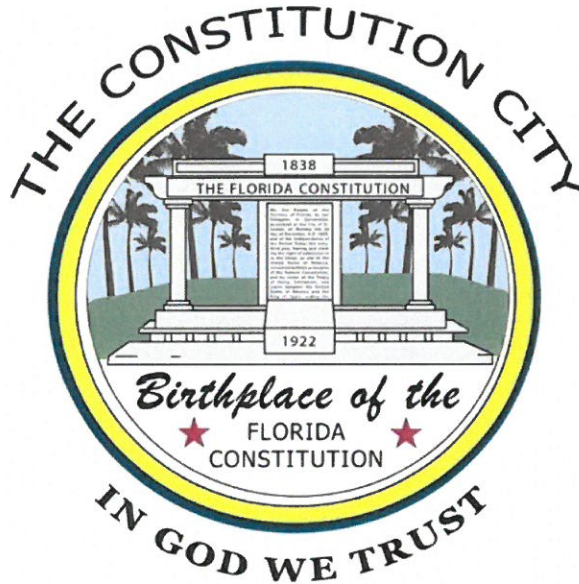


**June 21, 2016**

**Commission Reception 5:30 P.M.  
Regular Public Meeting  
6:00 P.M.  
2775 Garrison Avenue  
Port St. Joe, Florida**



## City of Port St. Joe

Bo Patterson, Mayor-Commissioner  
William Thursbay, Commissioner, Group I  
David Ashbrook, Commissioner, Group II  
Brett Lowry, Commissioner, Group III  
Rex Buzzett, Commissioner, Group IV

[All persons are invited to attend these meetings. Any person who decides to appeal any decision made by the Commission with respect to any matter considered at said meeting will need a record of the proceedings, and for such purpose 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. The Board of City Commission of the City of Port St. Joe, Florida will not provide a verbatim record of this meeting.]

# BOARD OF CITY COMMISSION

Regular Public Meeting

6:00 P.M.

**\*\*Amended Agenda\*\***

2775 Garrison Avenue

Tuesday June 21, 2016

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## Call to Order

## Consent Agenda

Recognition of Service- Comm. McCroan

Swearing in of New Elected Officials- Comm. Buzzett & Comm. Lowry

## Minutes

- Regular Commission Meeting 6/7/16
- Special Meeting 6/16/16

Pages 1-10

Page 11

## PSJRA

- Update

## City Attorney

- Ord. 525 Alcohol Sales Within 100' of a Church or School
  - First Reading

Pages 12-13

## Old Business

- Digital Sign- Mayor Patterson
- Bin4Eleven- Pam Woolery
- Fourth of July Fireworks
- Patton Park Subdivison- Update
- Tom "Dooder" Parker Park Dedication- June 24th at 10:00 A.M.
- City Construction Crew Pay- Comm. Thursbay
- Waste Water Lagoon Study

Page 14

Pages 15-19

Pages 20-23

Pages 24-49

## New Business

- Financial Disclosures- Due July 1
- FRDAP Grant Application, 16<sup>th</sup> Street Disc. Golf & Girls Softball Fields- Comm. Thursbay
- Reid Ave. Handicap Parking- Mayor Patterson
- Propane Gas Trucks- Mayor Patterson
- Catholic Church Vacant Lot- Mayor Patterson
- Road Bond Money
- Centennial Bldg. State Historic Preservation Grant Application- Comm. Buzzett
  - Resolution 2016-06, Grant Application

Pages 50-51

## Public Works

- Update

**Surface Water Plant**

- Update

**Waste Water Plant**

- Update

**City Engineer**

- Golf Cart Crossing- Update

**Code Enforcement**

- Update

**Page 52**

**Police Department**

- Update

**City Clerk**

- Update

**Citizens to be Heard**

**Discussion Items by Commissioners**

**Motion to Adjourn**

## 2015 ROAD BONDS

- TOTAL CONSTRUCTION FUND → \$5,000,000
- PSJ PORTION  $\$5,000,000 \times 21\% =$  \$1,050,000
- WFWA PORTION OF TOTAL  $\$5,000,000 \times 10\% =$  \$500,000
- GULF COUNTY PORTION  $\$5,000,000 \times 69\% =$  \$3,450,000

BROAD STREET  
LIBERTY STREET  
Avenue "A"  
22ND STREET  
MADISON  
PETER'S PARK TRAIL

TOTAL COST =  
ROBERTS + ROBERTS  
CONTRACT

\$465,472.83

\$465,472.83

\$1,050,000

AMOUNT OF VALUE TO PSJ → \$1,515,472.83

## 1 to 6 Cents Local Option Fuel Tax

Sections 206.41(1)(e), 206.87(1)(c), and 336.025, Florida Statutes

### Summary:

Local governments are authorized to levy a tax of 1 to 6 cents on every net gallon of motor fuel sold in a county. As the result of statewide equalization, this tax is imposed on diesel fuel in each county at the maximum rate of 6 cents per gallon. The tax on motor fuel may be authorized by an ordinance adopted by a majority vote of the governing body or voter approval in a countywide referendum. The proceeds are used to fund specified transportation expenditures. During the 2015-16 local fiscal year, counties levying this tax will realize an estimated \$568 million in revenue. The single county (i.e., Franklin) not currently levying this tax on motor fuel at the maximum rate will allow an estimated \$52,166 to go unrealized.

### General Law Amendments:

There were no general law amendments resulting from the 2015 Regular and Special Legislative Sessions.

### Authorization to Levy:

The tax may be levied using either of the following procedures.

1. This tax may be levied by an ordinance adopted by a majority vote of the county's governing body or upon approval by referendum. Such ordinance must be adopted in accordance with the requirements imposed under one of the following two circumstances, whichever is applicable:
  - a. Prior to June 1<sup>st</sup>, the county may establish by interlocal agreement with one or more of the municipalities located within the county, representing a majority of the population of the incorporated area, a distribution formula for dividing the entire proceeds of this fuel tax among the county government and all eligible municipalities within the county. If no interlocal agreement exists, a new interlocal agreement may be established prior to June 1<sup>st</sup>. However, any interlocal agreement executed after the initial tax levy, extension, or rate change, cannot materially or adversely affect the rights of holders of outstanding bonds, which are backed by these taxes. The amounts distributed to the county government and each municipality cannot be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.
  - b. If an interlocal agreement has not been executed, the county may, prior to June 10<sup>th</sup>, adopt a resolution of intent to levy this tax.
2. If no interlocal agreement or resolution is adopted pursuant to the procedures described in #1 above, then municipalities representing more than 50 percent of the county population may, prior to June 20<sup>th</sup>, adopt uniform resolutions approving the tax, establishing the duration of the levy and the rate, and setting the date for a county-wide referendum on whether or not to levy the tax. A referendum is held in accordance with the provisions of the resolution and applicable state law, provided that the county bears the costs of such referendum. The tax is levied and collected countywide on January 1<sup>st</sup>, following 30 days after voter approval.

All tax impositions and rate changes must be levied before October 1<sup>st</sup> to be effective January 1<sup>st</sup> of the following year for a period not to exceed 30 years. However, tax levies that were in effect on July 1, 2002, and which expire on August 31<sup>st</sup> of any year may be reimposed at the currently authorized rate to be effective



September 1<sup>st</sup> of the year of expiration. Upon expiration, the tax may be re-levied provided that a redetermination of the distribution method is made.

**Counties Eligible to Levy:**

All counties are eligible to levy this tax on motor fuel. However, counties and municipalities must meet the same eligibility requirements as specified for the Local Government Half-cent Sales Tax Program and the County and Municipal Revenue Sharing Programs in order to receive these tax proceeds. Any funds otherwise undistributed because of ineligibility are distributed to eligible governments within the county in the same proportion as other local option fuel tax monies. Since the tax is imposed on diesel fuel at the maximum rate of 6 cents in all counties as the result of statewide equalization, each county receives the tax revenues associated with that levy regardless of whether or not the county is levying the tax on motor fuel.

**Distribution of Proceeds:**

The tax proceeds are distributed by the Department of Revenue (DOR) according to the distribution factors determined at the local level by interlocal agreement between the county and municipalities within the county's boundaries. If no interlocal agreement has been established, then a local government's distribution is based on the transportation expenditures of that local government for the immediately preceding 5 fiscal years as a proportion of the sum total of such expenditures for the respective county and all municipalities within the county. These proportions are recalculated every 10 years based on the transportation expenditures of the immediately preceding 5 years. This recalculation does not materially or adversely affect the rights of holders of bonds outstanding on July 1, 1986, which are backed by the proceeds. The amounts distributed to the county government and each municipality cannot be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the recalculation date.

If the interlocal agreement does not provide for automatic adjustments or periodic review of the distribution method by the local governmental entities, then the parties to the agreement must review and hold public hearings on the terms of the agreement at least every two years. Additionally, any inland county with a population greater than 500,000 as of July 1, 1996, having an interlocal agreement with one or more of the incorporated areas within the county must utilize the population estimates of local government units as of April 1<sup>st</sup> of each year for dividing the proceeds. This provision applies only to Orange County.

**Authorized Uses of Proceeds:**

County and municipal governments may use the tax proceeds for transportation expenditures as defined in s. 336.025(7), F.S. Transportation expenditures are defined to include those expenditures by the local government from local or state-shared revenue sources, excluding expenditures of bond proceeds, for the following programs.

1. Public transportation operations and maintenance.
2. Roadway and right-of-way maintenance and equipment and structures used primarily for the storage and maintenance of such equipment.
3. Roadway and right-of-way drainage.
4. Street lighting installation, operation, maintenance, and repair.
5. Traffic signs, traffic engineering, signalization, and pavement markings, installation, operation, maintenance, and repair.
6. Bridge maintenance and operation.

7. Debt service and current expenditures for transportation capital projects in the foregoing program areas, including construction or reconstruction of roads and sidewalks.

Small counties, which are defined as having a total population of 50,000 or less on April 1, 1992, and municipalities within such counties, are authorized to use the proceeds to fund infrastructure projects if the projects are consistent with the local government's approved comprehensive plan. If the approval or denial of the plan has not become final, the projects should be consistent with the plan last submitted to the state land-planning agency. In addition, no more than an amount equal to 4 cents of tax proceeds may be used by the county for the express purpose of paying for a court-ordered refund of special assessments.

Except as provided for in s. 336.025(7), F.S., these funds cannot be used for the operational expenses of any infrastructure. The funds may be used for infrastructure projects only after the local government, prior to the fiscal year in which the funds are proposed to be used, or if pledged for bonded indebtedness, prior to the fiscal year in which the bonds will be issued, has held a duly noticed public hearing on the proposed use of the funds and adopted a resolution certifying that the local government has met all of the transportation needs identified in its approved comprehensive plan. If the approval or denial of the plan has not become final, the resolution should certify that the local government has met all transportation needs consistent with the plan last submitted to the state land-planning agency. Additionally, the proceeds cannot be pledged for bonded indebtedness for a period exceeding 10 years with one exception. For the express purpose of using such proceeds in any fiscal year to pay a court-ordered refund of special assessments, the proceeds may be pledged for bonded indebtedness not exceeding 15 years. For these purposes, the term *infrastructure* has the same meaning as provided in s. 212.055, F.S.

Local governments may use the services of the Division of Bond Finance of the State Board of Administration to issue any bonds through these provisions and pledge the revenues from these local option fuel taxes to secure the payment of bonds. Counties and municipalities may join together for the issuance of these bonds.

#### Attorney General Opinions:

Florida's Attorney General has issued the following legal opinions relevant to this revenue source.

<u>Opinion #</u>	<u>Subject</u>
2013-32	Local option gas tax - municipalities
2010-29	Local option fuel tax, use for electricity and water
2002-02	Local option fuel tax, used for bicycle paths
2000-37	Interest on municipal fuel tax fund, uses
99-70	Municipalities, dredging canals as part of road program
94-67	Referendum vote creating the City of Port LaBelle
94-20	Local option gas tax revenues
93-12	Distribution of local option gas tax
92-20	Use of local option gas tax funds
90-79	Local option tax funding transportation disadvantaged

The full texts of these opinions are available via a searchable on-line database.<sup>1</sup> Local government officials seeking more clarification should review the opinions in their entirety. The reader should keep the date of the

1. <http://my.floridalegal.com/ago.nsf/Opinions>

## Gulf County, FL

### Gas Tax Revenue Bond

New Money for 20 years; \$5MM Net Construction Proceeds

## Sources & Uses

Dated 03/01/2015 | Delivered 03/01/2015

### Sources Of Funds

Par Amount of Bonds	\$5,095,000.00
<b>Total Sources</b>	<b>\$5,095,000.00</b>

### Uses Of Funds

Total Underwriter's Discount (1.000%)	50,950.00
Costs of Issuance	20,000.00
Gross Bond Insurance Premium (24.0 bp)	16,553.21
Deposit to Debt Service Reserve Fund (DSRF)	6,627.60
Deposit to Project Construction Fund	5,000,000.00
Rounding Amount	869.19
<b>Total Uses</b>	<b>\$5,095,000.00</b>