

THROUGH THESE DOORS WALK ONLY THE FINEST PEOPLE – THE CITIZENS OF ESCAMBIA COUNTY. DECISIONS ARE MADE IN THIS ROOM AFFECTING THE DAILY LIVES OF OUR PEOPLE. DIGNIFIED CONDUCT IS APPRECIATED.

CHAMBER RULES

1. IF YOU WISH TO SPEAK, YOU WILL BE HEARD.
2. YOU MUST SIGN UP TO SPEAK. SIGN-UP SHEETS ARE AVAILABLE AT THE BACK OF THE ROOM.
3. YOU ARE REQUESTED TO KEEP YOUR REMARKS BRIEF AND FACTUAL.
4. BOTH SIDES ON AN ISSUE WILL BE GRANTED UNIFORM/MAXIMUM TIME TO SPEAK.
5. DURING QUASI-JUDICIAL HEARINGS (I.E., REZONINGS), CONDUCT IS VERY FORMAL AND REGULATED BY SUPREME COURT DECISIONS. VERBAL REACTION OR APPLAUSE IS NOT APPROPRIATE.

PLEASE NOTE THAT ALL BCC MEETINGS ARE RECORDED AND TELEVISED

AGENDA

Board of County Commissioners
Special Meeting –November 19, 2012– 10:30 a.m.
Governmental Complex – First Floor

1. Call to Order.

(PLEASE TURN YOUR CELL PHONE TO THE VIBRATE, SILENCE, OR OFF SETTING)

2. Invocation
3. Pledge of Allegiance to the Flag.
4. Did the Clerk's Office receive the proofs of publication for the Special Board Meeting and the 10:30 a.m., Public Hearing on the Agenda?
5. Opening remarks - Chairman: Anyone wishing to speak needs to fill out a Speaking Request Form.
6. Recommendation Concerning the Sector Plan Road Improvement Funding - Joy D. Blackmon, P.E., Public Works Department Director

That the Board take the following action concerning the Sector Plan Road Improvement Funding:

A. Approve the completion of 30% design of Quintette Road, Well Line Road, and Kingsfield Road and authorize staff to pursue right of way acquisition for all three roads; and

B. Approve extending the December 1, 2012, development group deadline beyond the 2013 Florida Legislative Session for future alternative funding possibilities including Public/Private Partnerships;

OR

C. Transfer the remaining funding back to the Bridge Renovation Replacement Fund.

[Funding: Fund Number 352, LOST (Local Option Sales Tax) III, Cost Center 210107, Project Number 13EN2188]

7. 10:30 a.m. Public Hearing for consideration of adopting a Four (4) Cent Local Option Fuel Tax Ordinance.

Recommendation: That the Board adopt an Ordinance establishing a four (4) cent Local Option Fuel Tax on motor fuel as a dedicated funding source for public transportation and mass transit services.

8. Recommendation Concerning an Interlocal Agreement by and Among Escambia County, the City of Pensacola, and the Town of Century for Levying the Additional Four-Cent Local Option Fuel Tax (LOFT) - Alison P. Rogers, County Attorney

That the Board approve an Interlocal Agreement for Distribution of the Additional Four (4) Cent Local Option Fuel Proceeds by and among Escambia County, the City of Pensacola, and the Town of Century whereby Escambia County imposes an additional four-cent Local Option Fuel Tax (LOFT) on every gallon of motor fuel, excluding diesel fuel, sold in the County for transportation purposes and initiatives.

9. Adjourn.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Special BCC Meeting

6.

Meeting Date: 11/19/2012

Issue: Sector Plan Road Improvement Funding

From: Joy D. Blackmon, P.E., Department Director

Organization: Public Works

CAO Approval:

Information

RECOMMENDATION:

Recommendation Concerning the Sector Plan Road Improvement Funding - Joy D. Blackmon, P.E., Public Works Department Director

That the Board take the following action concerning the Sector Plan Road Improvement Funding:

A. Approve the completion of 30% design of Quintette Road, Well Line Road, and Kingsfield Road and authorize staff to pursue right of way acquisition for all three roads; and

B. Approve extending the December 1, 2012, development group deadline beyond the 2013 Florida Legislative Session for future alternative funding possibilities including Public/Private Partnerships;

OR

C. Transfer the remaining funding back to the Bridge Renovation Replacement Fund.

[Funding: Fund Number 352, LOST (Local Option Sales Tax) III, Cost Center 210107, Project Number 13EN2188]

BACKGROUND:

Approved on 5/17/12 to extend the deadline for the Kingsfield/Well Line/Quintette Road Extension project until September 1, 2012 and again on 8/23/12 to extend the deadline for the Kingsfield/Well Line/Quintette Road Extension project until December 1, 2012, to allow the Development Group (Classic Home Builders, Inc., Longview Plantation I, LLC, and DDJ Land Company, LLC) to propose alternate funding mechanisms for costs in excess of the \$6,000,000 pledged by the County (for construction/reconstruction of roadways within the Northwest Sector Plan) and request Developers to review staff recommendation(s); however, directing the County Administrator to resume the design and permitting process for these roads.

BUDGETARY IMPACT:

N/A

LEGAL CONSIDERATIONS/SIGN-OFF:

N/A

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

N/A

IMPLEMENTATION/COORDINATION:

N/A



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Special BCC Meeting

7.

Meeting Date: 11/19/2012

Issue: 10:30 a.m. Public Hearing - Adoption of a Four (4) Cent Local Option Fuel Tax Ordinance

From: Ryan E. Ross, Assistant County Attorney

Organization: County Attorney's Office

CAO Approval:

Information

RECOMMENDATION:

10:30 a.m. Public Hearing for consideration of adopting a Four (4) Cent Local Option Fuel Tax Ordinance.

Recommendation: That the Board adopt an Ordinance establishing a four (4) cent Local Option Fuel Tax on motor fuel as a dedicated funding source for public transportation and mass transit services.

BACKGROUND:

At its November 8, 2012 Committee of the Whole Workshop, the Board approved the scheduling of a Special Board of County Commissioners meeting on November 19, 2012 to hold a public hearing for consideration of adopting a four (4) cent Local Option Fuel Tax on motor fuel. The Board will use tax revenues as a dedicated funding source for public transportation and mass transit services. The Board will also negotiate related interlocal agreements with affected municipalities within Escambia County.

BUDGETARY IMPACT:

Escambia County staff estimates that the local option fuel tax will generate approximately \$4.0 million in annual revenues.

LEGAL CONSIDERATIONS/SIGN-OFF:

Ryan E. Ross, Assistant County Attorney, drafted the attached Ordinance.

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

N/A

IMPLEMENTATION/COORDINATION:

N/A

Attachments

Draft Ordinance

34 **WHEREAS**, pursuant to Section 336.025(1)(b), Florida Statutes (2012), the
35 Board has the authority to levy a four (4) cent local option fuel tax to act as a dedicated
36 funding service for ECAT; and

37
38 **WHEREAS**, for the aforementioned reasons, the Board finds that levying this
39 local option fuel tax would allow the Board to continue operating ECAT and therefore
40 significantly advances the public health, safety, and welfare of the residents of
41 Escambia County.

42
43 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
44 **COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:**

45
46 **SECTION 1.** **RECITALS.**
47

48 The aforementioned recitals are hereby incorporated into this ordinance as a
49 statement of the legislative intent of the Board of County Commissioners in enacting this
50 ordinance.

51
52 **SECTION 2.** **LEVY OF FOUR-CENT LOCAL OPTION FUEL TAX.**

53 Chapter 90, Article V, Section 90-207 of the Escambia County Code of
54 Ordinances is hereby created as follows:

55 **Section 90-207. Additional Four-Cent Local Option Fuel Tax.**

56 (a) *Legislative findings.* The Escambia County Board of County
57 Commissioners hereby finds as follows in support of this adopting this section:

58 (1) The Board of County Commissioners finds that it has authority to
59 adopt and levy a four (4) cent local option fuel tax pursuant to Section 336.025(1)(b),
60 Florida Statutes, and that any such local option fuel tax is in addition to any other fuel
61 taxes levied by the County under federal, state, or local law.

62 (2) The Board of County Commissioners further finds that using
63 moneys received pursuant to this section as a public transportation funding source is
64 necessary to meet the requirements of the capital improvements element and the mass
65 transit element of the Escambia County Comprehensive Plan.

66 (3) The Board of County Commissioners further finds that using
67 moneys received pursuant to this section as a public funding transportation funding
68 source is necessary to meet immediate local transportation problems and for other
69 transportation-related expenditures.

70 (b) *Imposition of local option fuel tax.* There is hereby imposed a \$0.04 local
71 option fuel tax upon every gallon of motor fuel sold in Escambia County and taxed
72 under the provisions of part I of chapter 206, Florida Statutes (2012).

73 (c) *Use of funds.* All moneys received pursuant to this section shall be used
74 solely to fund, provide, and operate public transportation and mass transit systems and
75 services in Escambia County.

76 (d) *Distribution pursuant to interlocal agreement.* Proceeds of the tax hereby
77 imposed shall be divided and distributed by the state department of revenue, in
78 accordance with the terms of any applicable interlocal agreement entered into between
79 Escambia County and one or more of the municipalities located within Escambia County
80 and the City of Pensacola, the municipality representing a majority of the population of
81 the incorporated area within Escambia County. The distribution formula in the interlocal
82 agreement shall provide for distribution of the entire proceeds of the local option fuel tax
83 among the county government and all eligible municipalities within Escambia County.

84 (e) *Duration.* The tax hereby imposed is effective from January 1, 2014 and
85 is for an indefinite duration unless rescinded as provided for by Florida law.

86

87 **SECTION 3. SEVERABILITY.**

88

89 It is declared the intent of the Board of County Commissioners that if any
90 subsection, clause, sentence, provision or phrase of this Ordinance is held to be invalid
91 or unconstitutional by a Court of competent jurisdiction, such invalidity or
92 unconstitutionality shall not be so construed as to render invalid or unconstitutional the
93 remaining provisions of this Ordinance.

94

95

96 **SECTION 4. INCLUSION IN THE CODE.**
97

98 It is the intention of the Board of County Commissioners that the provisions of
99 this Ordinance shall become and be made a part of the Escambia County Code; and
100 that the sections of this Ordinance may be renumbered or re-lettered and the word
101 "ordinance" may be changed to "section," "article," or such other appropriate word or
102 phrase in order to accomplish such intentions.

103
104 **SECTION 5. EFFECTIVE DATE.**

105 This Ordinance shall become effective upon its filing with the Department of
106 State.

107 DONE AND ENACTED THIS ____ DAY OF _____, 2012.

108 BOARD OF COUNTY COMMISSIONERS
109 ESCAMBIA COUNTY, FLORIDA

110
111
112
113 ATTEST: ERNIE LEE MAGAHA BY: _____
114 Clerk to the Circuit Court Wilson B. Robertson, Chairman

115
116 BY: _____
117 Deputy Clerk

118 (Seal)
119 Enacted: Filed with Department of State:
120 Effective:

- 121
- 122
- 123 Commissioner Wilson B. Robertson, Chairman, District One ___ Yes ___ No
- 124 Commissioner Gene M. Valentino, Vice-Chairman, District Two ___ Yes ___ No
- 125 Commissioner Marie Young, District Three ___ Yes ___ No
- 126 Commissioner Grover C. Robinson, IV, District Four ___ Yes ___ No
- 127 Commissioner Kevin W. White, District Five ___ Yes ___ No

128



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Special BCC Meeting

8.

Meeting Date: 11/19/2012

Issue: Interlocal Agreement By and Among Escambia County, City of Pensacola, and the Town of Century for Levying the Additional Four-Cent LOFT

From: Alison P. Rogers, County Attorney

Organization: County Attorney's Office

CAO Approval:

Information

RECOMMENDATION:

Recommendation Concerning an Interlocal Agreement by and Among Escambia County, the City of Pensacola, and the Town of Century for Levying the Additional Four-Cent Local Option Fuel Tax (LOFT) - Alison P. Rogers, County Attorney

That the Board approve an Interlocal Agreement for Distribution of the Additional Four (4) Cent Local Option Fuel Proceeds by and among Escambia County, the City of Pensacola, and the Town of Century whereby Escambia County imposes an additional four-cent Local Option Fuel Tax (LOFT) on every gallon of motor fuel, excluding diesel fuel, sold in the County for transportation purposes and initiatives.

BACKGROUND:

The County will use the additional revenue generated from the levy of the four-cent local option fuel tax for transportation purposes in Escambia County. This additional levy is intended to facilitate a dedicated funding source to provide public transportation in the county.

BUDGETARY IMPACT:

There are no negative budgetary impacts. This will increase transportation related revenues.

LEGAL CONSIDERATIONS/SIGN-OFF:

This Interlocal Agreement was approved by County Attorney Alison P. Rogers.

PERSONNEL:

N/A

POLICY/REQUIREMENT FOR BOARD ACTION:

Sections 206.41 (1)(e) and 336.025, Fla. Stat. (2012), permits governmental units to levy an additional one to five cents upon every gallon of motor fuel excluding diesel fuel countywide. This tax shall be levied by an Ordinance, and a majority plus one vote of the Board or by voter approval by a countywide referendum.

IMPLEMENTATION/COORDINATION:

The City of Pensacola and the Town of Century will receive and be asked to execute the Interlocal Agreement regarding the funding distribution of the tax.

Attachments

Draft Interlocal Agreement

**INTERLOCAL AGREEMENT FOR
DISTRIBUTION OF THE ADDITIONAL
FOUR (4) CENT LOCAL OPTION FUEL PROCEEDS**

THIS AGREEMENT is made and entered into this ____ of _____, 2012, by and among Escambia County, a political subdivision of the State of Florida, (herein after the "County"), and the City of Pensacola, a municipal corporation of the State of Florida, (herein after the "City"), and the Town of Century, a municipal corporation of the State of Florida, (herein after the "Town").

WHEREAS, Section 206.41 (1)(e), Florida Statutes, authorizes a local option tax on motor fuel, which tax shall be levied and used as provided in Section 336.025, Florida Statutes; and

WHEREAS, this four (4) cent local option fuel tax shall not apply to the sale of diesel fuel; and

WHEREAS, Section 336.025 (1)(b), Florida Statutes, allows the County, by ordinance to enact up to five (5) cents per gallon in local option fuel tax; and

WHEREAS, Section 336.025 (1)(b), Florida Statutes, requires that the tax shall be levied by ordinance adopted by a majority plus one vote of the membership of the governing body of the County or by referendum; and

WHEREAS, Section 336.025 (1)(b)(2), Florida Statutes, provides for an interlocal agreement between the County and one or more municipalities therein to provide for a distribution formula for dividing the entire proceeds of the tax prior to the levy of the tax; and

WHEREAS, Section 336.025 (7)(a), Florida Statutes, provides that transportation expenditures may include "public transportation operations and maintenance"; and

WHEREAS, the County has agreed to assume fiscal responsibility for funding mass transit if City and Town agree to waive their share of the additional four (4) cent local option fuel tax,

NOW THEREFORE, in consideration of the mutual terms and conditions, promises, covenants and payments hereinafter set forth, the receipt and sufficiency of which is hereby acknowledged, County, City and Town agree as follows:

ARTICLE 1
PURPOSE

- 1.1 This agreement is entered into pursuant to Section 336.025, Florida Statutes (2012) for the purpose of determining the distribution among the county government and eligible municipalities of the proceeds of the additional four (4) cent Local Option Fuel Tax which the County intends to levy under the authority of 336.025, Florida Statutes, beginning January 1, 2014, and every year thereafter. The City represents a majority of the population of the incorporated area, within the County.

ARTICLE 2
DISTRIBUTION OF TAX PROCEEDS

2.1 Beginning January 1, 2014, the proceeds of the aforesaid tax shall be distributed as follows:

Escambia County	100.0%
City of Pensacola	0.0%
Town of Century	0.0%

2.2 It is the intent of the City and the Town to waive their rights to receive any proceeds of the aforesaid tax so long as the County retains fiscal responsibility for the local funding for the provision of public bus service in the County.

ARTICLE 3
TERMS OF AGREEMENT

3.1 The term of this agreement shall be co-extensive with the levy of the tax: January 1, 2014 until rescinded.

3.2 A public hearing shall be held every five (5) years to review the terms of the agreement. These public hearings to review the terms of the agreement must be held prior to October 1, 2018 and every fifth year thereafter through the expiration of the tax.

ARTICLE 4
RIGHTS OF HOLDERS OF OUTSTANDING BONDS

4.1 It is the interest of the parties to this agreement that under no circumstances shall the Interlocal Agreement materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by Section 336.025, Florida Statutes (2012), nor shall the amounts distributed to the County Government and each municipality 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 a bond resolution outstanding on the date of the establishment of this Agreement.

ARTICLE 5
NOTICES AND EFFECTIVE DATE

5.1 On or before October 1, 2013, the County shall provide to the State of Florida Department of Revenue certified copies of this Interlocal Agreement and any ordinance which the County adopts imposing the aforesaid tax.

5.2 This Agreement shall become effective when filed in the Office of the Clerk of the Circuit Court for Escambia County.

IN WITNESS WHEREOF, the County, the City and the Town have caused this Agreement to be executed by their authorized representatives on the day and year first written above.

COUNTY:

ESCAMBIA COUNTY, Florida, a political subdivision of the State of Florida acting by and through its authorized Board of County Commissioners.

ATTEST: Ernie Lee Magaha
Clerk of the Circuit Court

By: _____
Wilson B. Robertson, Chairman

Deputy Clerk

Date: _____

Approved as to form and legal sufficiency

BCC Approved: _____

By:  _____
Alison P. Rogers, County Attorney

(Seal)

CITY:

City of Pensacola, a municipal corporation

By: _____
William Reynolds, City Administrator

ATTEST:

Date: _____

By: _____
City Clerk

TOWN:

Town of Century, a Florida municipal corporation acting through its duly authorized Town Council signing by and through its Mayor.

By: _____
Freddie W. McCall, Sr., Mayor

ATTEST:

Date: _____

By: _____
City Clerk

(Seal)