVERNMENT INFRASTRUCTURE SURTAX

THIS INTERLOCAL AGREEMENT (“Agreement”) is made and entered into as of this ___ day of MAY 10 2016, 2016, by and between **PALM BEACH COUNTY** (“County”), a political subdivision of the State of Florida, **THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA**, a corporate body politic of the state of Florida (“School Board”), and the signatory municipalities (collectively referred to hereinafter as “**MUNICIPALITIES**”):

WITNESSETH:

WHEREAS, pursuant to section 212.055(2), Florida Statutes (2015), the County intends to authorize by Ordinance the imposition of a one percent (1.0%) local government infrastructure sales surtax (“Surtax”) upon taxable transactions occurring in Palm Beach County and has provided for distribution of the proceeds from the Surtax subject to the outcome of a countywide referendum on November 8, 2016; and

WHEREAS, the Municipalities are located within Palm Beach County, are eligible to receive a portion of the Surtax, represent a majority of the County’s municipal population, and desire to jointly establish with the County the distribution formula for the proceeds of the Surtax in accordance with section 212.055(2)(c)(1), Florida Statutes (2015); and

WHEREAS, section 212.055(2)(c)(1), Florida Statutes (2015), provides that this Agreement may include a school district with the consent of the county governing authority and the governing bodies of the municipalities representing a majority of the county’s municipal population; and

WHEREAS, the parties to this Agreement desire to work together in order to 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 providing improvements to district-owned school buildings, equipment, technology and security; purchasing school buses; repairing, constructing and equipping roads, bridges, sidewalks, streetlights, signalization, parks, recreational and governmental facilities, drainage, and wastewater facilities; and purchasing public safety vehicles and equipment; and

WHEREAS, the parties to this Agreement shall each be responsible for the adoption of project lists that will be funded from the Surtax Proceeds, subject to future revisions by the governing body of each applicable entity.

NOW THEREFORE, in consideration of the promises, covenants, and commitments contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged set forth herein, the parties agree as follows:

SECTION 1. RECITALS.

The foregoing recitals are true and correct and are hereby incorporated into and become a part of this Agreement.

SECTION 2. TERM.

This Agreement shall become effective when approved by the governing bodies of the County, the requisite number of Municipalities, and the School Board pursuant to section 212.055(2)(c)(1), Florida Statutes (2015). This Agreement shall remain in effect for the life of the Surtax imposed pursuant to the County Ordinance imposing the Surtax (the "Ordinance") and until all Surtax Proceeds, as defined in Section 3 below, are expended by the respective parties.

SECTION 3. DISTRIBUTION PERCENTAGES.

(a) The Surtax Proceeds, defined as the collected Surtax less the amounts retained by the Florida Department of Revenue for administrative expenses pursuant to section 212.055(2), Florida Statutes (2015), derived from the Surtax levied and imposed by the County shall be distributed by the Department of Revenue directly to the parties to this Agreement as follows:

Recipient	Share of Total Proceeds
Palm Beach County	30.0%
School Board of Palm Beach County, Florida	50.0%
Municipalities within Palm Beach County	20.0% (to be divided proportionately among them based on population in the manner as set forth in Section 218.62(3), Florida Statutes; provided that the County's share received shall be as described herein and not pursuant to Section 218.62, Florida Statutes).

(b) Distribution of the Surtax Proceeds hereunder shall be made monthly by the Department of Revenue from the Discretionary Surtax Clearing Trust Fund directly to the County, the Municipalities, and the School Board as to their respective shares of Surtax Proceeds during the term of this Agreement commencing on or about January 2017 and each month thereafter during the term of this Agreement.

SECTION 4. USE OF SURTAX PROCEEDS.

The parties to this Agreement each certify that all Surtax Proceeds shall be expended only as permitted by section 212.055(2), Florida Statutes and the ballot language of the November 8, 2016 referendum. The County, the Municipalities, and the School Board shall each

be separately responsible for the adoption of project lists that will be funded from the Surtax Proceeds, subject to future revisions by the governing body of each applicable entity. Any future revisions of the resolution(s) of the individual parties shall not require an amendment to this Agreement or the joinder and consent of the other parties.

SECTION 5. CREATION OF CITIZEN OVERSIGHT COMMITTEES.

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

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

(e) 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 6. MUTUAL COOPERATION.

Each party agrees to work cooperatively and in good faith, individually and collectively, with the other parties to this Agreement on matters that are included and beyond the scope of this Agreement.

SECTION 7. MISCELLANEOUS.

(a) This Agreement is the entire agreement between the parties and all understandings and agreements are incorporated in this Agreement. This Agreement supersedes any prior agreements between the parties relating to Surtax.

(b) Nothing contained in this Agreement shall be construed to create the relationship of principal and agent, partnership, joint venture or any other relationship between the parties hereto.

(c) The parties expressly acknowledge that it is not their intent to create or confer any rights or obligations in or upon any third person or entity under this Agreement. None of the parties intend to directly or substantially benefit a third party by this Agreement. The parties agree that there are no third party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against any of the parties based upon this Agreement. Nothing herein shall be construed as consent by an agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

(d) Each party shall maintain its own respective records and documents associated with this Agreement in accordance with the records retention requirements applicable to public records. Each party shall be responsible for compliance with any public documents request served upon it pursuant to Section 119.07, Florida Statutes, and any resultant award of attorney's fees for non-compliance with that law.

(e) In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, unlawful, unenforceable or void in any respect, the invalidity, illegality, unenforceability or unlawful or void nature of that provision shall not effect any other provision and this Agreement shall be considered as if such invalid, illegal, unlawful, unenforceable or void provision had never been included herein.

(f) This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida without regard to its conflict of laws provisions. The parties agree that any controversies or legal disputes arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Fifteenth Judicial Circuit of Palm Beach County, Florida.

(g) A copy of this Interlocal Agreement and all subsequent amendments hereto shall be filed with the Clerk of the Circuit Court of Palm Beach County, Florida, upon its execution by all parties hereto.

SECTION 8. TERMINATION.

This Interlocal Agreement shall automatically terminate and be null and void in the event that any one of the following events occurs. Termination of this Interlocal Agreement pursuant to this Section shall result in the ballot question referenced herein not appearing on the November 8, 2016 General Election Ballot.

(a) The Board of County Commissioners does not enact the Ordinance as presented and revised on first reading on May 3, 2016 and amended to include an early termination provision, on or before June 7, 2016, that provides as follows: 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.; or

(b) Municipalities representing a majority of the County's municipal population do not approve this Interlocal Agreement on or before June 10, 2016; or

(c) The Board of County Commissioners or any municipality required to achieve a majority of the County's municipality population approves an amendment to this Interlocal Agreement or rescinds its approval thereof prior to the date of the final approval of the Ordinance by the Board of County Commissioners on or before June 10, 2016; or

(d) The Board of County Commissioners, prior to the date of the referendum, amends the Ordinance in any substantive way from the version enacted as described in (a) above.

IN WITNESS WHEREOF, the Parties hereto, through their duly authorized representative, have caused this Local Government Infrastructure Surtax Interlocal Agreement to be duly executed in counterparts by their respective and duly authorized officers as of the date set forth above.

R201640588

MAY 10 2016

PALM BEACH COUNTY, FLORIDA

By: Mary Lou Berger
Mary Lou Berger
Mayor

(SEAL)

ATTEST:

Sharon R. Bock, Clerk & Comptroller
Circuit Court

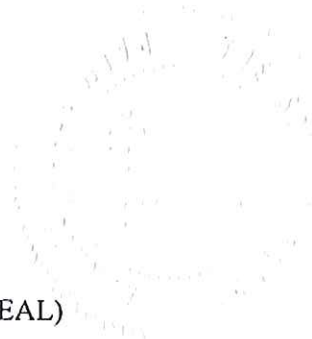
By: Sharon R. Bock
Deputy Clerk

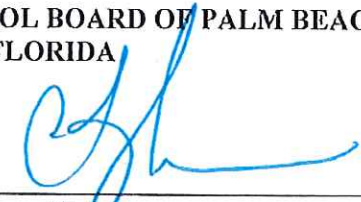


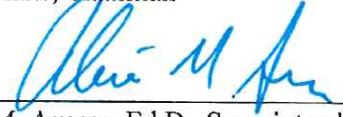
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: Paul F. [Signature]
County Attorney

**THE SCHOOL BOARD OF PALM BEACH
COUNTY, FLORIDA**

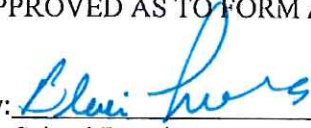


By: 
Chuck Shaw, Chairman

By: 
Robert M. Avossa, Ed.D., Superintendent

(SEAL)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: 
School Board Attorney

**THE SCHOOL BOARD OF PALM BEACH
COUNTY, FLORIDA**

By: _____
Chuck Shaw, Chairman

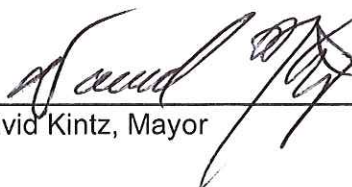
By: _____
Robert M. Avossa, Ed.D., Superintendent

(SEAL)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
School Board Attorney

CITY OF ATLANTIS, FLORIDA

By:  _____
David Kintz, Mayor



By:  _____
Kristen Puhalainen, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

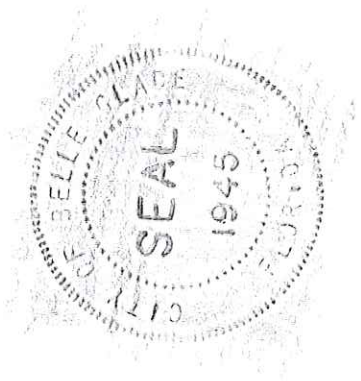
By:  _____
Jennifer G. Ashton, City Attorney

CITY OF BELLE GLADE, FLORIDA

By: 

Name: Steve B. Wilson

Title: Mayor



CITY OF BOYNTON BEACH, FLORIDA

By: Steven B. Grant
Name: Steven B. Grant
Title: Mayor



(SEAL)

ATTEST:

By: Judith A. Pyle
Judith A. Pyle, CMC, Interim City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: James A. Cherof FOR
James A. Cherof, City Attorney


TOWN OF BRINY BREEZES, FLORIDA

By: 
Susan Thaler, President, Town Council

ATTEST:


ROBERT JUROVATY, Town Clerk Pro Tem

APPROVED AS TO FORM AND CORRECTNESS:


JOHN L.R. SKRANDEL
Attorney For Town of Briny Breezes

CITY OF Delray Beach, FLORIDA

By: 
Name: Cary D. Glickstein
Title: Mayor



(SEAL)

ATTEST:

By: 
Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: 
City Attorney

CITY OF GREENACRES, FLORIDA

By: _____
Samuel J. Ferreri
Mayor

Attest:

Denise McGrew
City Clerk

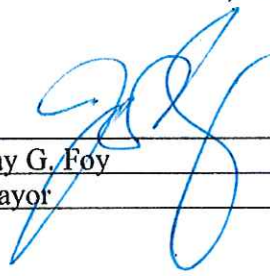


Approved as to Form
and Legal Sufficiency:

James D. Stokes
City Attorney

TOWN OF HAVERHILL, FLORIDA

By: _____
Name: Jay G. Foy _____
Title: Mayor _____




ATTEST:

Janice C. Rutan, Town Administrator

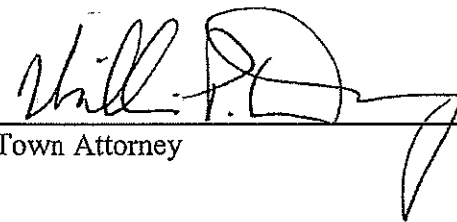
CITY OF Highland Beach, FLORIDA
HIGHLAND BEACH

By: Bernard Featherman
Name: BERNARD FEATHERMAN
Title: MAYOR

TOWN OF JUPITER INLET COLONY,
FLORIDA

By: 
Name: Daniel J. Comerford III
Title: Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: 
Town Attorney

TOWN OF LAKE CLARKE SHORES,
FLORIDA

By: 
Robert M. W. Shalhoub, Mayor

(SEAL)


ATTEST:

By: 
Mary Pinkerman, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: 
Charles Schoech, Town Attorney

Town
CITY OF Lake Park, FLORIDA


By: 
Name: James DuBois
Title: Mayor

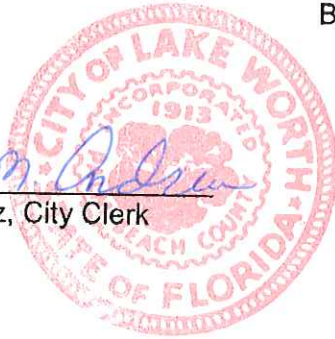
Dated the 7th day of June, 2016.

LAKE WORTH CITY COMMISSION

By: 
Pam Triolo, Mayor

ATTEST:


for Pamela J. Lopez, City Clerk



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By:  FOR

Office of the City Attorney



TOWN OF LANTANA, FLORIDA

By: David J. Stewart
David J. Stewart
Mayor

(SEAL)

ATTEST:

By: Nicole A. Dritz
Nicole A. Dritz, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

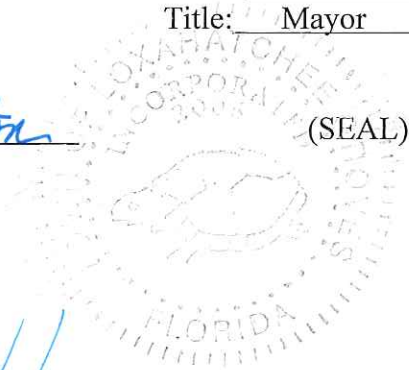
By: R. Max Lohman
R. Max Lohman, Town Attorney

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

By: David Browning
Name: David Browning
Title: Mayor

ATTEST:


By: Virginia M. Walton
Town Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY


By: [Signature]
Town Attorney


CITY OF Panokee, FLORIDA

By: 
Name: Keith W. Babbs, Sr.
Title: Mayor

Approved


VILLAGE OF PALM SPRINGS, FLORIDA


By: 
Name: Ben Smith
Title: Mayor

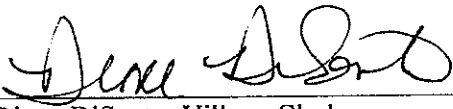
Village Attorney 

Attest: 
Susan Caljean, Village Clerk



VILLAGE OF ROYAL PALM BEACH,
FLORIDA

By: 
Name: Fred Pinto
Title: Mayor

Attest: 
Diane DiSanto, Village Clerk

TOWN OF SOUTH PALM BEACH, FLORIDA

On May 24, 2016

Bernice Fischer
Bernice Fischer, Mayor

Attest:

Maylee De Jesús
Maylee De Jesús, CMC, Town Clerk

Approved as to Legal Sufficiency:

Bradley W. Biggs
Bradley W. Biggs, Town Attorney

SEAL



VILLAGE OF WELLINGTON, FLORIDA

By: 
Name: Anne Gerwig
Title: Mayor

(SEAL)

ATTEST:

By: 
Awilda Rodriguez, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: 
Laurie Cohen, Village Attorney

Signature Page for:

INTERLOCAL AGREEMENT AMONG PALM BEACH COUNTY, THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA, AND THE SIGNATORY MUNICIPALITIES PERTAINING TO THE SHARED DISTRIBUTION AND USE OF THE ONE CENT LOCAL GOVERNMENT INFRASTRUCTURE SURTAX

WPB Contract No. 17464

ATTEST:


CITY OF WEST PALM BEACH



City Clerk

By: 

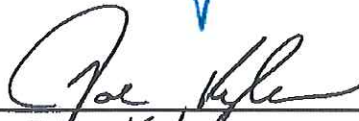
Geraldine Muoio, Mayor

CITY ATTORNEY'S OFFICE
Approved as to form and legality
By: 

Date: _____ 5/24 _____, 2016

WPB No. 17464

CITY OF South Bay, FLORIDA

By: 
Name: Joe Kyle
Title: Mayor



ARTICLE XVI. - LOCAL GOVERNMENT INFRASTRUCTURE TAX^[10]

Footnotes:

--- (10) ---

Editor's note— The surtax imposed by Ord. No. [2016-032](#), adopted May 17, 2016, passed at a referendum election held on Nov. 8, 2016.

Sec. 17-491. - Imposition.

There is hereby imposed a one (1) percent local government infrastructure surtax ("Surtax") upon all authorized taxable transactions occurring within the County.

(Ord. No. [2016-032](#), § 2, 5-17-16)

Sec. 17-492. - 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.

(Ord. No. [2016-032](#), § 3, 5-17-16)

Sec. 17-493. - Expiration date; survival of certain restricted uses.

- (a) *Sunset*. In all events, this article 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 article shall "sunset" in the event that 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 this article, in which event the Board shall take all necessary action to repeal this article 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 article, 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.

(Ord. No. [2016-032](#), § 6, 5-17-16)

Sec. 17-494. - 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, F.S. Ch. 286, Florida Statutes, the Florida Public Records Law, F.S. Ch. 119, and the Florida Ethics Code, F.S. Ch. 112, and all other applicable local or state statutes, ordinances, or rules.

(Ord. No. [2016-032](#), § 7, 5-17-16)

212.055

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(a)1. The governing authority in each county may levy a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to ordinance enacted by a majority of the members of the county governing authority and approved by a majority of the electors of the county voting in a referendum on the surtax. If the governing bodies of the municipalities representing a majority of the county's population adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, the levy of the surtax shall be placed on the ballot and shall take effect if approved by a majority of the electors of the county voting in the referendum on the surtax.

2. If the surtax was levied pursuant to a referendum held before July 1, 1993, the surtax may not be levied beyond the time established in the ordinance, or, if the ordinance did not limit the period of the levy, the surtax may not be levied for more than 15 years. The levy of such surtax may be extended only by approval of a majority of the electors of the county voting in a referendum on the surtax.

(b) A statement which includes a brief general description of the projects to be funded by the surtax and which conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing authority of any county which enacts an ordinance calling for a referendum on the levy of the surtax or in which the governing bodies of the municipalities representing a majority of the county's population adopt uniform resolutions calling for a referendum on the surtax. The following question shall be placed on the ballot:

FOR the -cent sales tax

AGAINST the -cent sales tax

(c) Pursuant to s. 212.054(4), the proceeds of the surtax levied under this subsection shall be distributed to the county and the municipalities within such county in which the surtax was collected, according to:

1. An interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population, which agreement may include a school district with the consent of the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population; or

2. If there is no interlocal agreement, according to the formula provided in s. 218.62.

Any change in the distribution formula must take effect on the first day of any month that begins at least 60 days after written notification of that change has been made to the department.

(d) The proceeds of the surtax authorized by this subsection and any accrued interest shall be expended by the school district, within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure; to acquire any interest in land for public recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern; to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing such use is approved by referendum; or to finance the closure of county-owned or municipally owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection. Any use of the proceeds or interest for purposes of landfill closure before July 1, 1993, is ratified. The proceeds and any interest may not be used for the operational expenses of infrastructure, except that a county that has a population of fewer than 75,000 and that is required to close a landfill may use the proceeds or interest for long-term

maintenance costs associated with landfill closure. Counties, as defined in s. 125.011, and charter counties may, in addition, use the proceeds or interest to retire or service indebtedness incurred for bonds issued before July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of the proceeds or interest for purposes of retiring or servicing indebtedness incurred for refunding bonds before July 1, 1999, is ratified.

1. For the purposes of this paragraph, the term "infrastructure" means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years, any related land acquisition, land improvement, design, and engineering costs, and all other professional and related costs required to bring the public facilities into service. For purposes of this sub-subparagraph, the term "public facilities" means facilities as defined in s. 163.3164(38), s. 163.3221(13), or s. 189.012(5), regardless of whether the facilities are owned by the local taxing authority or another governmental entity.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for, facilities, as defined in s. 29.008.

d. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s. 252.38. Such improvements are limited to those necessary to comply with current standards for public emergency evacuation shelters. The owner must enter into a written contract with the local government providing the improvement funding to make the private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum of 10 years after completion of the improvement, with the provision that the obligation will transfer to any subsequent owner until the end of the minimum period.

e. Any land acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph.

2. For the purposes of this paragraph, the term "energy efficiency improvement" means any energy conservation and efficiency improvement that reduces consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; installation of solar panels; building modifications to increase the use of daylight or shade; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; installation of systems for natural gas fuel as defined in s. 206.9951; and installation of efficient lighting equipment.

3. Notwithstanding any other provision of this subsection, a local government infrastructure surtax imposed or extended after July 1, 1998, may allocate up to 15 percent of the surtax proceeds for deposit into a trust fund within the county's accounts created for the purpose of funding economic development projects having a general public purpose of improving local economies, including the funding of operational costs and incentives related

to economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

(e) School districts, counties, and municipalities receiving proceeds under the provisions of this subsection may pledge such proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Local governments may use the services of the Division of Bond Finance of the State Board of Administration pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. Counties and municipalities may join together for the issuance of bonds authorized by this subsection.

(f)1. Notwithstanding paragraph (d), a county that has a population of 50,000 or less on April 1, 1992, or any county designated as an area of critical state concern on the effective date of this act, and that imposed the surtax before July 1, 1992, may use the proceeds and interest of the surtax for any public purpose if:

a. The debt service obligations for any year are met;

b. The county's comprehensive plan has been determined to be in compliance with part II of chapter 163; and

c. The county has adopted an amendment to the surtax ordinance pursuant to the procedure provided in s. 125.66 authorizing additional uses of the surtax proceeds and interest.

2. A municipality located within a county that has a population of 50,000 or less on April 1, 1992, or within a county designated as an area of critical state concern on the effective date of this act, and that imposed the surtax before July 1, 1992, may not use the proceeds and interest of the surtax for any purpose other than an infrastructure purpose authorized in paragraph (d) unless the municipality's comprehensive plan has been determined to be in compliance with part II of chapter 163 and the municipality has adopted an amendment to its surtax ordinance or resolution pursuant to the procedure provided in s. 166.041 authorizing additional uses of the surtax proceeds and interest. Such municipality may expend the surtax proceeds and interest for any public purpose authorized in the amendment.

3. Those counties designated as an area of critical state concern which qualify to use the surtax for any public purpose may use only up to 10 percent of the surtax proceeds for any public purpose other than for infrastructure purposes authorized by this section. A county that was designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation, and that qualified to use the surtax for any public purpose at the time of the removal of the designation, may continue to use up to 10 percent of the surtax proceeds for any public purpose other than for infrastructure purposes for 20 years following removal of the designation, notwithstanding subparagraph (a)2. After expiration of the 20-year period, a county may continue to use up to 10 percent of the surtax proceeds for any public purpose other than for infrastructure if the county adopts an ordinance providing for such continued use of the surtax proceeds.

(g) Notwithstanding paragraph (d), a county having a population greater than 75,000 in which the taxable value of real property is less than 60 percent of the just value of real property for ad valorem tax purposes for the tax year in which an infrastructure surtax referendum is placed before the voters, and the municipalities within such a county, may use the proceeds and interest of the surtax for operation and maintenance of parks and recreation programs and facilities established with the proceeds of the surtax throughout the duration of the surtax levy or while interest earnings accruing from the proceeds of the surtax are available for such use, whichever period is longer.

(h) Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (3), (4), and (5) in excess of a combined rate of 1 percent.

Florida Statutes

212.055

- (2) 1. For the purposes of this paragraph, the term "infrastructure" means:
- a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years, any related land acquisition, land improvement, design, and engineering costs, and all other professional and related costs required to bring the public facilities into service. For purposes of this sub-subparagraph, the term "public facilities" means facilities as defined in s. 163.3164(38), s. 163.3221(13), or s. 189.012(5), regardless of whether the facilities are owned by the local taxing authority or another governmental entity.
 - b. A fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.
 - c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for, facilities, as defined in s. 29.008.

163.3164

(38) "Public facilities" means major capital improvements, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities.

163.3221

(13) "Public facilities" means major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

189.012

(5) "Public facilities" means major capital improvements, including, but not limited to, transportation facilities, sanitary sewer facilities, solid waste facilities, water management and control facilities, potable water facilities, alternative water systems, educational facilities, parks and recreational facilities, health systems and facilities, and, except for spoil disposal by those ports listed in s. 311.09(1), spoil disposal sites for maintenance dredging in waters of the state.



Village of Palm Springs
Proposed Infrastructure Surtax Projects
Fiscal Year 2021

The below projects for FY 2021 have been previously approved and are being carried forward from FY 2020.

Police Department:

- Police Department Building Expansion Design and Engineering

Parks & Recreation:

- Sago Palm Park Improvements (renovation)
- Lakewood Garden Park - Install Playground Shade Structure
- Pathway Park - Expansion Engineering and Construction Cost