

RESOLUTION NO. 19-074R

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA CREATING FUND 147 - TRANSPORTATION SALES SURTAX TRUST FUND; ESTABLISHING THE PERCENTAGE DISTRIBUTION FOR THE USE OF THE PROCEEDS; AMENDING THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Osceola County, Florida (the "Board") has adopted Ordinance No. 2019-19, authorizing the levying of a one percent charter county transportation sales surtax in accordance with section 212.055(1), Florida Statutes, for the purpose of funding transportation facilities and services in Osceola County, subject to referendum approval by a majority of the electorate of Osceola County; and

WHEREAS, the development, construction and operation of additional transportation facilities and services will ensure that Osceola County (the "County") continues to be a premier place to live, attractive as a location for existing employment, ideal location for new targeted employment opportunities, and a leading destination for existing and developing tourism opportunities; and

WHEREAS, a dedicated local revenue source, such as the Transportation Sales Surtax, is essential to funding the development, construction and operation of additional transportation facilities and services in the County, which will insure the health, safety and welfare of the citizens; and

WHEREAS, the Board desires to adopt Resolution No. 19-074R identifying its intent as it relates to spending of the proposed Transportation Sales Surtax proceeds and amending the 2019-2023 five-year Capital Improvement Plan as detailed in Appendix A; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA;

SECTION 1. TRANSPORTATION SALES SURTAX LEVY.

(A) On February 18, 2019, the Board approved Ordinance 2019-19 authorizing a single-question ballot special referendum to the Osceola County electorate to be held on May 21, 2019.

(B) The approved question for the ballot is as follows:

Should transportation facilities and services be funded throughout Osceola County, including projects that improve roads and bridges, expand public transit options, fix potholes, enhance bus services, relieve rush hour bottlenecks, improve intersections, and make walking and biking safer by levying a one-cent sales surtax for 30 years?

SECTION 2. CREATION OF TRUST FUND. The Board hereby establishes a trust fund, Fund 147 - Transportation Sales Surtax Trust Fund, into which all revenues generated from the levy of the Transportation Sales Surtax shall be deposited, if approved. Monies on deposit into Fund 147 shall be restricted for the purposes described in the ballot language.

SECTION 3. USE OF TRANSPORTATION SALES SURTAX PROCEEDS.

(A) Proceeds of the Transportation Sales Surtax shall be used for the purpose of funding transportation facilities and services in the incorporated and unincorporated areas of the County as permitted by section 212.005(1), Florida Statutes, as amended from time to time. Expenditures of said funds are further restricted to the specific uses identified in the ballot language as noted in Section 1 (B).

(B) Expenditure of the proceeds from the levy of the Transportation Sales Surtax shall be expended in accordance with the following:

- (1) A minimum of 75% of the proceeds will be spent on activities that support the following items: improve roads and bridges, fix potholes, relieve rush hour bottlenecks, improve intersections, and make walking and biking safer.
- (2) No more than 25% of the proceeds will be spent on activities that support the following items: expand public transit options and enhance bus services.

SECTION 4. ADOPTION OF AMENDMENT TO THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN (CIP).

(A) Amends the 2019-2023 Five-Year Capital Improvement Plan identifying the priority projects for roads and intersections pending the levy of the Transportation Sales Surtax.

(B) Appendix A attached hereto, and made a part hereof, includes the priority projects totaling more than \$690 million for Fund 147, solely or in combination with other sources such as Mobility Fees and State & Federal grant dollars. In addition, Appendix A. stipulates that \$400 million in debt, secured by the Transportation Sales Surtax proceeds (Fund 147), will need to be issued, \$200 million in FY21 and \$200 million in FY23, to fund the priority projects, along with the other sources mentioned herewith.

(C) Should the Transportation Sales Surtax levy be approved, the CIP will be further amended as additional projects are moved forward, cost estimates refined pending design / engineering, and opportunities to leverage other funding sources (Mobility Fees and State / Federal grant dollars) are identified.

(D) It is hereby found and determined that the capital projects authorized by the 2019-2023 Capital Improvement Plan, as amended, is required for infrastructure and facilities necessary for essential public purposes affecting the health, welfare and safety of the inhabitants of Osceola County or which are legally mandated by applicable law.

SECTION 2. CONFLICTS AND SEVERABILITY. All sections or parts of section of all resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict. If any section, subsection, sentence, clause or provisions of this Resolution is held unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding shall not affect the remainder of the Resolution.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED this 6th day of May, 2019.

BOARD OF COUNTY COMMISSIONERS
OF OSCEOLA COUNTY, FLORIDA

By: _____
Chair/Vice Chair

ATTEST:
OSCEOLA COUNTY CLERK OF THE BOARD

By: _____
Clerk/ Deputy Clerk of the Board

As authorized for execution at the Board of
County Commissioners meeting of:
