

RESOLUTION NO. 2022 - ____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CREATING AND ESTABLISHING THE INFRASTRUCTURE SALES TAX ADVISORY COMMITTEE; ADOPTING BYLAWS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on, March 15 2022, the Board of County Commissioners (Board) enacted Ordinance No. 2022-23 calling for a referendum to be held at the November 8, 2022 General Election to consider whether to approve a 1% (one-cent) sales surtax for ten years beginning January 1, 2023, to fund certain categories of capital infrastructure projects, as defined in § 212.055(2), Fla. Stat., specifically road improvements, alternative transportation facilities, infrastructure for law enforcement, emergency services, public parks, recreation facilities, libraries, storm water management, and coastal erosion management projects; and

WHEREAS, on September 20, 2022, the Board expressed desire to create and establish an advisory committee in order to provide input on the expenditure of infrastructure sales tax proceeds in the event the referendum is approved by the voters; and

WHEREAS, at this time, the Board of County Commissioners wishes to adopt the attached bylaws in order to further the efficient and organized governance of the Infrastructure Sales Tax Advisory Committee; and

WHEREAS, the Board of County Commissioners, at its discretion and as it deems appropriate or desirable, is authorized to adopt, amend, abolish, or otherwise change the rules and directives under which the Infrastructure Sales Tax Advisory Committee operates.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County:

1. The above recitals are hereby adopted as findings of fact.
2. The Board of County Commissioners approves the Infrastructure Sales Tax Advisory Committee bylaws, which are attached hereto, and incorporated herein as Exhibit "A" to this Resolution.
3. To the extent that there are typographical and/or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval of the Board of County Commissioners.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 15th day of November, 2022.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

BY: _____, Chair

ATTEST: Brandon J. Patty, Clerk of the
Circuit Court and Comptroller

By: _____
Deputy Clerk

EXHIBIT “A”

Bylaws of the Infrastructure Sales Tax Advisory Committee

Revised:

ARTICLE I

PURPOSE

The purpose of the Infrastructure Sales Tax Advisory Committee is to review the proposed expenditure of Surtax proceeds against the ballot referendum approved by the voters and Ordinance 2022-23 (the “Ordinance”). The Board of County Commissioners (Board) may expend proceeds of the Surtax on projects not specifically stated therein or in the County’s back-up materials to the Board, so long as those projects (1) comply with the intent of the ballot language and (2) fall within the projects and categories identified in the Ordinance. The Committee may recommend alternative projects. The Committee shall meet once annually by March 31st in each of the four quadrants of the County to gather public input and then once annually, if needed, no later than May 1st to vote on a recommendation to the Board so that staff can include the recommendations in the annual administrative budget workshop report. The Committee shall sunset and terminate without further action by the Board within two (2) months of the final expenditure of all of the Surtax proceeds collected by the County.

ARTICLE II

MEMBERSHIP

Establishment. The Infrastructure Sales Tax Advisory Committee shall consist of five (5) regular members and two (2) alternate members. Members shall be appointed by the Board of County Commissioners.

- a. One member shall be chosen by each member of the Board of County Commissioners of St. Johns County. Such member shall, at the time of his or her appointment, reside in the district of the County Commissioner who chooses that member. The County Commission shall then appoint the chosen member to the Infrastructure Sales Tax Advisory Committee. Members serve at the pleasure of their County Commissioner and may be removed at any time without cause.
- b. The Board of County Commissioners shall choose and appoint the alternate members to the Infrastructure Sales Tax Advisory Committee. Alternate members serve at the pleasure of the Board of County Commissioners and may be removed at any time without cause.
- c. Appointments to fill an expired or vacant term will follow the process set forth above.

Membership Requirements.

- a. All members must be St. Johns County residents.
- b. Commissioners shall heavily weigh in their appointment experience and expertise in business and finance when possible.

Initial Term.

In order to ensure continuity on the initial Board, the terms of the initial appointee Members shall be staggered as follows:

- a. One (1) regular member shall be appointed to a one (1) year term.
- b. One (1) regular member and one (1) alternate shall be appointed to two (2) year terms.
- c. One (1) regular member and one (1) alternate shall be appointed to three (3) year terms.
- d. Two (2) regular members shall be appointed to four (4) year terms.
- e. Initial appointee members serving an initial term of less than four (4) years may serve for another two (2) consecutive four (4) year terms.
- f. Initial appointee members serving for four (4) years may only serve for one (1) additional term.

Regular Members

Except for the initial term, Members shall be appointed by the Board of County Commissioners to a four (4) year term, with an additional term of four (4) years as may be approved by the Board of County Commissioners. No Member shall serve more than two (2) consecutive terms unless otherwise approved by the Board of County Commissioners.

Alternate Members

Alternate members shall be those appointed as such and are appointed to assist with meeting quorum requirements to conduct business. Alternate members shall meet the same attendance requirements as regular members. In the absence of any regular member an alternate member shall have full voting rights and privileges. Alternates with appropriate qualifications may be recommended to move into vacancies created among regular members, subject to appointment by the Board of County Commissioners.

Subject to Ethics, Government in the Sunshine, and Public Records Laws

The Infrastructure Sales Tax Advisory Committee is an appointed board subject to the State of Florida Code of Ethics Chapter 112, the Government in the Sunshine Laws, Chapter 286, and the Public Records Laws, Chapter 119. Members shall be provided with a copy or summary of Chapters 112, 119 and 286, Florida Statutes. Training may be provided by the County Attorney's Office and additional public meetings may be scheduled to facilitate such training.

ARTICLE III **ORGANIZATION**

Officers. The Infrastructure Sales Tax Advisory Committee shall elect a Chair and a Vice-Chair, each of whom shall serve for one (1) year and until a successor is chosen, unless otherwise provided for, with respect to a particular Board/Committee. Staff support will notify County Commission Office annually of the names of members who serve as officers. The Chair and Vice-Chair serve at the pleasure of the majority of the Committee and may be removed and replaced at the pleasure of a majority of the full membership of the Committee.

Method of Election. The Chair and Vice Chair shall be elected one at a time beginning with the Chair. The vote will be for each office and the nomination serves as a motion. The nomination must be seconded. The different names shall be repeated by the outgoing or acting Chair as they are moved and seconded. The vote shall be taken after the Chair declares that nominations are closed and shall be taken on each nominee in the order in which they were nominated until one is elected by a majority of the votes.

Duties and Authority of the Chair. The Chair shall be the presiding officer of the Committee and shall take the Chair at every meeting precisely at the time for the meeting to begin, immediately call the Committee to order, call the roll on the appearance of a quorum, and proceed to the business of the Committee. The Chair shall sign all orders and written determinations approved by the Committee. The Chair shall be responsible for the proper execution of these bylaws and the orderly proceeding of the meeting.

Duties and Authority of the Vice-Chair. The Vice-Chair shall, in the absence, disability, or conflict of the Chair, be the presiding officer of the Committee and exercise such administrative powers vested in the Chair.

Minutes. Minutes will be taken and maintained by a County staff member, be it the Staff Support person or staff designated as recording secretary for the purpose of the meeting. Copies of minutes will be made available as requested.

Staff and Administrative Support. A County employee shall be appointed by the County Administrator to serve as Staff Support for the Committee. The Staff Support will be assigned to monitor activities, serve as liaison, and promote communication. The Staff Support may prepare Agendas and present items and applications for determination by the Committee. The Staff Support may receive authorization to sign an order or written determination previously authorized by the Infrastructure Sales Tax Advisory Committee.

Legal Assistance. Legal advice will be provided by the County Attorney's Office as reasonably requested, and approved by the Board of County Commissioners. At the request of the Committee, the County Attorney's Office may provide information and training on Ethics, the Government in the Sunshine law, the Public Records law, and procedural duties.

ARTICLE IV

MEETINGS

Meeting Schedule. The Committee shall meet four times annually by March 31st, once in each of the four quadrants of the County, to gather public input, and may hold one additional meeting, no later than May 1st, to vote on recommendations to the Board so that Support Staff can include the Committee's recommendations in the annual administrative budget workshop report. The Committee shall not recommend alternative projects unless requested by the Board.

Agenda. The Staff Support is to prepare an agenda for all Committee meetings in accordance with Committee instructions. Items on the Agenda shall be reasonably noticed. All meetings shall be public meetings held in accordance with the requirements of Chapter 286, Florida Statutes. Reasonable notice of the public meetings shall be provided. Each notice shall state that one or more County Commissioners may attend and participate. All meetings shall be open to the public.

Quorum. The physical presence of at least three (3) members shall constitute a quorum.

If a quorum cannot be met, a subsequent meeting will be scheduled as soon as reasonably practicable. Reasonable notice for any special meeting shall be provided in the same manner as for regularly scheduled Committee meetings, in compliance with the requirements of Government in the Sunshine.

Attendance. If any appointed member of the Committee fails to attend three (3) scheduled meetings of the Committee within a twelve (12) month period, the Board shall declare the member's office vacant and the vacancy shall be filled. Staff shall maintain a record of absences and enforce the attendance policy.

Rules of Decorum and Civility. It shall be the responsibility of the Chair, or in the Chair's absence, the Vice-Chair, to promote and preserve order and decorum. Members shall neither by conversation nor otherwise delay or interrupt the proceedings or peace of the Committee nor disturb any member while speaking or refuse to obey the orders of the Committee or its Chair.

Public Comment. Members of the public shall be given a reasonable opportunity to be heard on a proposition before the Committee, prior to any official action. Additionally members of the public shall be given an opportunity to be heard on items not appearing in the agenda and which reasonably may need the attention of the Committee. No person shall address the Committee unless permitted by the Chair. Each person addressing the Committee shall limit comments to three (3) minutes, unless extended by the Chair for good cause. Public Comment shall not require an immediate response by any member of the Committee.

Board Member to Vote. Florida Statutes, Section 112.311 through 112.326 sets forth a code of ethics for public officers and employees. A Committee member may not abstain from voting unless there is, or appears to be, a possible conflict of interest under Florida Statutes sections 112.311, 112.313 or 112.3143. A Committee member may not participate in any matter which would inure to the member's special private gain or loss, knows would inure to the special private gain or loss of any principal, or inures to the special private gain or loss of a relative or business associate, without first disclosing the nature of the interest.

Voting. Action by the Committee shall be by motion nominated and seconded. Approval of the motion shall be by majority vote of those members present. Failure to receive a majority vote shall act as a denial of the proposed motion.

ARTICLE V **AMENDMENTS, SUSPENSION, INTERPRETATION**

Proposal. Any member of the Infrastructure Sales Tax Advisory Committee or the Board of County Commissioners may propose amendments to these bylaws. Bylaws may be amended by resolution accepted and approved by Board of County Commissioners.

Suspension. A motion to suspend any provision of these rules may be made by any County Commissioner. A suspension is a non-debatable motion. These bylaws may only be suspended by a majority plus one of the Commissioners present. Once suspended, the rules remain suspended only for the time indicated in the motion.

No invalidation. These bylaws are for the efficient operation of the Committee. Non-compliance of any particular Rule shall not independently be grounds for the invalidation of any Committee action.

Conflict: In the event of a conflict between the by-laws an applicable Ordinance or Statute, the latter shall prevail and apply only to this Committee. In the event of a conflict between these Bylaws and any other County Rules and Policies, these Bylaws shall prevail unless approved by a super majority vote of the Board of County Commissioners.