

## RESOLUTION 22-105

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, REPEALING AND REPLACING RESOLUTION 20-78 ESTABLISHING THE WILD SPACES PUBLIC PLACES CITIZEN OVERSIGHT BOARD; ESTABLISHING A SURTAX REVENUE OVERSIGHT BOARD; ESTABLISHING A SUNSET DATE; ESTABLISHING THE MEMBERSHIP OF THE OVERSIGHT BOARD; ESTABLISHING THE RESPONSIBILITIES AND DUTIES OF THE OVERSIGHT BOARD; PROVIDING FOR THE TERM OF THE OVERSIGHT BOARD; ESTABLISHING PROCEDURES FOR THE CONDUCT OF MEETINGS AND OPERATION; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on May 10, 2016, the Board of County Commissioners of Alachua County (“Board”) adopted Ordinance 16-06 to impose a voter approved local government infrastructure surtax (the “Wild Spaces Public Places Surtax”) to be utilized by Alachua County and the municipalities within Alachua County to acquire and improve conservation lands and create, improve and maintain parks and recreational facilities within Alachua County; and

**WHEREAS**, a referendum on said surtax was held on November 8, 2016, and the voters of Alachua County approved the Wild Spaces Public Places Surtax; and

**WHEREAS**, the ballot language for the referendum calls for ‘Citizen Oversight’; and

**WHEREAS**, on March 28, 2017, the Board adopted Resolution 17-36 to establish the Wild Spaces Public Places Citizen Oversight Committee; and

**WHEREAS**, on August 11, 2020, the Board amended its Wild Spaced Public Places Citizen Oversight Committee Policy by repealed and replaced Resolution 17-36 with Resolution 20-78; and

**WHEREAS**, the Board now wishes to further amend the membership and scope of duties of the Citizen Oversight Board by repealing and replacing Resolution 20-78 with this Resolution; and

**WHEREAS**, on March 22, 2022, the Board adopted Ordinance No 2022-08, which, if approved by the electorate of Alachua County at the referendum to be held on November 08, 2022, will repeal and replace the Wild Spaced Public Places Surtax with a new 1.0 cent Infrastructure Surtax (the “New Local Government Infrastructure Surtax”); and

**WHEREAS**, this Resolution shall apply to the Wild Spaces Public Places Surtax and, if approved by referendum on November 8, 2022, then it also shall automatically become applicable to the New Local Government Infrastructure Surtax.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:**

**Section 1. Recitals.** The Board finds that the recitals set forth above are true and correct and are hereby incorporated into this Resolution.

**Section 2. Oversight Board Established.** The Board of County Commissioners of Alachua County, Florida (Board) hereby establishes the Local Government Infrastructure Surtax Citizen Oversight Board (Oversight Board).

**Section 3. Sunset.** The Oversight Board will sunset when the funds generated by the Wild Spaces Public Places Surtax and, if approved by referendum, the funds generated by the New Local Government Infrastructure Surtax, are fully expended. As used herein, the surtax revenue generated by the Wild Spaces Public Places Surtax and the New Local Government Infrastructure Surtax shall collectively be referred to herein as the "Surtax Revenue".

**Section 4. Membership and Qualifications.** The Oversight Board shall consist of no more than seven (7) voting members plus three (3) alternate members and shall serve staggering four-year terms. All members must be residents of Alachua County. Four (4) of the members plus one (1) alternate will be appointed by the County, two will be Citizen at Large positions, one will be an Auditor or Accountant, and one will be a Florida licensed professional such as an architect or engineer; two (2) of the members plus one (1) alternate shall reside within the Gainesville city limits and will be appointed by the City of Gainesville; and one (1) of the members plus one (1) alternate will be recommended by the eight remaining incorporated cities and appointed by the County. Members may not be County or municipal elected officials or employees.

**Section 5. Oversight Board Liaison.** The County Manager shall appoint a County staff employee to serve as the staff of, and liaison to, the Oversight Board. The liaison shall be responsible for assisting the Chair of the Oversight Board in preparing and distributing meeting agenda, and shall be responsible for noticing all meetings, taking and preparing minutes of all meetings, serving as staff to the Oversight Board, providing reports to the Board, and any other duties and responsibilities designated by the County Manager.

**Section 6. Responsibilities and Duties.** The responsibility of the Oversight Board shall be to:

1. Assure citizens and elected officials that all Surtax Revenues, including those expended by the County and each municipality, are expended only for the purposes authorized by Ordinance 16-07 and Ordinance 2022-08, respectively.
2. Track overall expenditure of the Surtax Revenues.
3. The Oversight Board may perform a pre-expenditure review of proposed Surtax Revenue expenditures and projects at the request of the municipalities or the County and advise them if they are surtax eligible.
4. The Oversight Board shall review Surtax Revenue expenditures and shall provide a written financial report of said expenditures for presentation to the Board on at least a quarterly basis. The Oversight Board Liaison shall be responsible for presenting the Oversight Board's financial report to the Board.
5. If the Oversight Board believes that a project or expenditure of a municipality or the County is not eligible use of Surtax Revenue or that additional information is

necessary to make a determination, the Oversight Board may perform an in-depth audit of the expenditure(s) and request that the municipality or County making the expenditure provide additional supporting documentation. If the Oversight Board determines that Surtax Revenue was expended on ineligible project or use, the Oversight Board Liaison shall notify the staff of the offending municipality or County and advise them of the deficiencies to allow the appropriate staff to review and correct issues associated with the expenditure. If the offending municipality or County does not report to the Oversight Board, by the next regularly scheduled Oversight Board meeting, the steps being taken to remedy the identified deficiencies, then the Oversight Board may immediately report its findings to the Board of County Commissioners, as well as the governing body of the offending municipality, if applicable. If the Oversight Board finds that the municipality or the County is not taking appropriate steps to remedy the identified deficiencies, then the Oversight Board may immediately report its findings to the Board of County Commissioners, as well as the governing body of the offending municipality, if applicable. If the Board of County Commissioners determines that Surtax Revenue was inappropriately used for ineligible expenditures, the Board of County Commissioners shall demand repayment and may take all steps necessary to effectuate that demand.

6. The Oversight Board Liaison shall request that the municipalities and County must certify annually to the Oversight Board that there was an audit of the prior fiscal year's Surtax Revenue expenditures and there were no findings.

**Section 7. Operations.** The Oversight Board shall comply with this Alachua County Oversight Board Policy and the *Rules of Procedure for Meetings of the Alachua County Board of County Commissioners*. The Oversight Board may adopt by-law to the extent they do not conflict with this Resolution or *Rules of Procedure for Meetings of the Alachua County Board of County Commissioners*.

1. **Elections.** The Oversight Board shall annually elect one of its members as Chair, and such other officers as the Oversight Board deems necessary to meet its needs. Vacancies in offices shall be filled by election at the next regular meeting following the date the vacancy occurred.
2. **Meetings.** Meetings of the Oversight Board or any subcommittee thereof, shall be open to the public and the media and shall be conducted in compliance with the Sunshine Law, Section 286.011, Florida Statutes. The County Manager or his or her designee shall produce minutes of the meetings which shall be submitted to the Oversight Board for approval. The Oversight Board shall meet at least once per quarter, or more often as necessary.

The Chair shall preside and conduct meetings of the Oversight Board according to the *Rules of Procedure for Meetings of Alachua County Board of County Commissioners*.

3. **Agenda.** The Chair shall be responsible for the meeting agenda. The County Manager or designee shall serve as staff liaison to the Oversight Board and shall aid in preparing and distributing the agenda prior to the meeting. The County Manager or designee, or any member of the Oversight Board may place an item on the agenda by notifying the Chair prior to the preparation of the agenda.

4. Subcommittees. Subcommittees comprised of members of the Oversight Board may be appointed by the Chair.
5. Quorum. A quorum will consist of no less than four members or alternate members. Recommendations and decision of the Oversight Board must be made by a majority vote of those present and voting.
6. Attendance. The attendance policy for the Oversight Board shall be in accordance with the attendance policy for boards and committees set forth in the Alachua County Commission's Rules of Procedure.
7. Compensation. Members of the Oversight Board shall receive no compensation for the performance of their duties and responsibilities.
8. Reports. The Oversight Board will compile information received from the County and municipalities. The Oversight Board will provide a final report prior to ceasing operations. The Oversight Board shall copy all reports and communications to the County Manager or designee for forwarding to the Chair of the County Commission. Any Oversight Board reports required by the Alachua County Commission's Rules of Procedure shall be submitted in accordance with said Rules.

**Section 8. Repeal.** Resolution 20-78, and any other resolution in conflict with this Resolution, is hereby repealed.

**Section 9. Effective Date.** This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session this 13th day of September, A.D., 2022.

BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA

By: \_\_\_\_\_  
Marihelen Wheeler, Chair

ATTEST:

APPROVED AS TO FORM

\_\_\_\_\_  
J.K. Jess Irby, Clerk

(SEAL)

\_\_\_\_\_  
Alachua County Attorney