

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

ORDINANCE NUMBER 1024

AN ORDINANCE CALLING FOR A REFERENDUM ON THE QUESTION OF WHETHER TO LEVY A ONE CENT LOCAL GOVERNMENT INFRASTRUCTURE SALES SURTAX FOR A PERIOD OF TEN (10) YEARS; APPROVING THE LEVY OF SUCH SURTAX; PROVIDING FOR THE USE OF THE PROCEEDS OF SUCH SURTAX IF APPROVED AT SUCH REFERENDUM; AUTHORIZATION; DIRECTION AND REFERENDUM PROCEDURE; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, APPLICABILITY, FILING WITH THE DEPARTMENT OF STATE AND THE DEPARTMENT OF REVENUE; PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA (the "County"):

SECTION 1. AUTHORITY FOR THIS ORDINANCE. This Ordinance is enacted pursuant to Section 212.055(2) and Section 101.161(1), Florida Statutes, and other applicable provisions of law.

SECTION 2. APPROVAL OF LEVY OF SURTAX. Subject to voter approval as hereinafter set forth, the Martin County Board of County Commissioners, as the governing body of Martin County Florida, hereby approves the levy of a one cent Local Government Infrastructure Surtax pursuant to Section 212.055(2), Florida Statutes (the "Surtax") for a period of Ten (10) years from the effective date of the Surtax, January 1, 2018, through and including December 31, 2027.

SECTION 3. SURTAX REFERENDUM. A referendum of the qualified electors residing in the County is hereby called to be held on August 29, 2017, to determine whether the levy of the Surtax shall be approved by such qualified electors. All qualified electors residing in the County shall be entitled and permitted to vote in such referendum.

SECTION 4. NOTICE OF SURTAX REFERENDUM. As required by law, notice of the Surtax referendum in substantially the form attached hereto as Exhibit "A" shall be published in the *Stuart News* or any other newspaper published and of general circulation in the area of the County, at least twice, once in the fifth week and once in the third week prior to the week in which the referendum is to be held. This Ordinance shall be published in full as part of the

notice of such surtax referendum.

SECTION 5. OFFICIAL BALLOT. The form of ballot to be used in the Surtax referendum shall be in substantially the following form:

**AUGUST 29, 2017
OFFICIAL BALLOT
MARTIN COUNTY, FLORIDA**

**ONE CENT SALES SURTAX FOR WATER QUALITY, ROADS, INFRASTRUCTURE
REHABILITATION, AND FACILITIES PROJECTS**

IN ORDER TO PROTECT THE ENVIRONMENT AND SAFEGUARD MARTIN COUNTY’S QUALITY OF LIFE, SHALL MARTIN COUNTY LEVY AN ADDITIONAL ONE CENT SALES SURTAX FOR 10 YEARS TO PROVIDE FUNDING FOR: WATER QUALITY PROJECTS THAT REDUCE POLLUTANTS TO OUR ESTUARIES; PROJECTS TO CONSTRUCT AND RECONSTRUCT COUNTY FACILITIES INCLUDING SHERIFF, FIRE RESCUE, AND PUBLIC WORKS FACILITIES; AND FOR RECONSTRUCTION OF ROAD INFRASTRUCTURE? PROJECTS SUBJECT TO ANNUAL REVIEW AND APPROVAL AT A PUBLIC HEARING.

_____ **“FOR THE ONE CENT SALES TAX”**

_____ **“AGAINST THE ONE CENT SALES TAX”**

SECTION 6. USE OF REVENUES BY THE COUNTY, THE CITY OF STUART, THE TOWN OF SEWALL’S POINT, THE TOWN OF JUPITER ISLAND AND THE TOWN OF OCEAN BREEZE.

(1) County Use. The County hereby commits to use all of the County’s share of the proceeds of the Surtax, if the Surtax is approved by a majority of the voters voting in the referendum to:

- A. Water Quality: To improve water quality for the purposes of preserving, conserving and restoring the rivers and estuaries by planning and constructing stormwater treatment projects and septic to sewer projects

identified in Martin County's Water Quality Needs Assessment that are designed to comply with the water quality criteria and goals mandated by the St. Lucie Basin Total Maximum Daily Load, the Lake Okeechobee Basin Management Action Plan, and the Loxahatchee River Reasonable Assurance Plan.

At least thirty-five percent (35%) of the total funds derived from the sales surtax shall be allocated to projects in Section 6(1)A.

- B. Roads: To protect lives and improve neighborhoods by reconstructing existing Roads, Drainage and Bridges to meet current codes and standards countywide, which are contained in the County's adopted Capital Improvement Plan and comply with the requirements of Section 212.055(2)(d)1, Florida Statutes, as may thereafter be amended and which are approved by the Board of County Commissioners as required herein.
- C. Facilities: To plan, construct, and reconstruct facilities for the sheriff, fire rescue, public works, and public building roof repair to, to meet current codes and standards. For example this category includes, but is not limited to, the following projects: the Hutchinson Island Fire Station #14, Ridgeway Fire Station #33, as well as, facilities for Sheriff's Storage and Training, Field Operations, and General Services.
- D. The County will attempt, when available, to obtain matching funds from the federal government, the State of Florida, or any agency, district, branch or commission for the purposes in Section 6(1).
- E. Any expenditure or use of the funds derived from the Surtax shall comply with Section 212.055(2)(d)1, Florida Statutes and shall be voted on and approved by a majority of the Martin County Board of County Commissioners at an advertised public hearing.
- F. The County Administrator, or designee, shall provide monthly reports to the Board of County Commissioners concerning the collection and expenditures of the funds derived from the Surtax.
- G. The maximum amount of monies to be used for any project under Section 6(1) A to C. herein shall be limited to Ten Million (\$10,000,000) dollars in

sales tax proceeds. Prior to the funds being expended, the project must be included in the Capital Improvement Plan.

(2) Municipality Uses. State law provides that the City of Stuart, Town of Sewall's Point, Town of Jupiter Island, and Town of Ocean Breeze are to receive a share of the Surtax revenues in accordance with the terms of any interlocal agreement entered into between the Martin County Board of County Commissioners as the governing bodies of the municipalities representing a majority of Martin County's municipal population or, in the absence of an interlocal agreement, in accordance with the state revenue sharing formula set forth in Section 218.62, Florida Statutes. Municipalities may only spend their share of the Surtax revenues in accordance with Section 212.055(2) Florida Statutes.

SECTION 7. AUTHORIZATION, DIRECTION AND REFERENDUM PROCEDURE. The Supervisor of Elections for Martin County, Florida, is authorized and directed to place the referendum question on the ballot for the August 29, 2017 Election. The referendum shall be held and conducted in the manner prescribed by law. The results shall be canvassed by the Martin County Canvassing Board as soon as practicable. The Supervisor of Elections shall prepare and file results of such referendum and shall deliver the same to Martin County Board of County Commissioners as the governing body of Martin County, Florida. Such results shall show the number of qualified electors who voted in said referendum and the number of votes cast respectively for and against the sales tax surcharge.

SECTION 8. AMENDMENT. After approval by the electorate of the proposed levy of the sales tax at the referendum called for in Section 3, any amendment to or revision or repeal of Section 2, 6, or this subsection 8, and any repeal of this ordinance in its entirety, shall take effect only upon approval thereof by a majority of the electors of Martin County voting in a subsequent referendum called for that purpose.

SECTION 9. REFERENDUM RESULTS. If a majority of the votes cast at such referendum in respect to the Surtax shall be "For the One cent Sales Tax," such Surtax shall be approved and the Surtax shall thereupon be levied from and including January 1, 2018 and shall continue in full force and effect through and including December 31, 2027.

SECTION 10. AUTHORIZING NECESSARY ACTION. The County hereby authorizes the proper officials to do all things deemed necessary in connection with the holding of the referendum and the levy of the Surtax, if approved, to the extent provided by law and in this Ordinance.

SECTION 11. CONFLICTING PROVISIONS; REPEALING CLAUSE. County ordinances and County resolutions, or parts thereof, in conflict with this Ordinance are hereby superseded by this Ordinance to the extent of such conflict.

SECTION 12. SEVERABILITY. If any word, phrase, clause, sentence or paragraph of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this Ordinance of any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

SECTION 13. APPLICABILITY OF ORDINANCE. This Ordinance shall be applicable throughout Martin County's jurisdiction.

SECTION 14. FILING WITH DEPARTMENT OF STATE AND DEPARTMENT OF REVENUE. The Clerk shall be and is hereby directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

The Clerk is further directed to send a certified copy of this Ordinance to the Department of Revenue.

SECTION 15. EFFECTIVE DATE. This Ordinance shall take effect immediately upon filing with the Department of State.

DULY PASSED AND ADOPTED THIS 20th DAY OF JUNE, 2017.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

**CAROLYN TIMMANN, CLERK
OF THE CIRCUIT COURT AND
COMPTROLLER**

DOUG SMITH, CHAIR

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

**SARAH W. WOODS
COUNTY ATTORNEY**

EXHIBIT "A"

ORDINANCE NUMBER 1024

NOTICE OF A ONE-CENT SALES SURTAX REFERENDUM FOR COUNTY INFRASTRUCTURE IN MARTIN COUNTY, FLORIDA ON AUGUST 29, 2017

NOTICE IS HEREBY GIVEN THAT A REFERENDUM WILL BE HELD AT THE ELECTION ON AUGUST 29, 2017, IN MARTIN COUNTY, FLORIDA (the "COUNTY") REGARDING THE FOLLOWING QUESTIONS:

AUGUST 29, 2017
OFFICIAL BALLOT
MARTIN COUNTY, FLORIDA

ONE CENT SALES SURTAX FOR WATER QUALITY, ROADS, INFRASTRUCTURE REHABILITATION, AND FACILITIES PROJECTS

IN ORDER TO PROTECT THE ENVIRONMENT AND SAFEGUARD MARTIN COUNTY'S QUALITY OF LIFE, SHALL MARTIN COUNTY LEVY AN ADDITIONAL ONE CENT SALES SURTAX FOR 10 YEARS TO PROVIDE FUNDING FOR: WATER QUALITY PROJECTS THAT REDUCE POLLUTANTS TO OUR ESTUARIES; PROJECTS TO CONSTRUCT AND RECONSTRUCT COUNTY FACILITIES INCLUDING SHERIFF, FIRE RESCUE, AND PUBLIC WORKS FACILITIES; AND FOR RECONSTRUCTION OF ROAD INFRASTRUCTURE? PROJECTS SUBJECT TO ANNUAL REVIEW AND APPROVAL AT A PUBLIC HEARING.

_____ "FOR THE ONE CENT SALES TAX"

_____ "AGAINST THE ONE CENT SALES TAX"

All as more specifically described and provided in Ordinance 1024, adopted by a majority of the Martin County Board of County Commissioners as the governing body of Martin County, Florida on June 20, 2017 (the "Ordinance").

[INSERT FULL TEXT OF SURTAX ORDINANCE]

All qualified electors residing within the County shall be entitled, qualified, and permitted to vote at such referendum.

THIS NOTICE EXECUTED AND DATED THIS ____ DAY OF _____, 2017.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK
OF THE CIRCUIT COURT AND
COMPTROLLER

DOUG SMITH, CHAIR

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

SARAH W. WOODS
COUNTY ATTORNEY

PUBLISH: The Stuart News

DATES: July 24, 2017 and August 7, 2017

NOTE TO PUBLISHER:

Send billing and Affidavit of Publication to:

Martin County Commissioners
Accounting Department
P.O. Box 9016
Stuart, Florida 34995-9016