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ORDINANCE 5, 2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING CHAPTER 2. ADMINISTRATION. AT ARTICLE III. BOARDS AND COMMITTEES; CREATING A NEW DIVISION 4. TO BE ENTITLED BUDGET OVERSIGHT REVIEW BOARD.; ESTABLISHING A NEW BUDGET OVERSIGHT REVIEW BOARD AND INCLUDING MEMBERSHIP REQUIREMENTS, MEETING SCHEDULE, AND POWERS AND DUTIES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 2. ADMINISTRATION. SHALL REMAIN THE SAME AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Palm Beach Gardens initially created the Budget Oversight Committee by Resolution 121, 2004 and recently re-established the Budget Oversight Committee by Resolution 28, 2016; and

WHEREAS, the City Council of the City of Palm Beach Gardens desires to dissolve the Budget Oversight Committee and replace it with the Budget Oversight Review Board and provide additional powers and duties, including the review of proposed operating and capital improvement budgets, the review of spending plans, the provision of recommendations to City Council, and oversight of the expenditure of the One-Cent Sales Surtax funds; and

WHEREAS, the City staff recommends that Chapter 2. Administration. be amended to accomplish this purpose; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Palm Beach Gardens and the public at large.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA that:

SECTION 1. Chapter 2. Administration. of the Code of Ordinances of the City of Palm Beach Gardens, Florida is hereby amended to create a new Division 4. Budget Oversight Review Board., providing that the new Division 4. shall hereafter read as follows:

1 **DIVISION 4. BUDGET OVERSIGHT REVIEW BOARD.**

2

3 **Sec. 2-125. Creation.**

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5 There is hereby created the Budget Oversight Review Board.

6

7 **Sec. 2-126. Purpose.**

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9 The purpose of the Budget Oversight Review Board is to provide citizen input for the
10 budget process and to act as an advisory and reporting body regarding the expenditure
11 of the one cent sales surtax funds.

12

13 **Sec. 2-127. Powers and duties.**

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15 The Budget Oversight Review Board shall have the following powers and duties:

16

17 (1) Review the proposed operating and capital improvements budget as prepared by
18 staff.

19

20 (2) Request information from staff in order to analyze the proposed operating and
21 capital improvement budget.

22

23 (3) Review the recommended spending plan for compliance with current adopted
24 financial policies, i.e., fund balance levels, debt service coverage, etc.

25

26 (4) Make a recommendation to Council during the budget adoption process regarding
27 the proposed operating and capital improvement budget, as submitted.

28

29 (5) Review the expenditure of the one cent sales surtax funds.

30

31 **Sec. 2-128. Membership.**

32

33 The Budget Oversight Review Board shall consist of five (5) regular members. All
34 appointments shall be for a term of three (3) years from their appointment date, which
35 shall be by Resolution .

36

37 Members of the Budget Oversight Review Board shall:

38

39 (1) Be either a resident of the City of Palm Beach Gardens, or the owner and/or
40 operator of a business within the City; and

41

42 (2) Possess considerable experience in a financial-related discipline, such as banking,
43 finance/accounting, management/management consulting, or be a small business
44 owner.

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1 **Sec. 2-129. Meetings.**

2 Meetings shall convene no less often than one per month; however, meetings may
3 be cancelled if there is insufficient business for the board's consideration.

4

5 **Secs. 2-130. – 2-134. Reserved.**

6

7 **SECTION 2.** All ordinances or parts of ordinances in conflict be and the same are
8 hereby repealed.

9

10 **SECTION 3.** Should any section or provision of this Ordinance or any portion
11 thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction
12 to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

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14 **SECTION 4.** Specific authority is hereby given to codify this Ordinance.

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16 **SECTION 5.** This Ordinance shall become effective immediately upon adoption.

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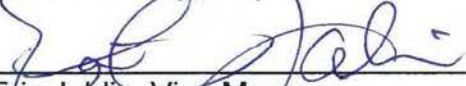


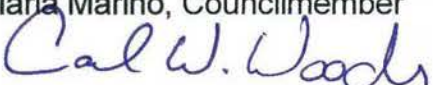
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PASSED this 5th day of January, 2017, upon first reading.

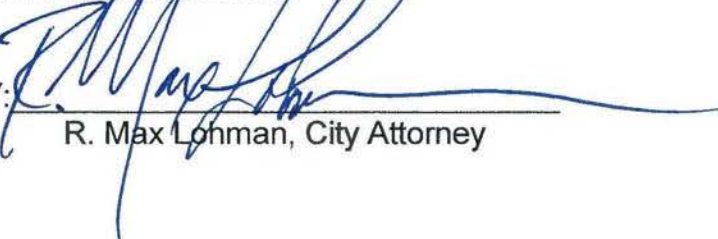
PASSED AND ADOPTED this 9th day of FEBRUARY, 2017, upon second and final reading.

CITY OF PALM BEACH GARDENS	FOR	AGAINST	ABSENT
BY: <u></u> Marcie Tinsley, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u></u> Eric Jablin, Vice Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u></u> Robert G. Premuroso, Councilmember	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u></u> Maria Marino, Councilmember	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u></u> Carl Woods, Councilmember	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

BY: 
Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: 
R. Max Lonman, City Attorney



BACKGROUND: On November 8, 2016, Palm Beach County voters approved a ballot issue to enact a One-Cent Infrastructure Sales Surtax to pay for acquisition or improvements to public infrastructure. This additional tax, which went into effect January 1, 2017, will be in place for up to ten (10) years, and is projected to raise approximately \$2.69 billion for infrastructure investment, repairs, renovations, or improvements, and is to be shared among Palm Beach County, the Palm Beach County School District, and the thirty-nine (39) Palm Beach County municipalities. The City of Palm Beach Gardens' estimated share of the tax over ten (10) years is \$35.6 million.

The ballot question approved by the voters required independent oversight of the disbursement of the One-Cent Infrastructure Sales Surtax by citizen committees. To comply with this requirement, the City of Palm Beach Gardens is modifying the existing Budget Oversight Committee by enacting this Ordinance to create a Budget Oversight Review Board. The powers and duties of the Board are set forth in the Ordinance, and include oversight of the expenditure of the One-Cent Infrastructure Sales Surtax to ensure compliance with statutory rules and regulations governing the use of the funds.

CITY COUNCIL: On January 5, 2017, the City Council approved Ordinance 5, 2017 on first reading by a vote of 5 to 0.

STAFF RECOMMENDATION: Staff recommends approval of Ordinance 5, 2017 as presented on second and final reading.