

RESOLUTION NO. 2016-161

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, RESCINDING RESOLUTION NO. 2016-124 RELATING TO THE IMPOSITION OF A ONE CENT INFRASTRUCTURE SALES SURTAX UPON VOTER APPROVAL; APPROVING A COMPROMISE SALES SURTAXES PROPOSAL BETWEEN THE PARTICIPATING BROWARD MUNICIPALITIES AND BROWARD COUNTY; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE TRANSPORTATION SYSTEM AND INFRASTRUCTURE SURTAXES INTERLOCAL AGREEMENT, ATTACHED AS EXHIBIT "A" AND INCORPORATED HEREIN; SUPPORTING THE COUNTY'S PLACEMENT OF A 30 YEAR ONE HALF-CENT INFRASTRUCTURE SALES SURTAX AND A 30 YEAR ONE-HALF CENT COUNTYWIDE TRANSPORTATION SYSTEM SALES SURTAX ON THE NOVEMBER 8, 2016 GENERAL ELECTION BALLOT, IN ACCORDANCE WITH THE SURTAXES INTERLOCAL AGREEMENT AND SECTION 212.055, FLORIDA STATUTES; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 212.055(2), Florida Statutes, authorizes the levy of a local government infrastructure sales surtax of 0.5% or 1% upon transactions occurring within Broward County that are taxable pursuant to Chapter 212, Florida Statutes, subject to approval by a majority of those voting in a referendum election; and

WHEREAS, in order to address urgent local government infrastructure needs, the City of Coconut Creek adopted Resolution No. 2016-124 (the "Municipal Surtax Resolution"), which imposed a 1% Local Government Infrastructure Sales Surtax subject to voter approval, and directed the Supervisor of Elections of Broward County to place the ballot language set forth in the Municipal Surtax Resolution on the November 8, 2016, general election ballot; and

WHEREAS, the governing bodies of municipalities representing over 94% of the County's population voted to approve similar uniform resolutions to place on the November 8, 2016, ballot, for consideration by the countywide electorate, a proposed infrastructure surtax levy of 1% utilizing the ballot language set forth in the Municipal Surtax Resolution (the "Initial Municipal Ballot Proposal"); and

WHEREAS, Section 212.055(1), Florida Statutes, authorizes the County to levy a Charter County and Regional Transportation System sales surtax of up to 1% upon transactions occurring within Broward County that are taxable pursuant to Chapter 212, Florida Statutes, also subject to approval by a majority of those voting in a referendum election; and

WHEREAS, on May 24, 2016, the County Commission voted to place on the November 8, 2016, ballot, for consideration by the countywide electorate, a proposed transportation surtax levy of 0.75% (the “Initial County Ballot Proposal”); and

WHEREAS, a concern has been raised that the combined potential levy of 1.75% may be perceived by interested stakeholders and the electorate as collectively more than required to presently address the most urgent transportation and infrastructure needs, thereby increasing the risk that the countywide electorate will reject the proposed levies, which would prevent the Broward municipalities and the County from adequately addressing the community’s critical transportation and infrastructure needs; and

WHEREAS, in the spirit of compromise and collaboration, and to increase the likelihood that the countywide electorate will approve of the proposed levies, the City of Coconut Creek and the County have agreed to a proposal to modify the initially-proposed tax levies reducing each proposed levy to 0.5% so that the combined proposed levy is 1% instead of 1.75% (the “Compromise Proposal”); and

WHEREAS, the Broward municipalities and the County have negotiated a Transportation System and Infrastructure Surtaxes Interlocal Agreement, attached as Exhibit “A,” which includes agreed upon ballot language for both .5% surtaxes and provides for the terms, conditions, and implementation of the Compromise Proposal (the “Surtaxes Interlocal Agreement”); and

WHEREAS, in accordance with the Surtaxes Interlocal Agreement, the 0.5% levies and a brief general description of planned projects will be placed on the November 8, 2016, countywide election ballot (the “Ballot Measures”), and the Broward municipalities and the County have pledged to work to educate the electorate on the importance of the

Ballot Measures; and

WHEREAS, the Surtaxes Interlocal Agreement provides for an independent Transportation and Infrastructure Surtax Oversight Board to be established to review proposed projects for consistency with applicable law and the Surtaxes Interlocal Agreement; and

WHEREAS, the City Commission desires to rescind the Initial Municipal Ballot Proposal, support the Compromise Proposal, and approve and authorize the appropriate City officials to execute the Surtaxes Interlocal Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK THAT:

Section 1: Legislative Findings/Recitals. The above recitals are hereby adopted by the City of Coconut Creek as its legislative findings relative to the subjects and matters set forth in this Resolution.

Section 2: Rescission of Initial Municipal Ballot Proposal. The City hereby rescinds the Municipal Surtax Resolution (Resolution No. 2016-124), which imposed a 1% Local Government Infrastructure Surtax subject to voter approval, and directed the Broward County Supervisor of Elections to place the 1% Infrastructure Surtax on the November 8, 2016, ballot in accordance with the Initial Municipal Ballot Proposal.

Section 3: Approval of Compromise Proposal. The City hereby approves the Compromise Proposal and supports the County's placement of a .5% Local Government Infrastructure Surtax and .5% Countywide Transportation System Surtax on the November 8, 2016, ballot in accordance with the Surtaxes Interlocal Agreement, attached as Exhibit "A."

Section 4: Approval of Surtaxes Interlocal Agreement. The Surtaxes Interlocal Agreement between the Broward municipalities and the County, attached as Exhibit "A," is hereby approved.

Section 5: Authorization to Execute Surtaxes Interlocal Agreement. The appropriate City officials are authorized to execute the Surtaxes Interlocal Agreement, attached as Exhibit "A," together with such non-substantive changes as are acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 6: Pledge of Support. To the fullest extent permissible under Florida law, the City pledges to publicly support the Compromise Proposal and both Ballot Measures in accordance with the terms of the Surtaxes Interlocal Agreement.

Section 7: Distribution of Resolution. The City Clerk is directed to distribute this Resolution to the Board of County Commissioners for Broward County, the Broward County Supervisor of Elections, and the Broward County Attorney's Office.

Section 8: Implementing Actions. The City Manager and the City Attorney are hereby authorized to take any actions necessary to implement the aims of this Resolution.

Section 9: Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, it is the intent of the City Commission that such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application and, to this end, the provisions of this Resolution are declared severable.

Section 10: Conflicts. All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Section 11: Effectiveness and Effective Date. This Resolution shall take effect immediately upon approval of the Surtaxes Interlocal Agreement by the County and the governing bodies of the municipalities representing at least a majority of the population of Broward County; provided however that if the Surtaxes Interlocal Agreement is not approved by the County and the governing bodies of the municipalities representing at least a majority of the population of Broward County by the end of the day on June 23, 2016, this Resolution shall be void and of no force or effect.

Adopted this 23rd day of June, 2016.

Joshua Rydell, Acting Mayor

Attest:

Leslie Wallace May, MMC
City Clerk

Belvedere _____
Rydell _____
Sarbone _____
Tooley _____
Welch _____