

**BY-LAWS OF  
THE HILLSBOROUGH COUNTY  
TRANSPORTATION SALES SURTAX  
INDEPENDENT OVERSIGHT COMMITTEE  
Adopted August 27, 2019**

- 1.0 INTRODUCTION.** Section 11.10 of the Hillsborough County Charter established the Hillsborough County Transportation Sales Surtax Independent Oversight Committee (the “IOC”) to provide independent oversight of the distribution and expenditure of the Transportation Sales Surtax (the “Surtax”) levied pursuant to Section 11.02 of the Hillsborough County Charter to ensure that the Surtax is successfully implemented.
- 2.0 PURPOSE:** These *By-laws* are adopted by the IOC to govern the performance of the IOC’s duties and to inform the public of the nature of the IOC’s organization, operations and other related matters.
- 3.0 DEFINITIONS:**
- 3.1 AGENCY:** Hillsborough County, Florida (the “County”), each municipality, as defined in F.S. § 165.031, that is located in the County (the “Municipalities”), and the Hillsborough Transit Authority (“HART”) or its successor are each an “Agency” and collectively, the “Agencies.”
- 3.2 AGENCY PROJECT PLAN:** An annual plan of an Agency approved by the governing body of such Agency setting forth the projects, including reasonable detail for each, on which such Agency will expend their distribution of Surtax Proceeds for the following calendar year in accordance with the uses mandated by the Governing Law.
- 3.3 BOARD:** The Board of County Commissioners of Hillsborough County, Florida.
- 3.4 CHARTER AMENDMENT:** The Original Charter Amendment as modified by that certain Amended Final Judgement issued on July 9, 2019, by the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida upon the Complaint for Bond Validation filed by Hillsborough County in Case No. 2019-CA-001382.
- 3.5 CLERK:** the Clerk of the Circuit Court of Hillsborough County, Florida.
- 3.6 COUNTY ORDINANCE:** If enacted by the Board, an ordinance which provides for the use, allocation and distribution of the proceeds of the Surtax in a manner consistent with the will of the electorate of Hillsborough County as expressed by the approval of the ballot measure on November 6, 2018, providing for the Original Charter Amendment.
- 3.7 EMERGENCY:** Any occurrence or threat thereof, whether accidental or natural, caused by man, in war or in peace, which necessitates immediate

action because it results or may result in substantial injury or harm to the public or substantial damage to or loss of property or public funds.

- 3.8 **EXPERT:** An individual who has at least seven years of experience in his or her respective subject matter area, and possesses professional accreditations or degrees that are typical of an expert in his or her respective subject matter area.
- 3.9 **GOOD CAUSE:** A substantial reason which is put forward in good faith.
- 3.10 **GOVERNING LAW:** The Charter Amendment and the County Ordinance.
- 3.11 **INTERESTED PERSON:** Any person who has or may have or who represents any group or entity which has or may have some concern, participation or relation to any matter which will or may be considered by the IOC.
- 3.12 **MEMBER(S):** IOC membership is as provided in these By-laws and the Charter Amendment.
- 3.13 **ORIGINAL CHARTER AMENDMENT:** The amendment to the Hillsborough County Charter provided for in a ballot measure approved by the electorate of Hillsborough County on November 6, 2018.
- 3.14 **PUBLIC HEARING:** A publicly noticed hearing at a meeting of the IOC convened for the purpose of receiving public testimony regarding a specific subject and for the purpose of taking action.
- 3.15 **REGULAR MEETING:** A regularly scheduled meeting of the IOC at which official business may be transacted.
- 3.16 **SPECIAL MEETING:** A meeting of the IOC held at a time other than a regularly scheduled meeting time. Official business may be transacted at a special meeting.
- 3.17 **SURTAX:** The one percent (1%) transportation sales surtax levied pursuant to the Charter Amendment.
- 3.18 **SURTAX PROCEEDS:** All Surtax funds received by the Clerk from the Florida Department of Revenue including any interest and penalties on delinquent taxes.
- 3.19 **WORKSHOP:** A conference where Members are present and are meeting to discuss a specific subject.

#### 4.0 **IOC MEMBERSHIP:**

- 4.1 **TENURE:** Members shall serve terms of three (3) years, without compensation, and each shall serve at the pleasure of the applicable appointing body.

- 4.2 RESIDENCY:** Members must be Hillsborough County residents.
- 4.3 COMPOSITION:** Members shall be composed of: (i) four (4) individuals appointed by the Board, of which two are Experts in either transportation, planning, sustainability, engineering, or construction; (ii) one (1) from each Municipality, appointed by the mayor thereof; (iii) one (1) additional Member from each Municipality for each 200,000 residents in such Municipality, appointed by the legislative body of that Municipality, based on population estimates published annually by the State of Florida; (iv) two (2) from HART, appointed by the HART board of directors; (v) one (1) attorney, who is a member by the Florida Bar, appointed by the Clerk; (vi) one (1) land use or real estate Expert appointed by the Hillsborough County Property Appraiser; and (vii) one (1) certified public accountant appointed by the Hillsborough County Tax Collector.
- 4.4 REMOVAL AND RESIGNATION:** Members may be removed from the IOC, with or without cause, by a majority vote of the respective appointing body.
- 4.5 VACANCY:** Vacancies on the IOC may be filled for the unexpired balance of the term by the respective appointing body. A person appointed to fill a vacancy on the IOC shall hold office until the end of the term for that position unless he or she is reappointed or dies, resigns or is removed from the IOC.
- 5.0 IOC POWERS AND DUTIES:** The IOC shall have the following powers and duties:
- 5.1** The IOC shall have only those powers and duties specifically vested in it by the Governing Law.
- 5.2** Establish a process for submission of Agency Project Plans for its certification that:
- 5.2.1** Provides for action by the IOC on submitted Agency Project Plans within thirty (30) business days of submission thereof.
- 5.2.2** Is in accordance with the Governing Law.
- 5.2.3** Provides that any disagreement by the IOC with any portion of an Agency Project Plan which is otherwise in accordance with the Governing Law shall not be a basis for the IOC to not certify any portion of such Agency Project Plan.
- 5.2.4** Provides a process to address any potential disputes between an Agency and the IOC, including an appeal to the Board.
- 6.0 IOC OFFICERS:** There shall be a Chair and a Vice-Chair. All officers shall be voting Members of the IOC.
- 6.1 TENURE:** All officers shall hold office for one (1) year or until a successor is elected. However, any officer may be removed by a two-thirds (2/3) vote of the total Members.
- 6.2 SELECTION:** At the regular meeting to take place no later than December 31<sup>st</sup> of each calendar year, the Members shall nominate one or more

candidates to fill each office. Immediately following the close of nominations, the IOC shall vote to fill each office, with the vote for each office being taken in the order in which candidates for that office were nominated, until one is elected. New officers shall take office immediately upon the conclusion of the election of officers.

**6.3 VACANCY IN OFFICE:** A vacant office shall be filled by majority vote of the IOC at its first regular meeting following the vacancy. The officer so elected shall serve the remainder of his or her predecessor's term in office.

**6.4 OFFICER DUTIES:** The officers shall have the following duties:

**6.4.1 Chair:** The Chair shall:

- (a) Preside at all Regular Meetings, Special Meetings, Workshops and Public Hearings.
- (b) Call Special Meetings, Workshops and Public Hearings.
- (c) Sign all official documents of the IOC, unless otherwise specified in these By-laws.
- (d) Express the position of the IOC as determined by vote or consensus of the IOC.
- (e) See that all actions of the IOC are taken in accordance with the By-laws, the Governing Law and applicable laws.
- (f) Perform such duties as are usually exercised by the Chair of a commission or board, and perform such other duties as may from time to time be assigned by the IOC.

**6.4.2 Vice-Chair:** The Vice-Chair shall, during the absence of the Chair or the Chair's inability to act, have and exercise all of the duties and powers of the Chair, and shall perform such other duties as may from time to time be assigned to the Chair by the IOC.

## **7.0 MEETINGS:**

### **7.1 SCHEDULE OF IOC MEETINGS:**

**7.1.1 Regular Meetings:** Regular Meetings shall take place no later than December 31<sup>st</sup> of each year, unless otherwise decided by the IOC and shall be held in the Planning Commission Boardroom or at another suitable location designated by the Chair.

**7.1.2 Special Meetings and Workshops:** Special Meetings and Workshops shall be held at the call of the Chair. Special Meetings and Workshops shall convene at a time designated by the Chair and shall be held in the Planning Commission Boardroom or at another suitable location designated by the Chair.

**7.1.3 Public Hearings:** Public Hearings of the IOC shall be held on each audit and annual report described in the Governing Law at a time designated by the Chair. A Public Hearing can be continued until a

date and time certain. Public Hearings shall be held in the Planning Commission Boardroom or at another suitable location designated by the Chair.

**7.1.4 Action Without a Meeting:** No action by the IOC shall be taken without a meeting by written consent.

**7.2 NOTICE OF IOC MEETINGS AND HEARINGS:** The designated IOC support liaison shall be responsible for providing public notice of all IOC Public Hearings and meetings. Except in the case of an Emergency, notice of any meeting shall be provided at least ten (10) business days prior to the meeting. In case of an Emergency, notice of such meeting shall be given to each Member as far in advance of the meeting as possible and by the most direct means of communication. In addition, notice of such emergency meeting shall be given to the media, utilizing the most practicable method. Notice of any meeting shall state the date, time and place of the meeting, a brief description of the agenda for the meeting, and shall be provided in accordance with the requirements of Florida law and the Governing Law.

**7.3 AGENDA OF IOC MEETINGS:** The agenda for all IOC Regular Meetings, Special Meetings, Workshops and Public Hearings shall be established by the Chair and shall be prepared by the designated IOC support liaison. Members may request that an item be placed on the agenda by communicating such request to the designated IOC support liaison at least ten (10) days prior to the meeting date.

The agenda shall list the items in the order they are to be considered. For Good Cause stated in the record, items on the agenda may be considered out of order with the approval of the Chair.

The agenda for any IOC meeting shall be delivered to each Member at least five (5) days prior to the meeting date and shall be made available to Interested Persons at that time, except in the case of an Emergency meeting, where the agenda will be provided to Members and Interested Parties as far in advance of such meetings as practicable.

**7.4 RULES OF ORDER:** Except where they are inconsistent with the *By-laws*, *Roberts Rule of Order* shall be used for the conduct of all IOC meetings.

**7.5 QUORUM:** A quorum shall consist of a majority of the total membership of the IOC. No business shall be considered by the IOC at any meeting at which the required quorum is not present, and the only motion that the presiding officer or Chair shall entertain at such meeting is a motion to adjourn.

**7.6 CONDUCT OF MEETINGS:**

**7.6.1 Chair Participation:** The presiding Chair shall not be deprived of any rights and privileges by reason of being presiding Chair, but may move or second a motion only after the gavel has been passed to the Vice-Chair or another Member.

- 7.6.2** Form of Address: Each Member shall address only the presiding Chair for recognition; shall confine his or her remarks to the question under debate; and shall not attack personalities or employ indecorous language or behavior.
- 7.6.3** Public Participation: As provided for in the order of business for meetings of the IOC, any member of the public may address the IOC at a Regular Meeting or Special Meeting, Public Hearing, or public participation type Workshop, after signing in with the IOC designated support liaison for a specific item. When recognized by the Chair, a member of the public shall state his or her name, the person on whose behalf he or she is appearing and the subject of his or her testimony. Each member of the public shall limit his or her presentation to three (3) minutes unless otherwise authorized by the Chair.
- 7.6.4** Limitation of Testimony: The Chair may rule testimony out of order if it is redundant, irrelevant, indecorous or untimely.
- 7.6.5** Motions: The Chair shall restate motions before a vote is taken and shall state the maker of the motion and the name of the supporter. Motions require a majority vote of those Members present for passage, except for the adoption or amendment of these By-laws which requires a two-thirds majority vote of the total membership of the IOC.
- 7.6.6** Voting: Voting shall be done by voice, as a group, but a Member shall have his or her vote recorded in the minutes of the meeting. A roll call vote shall be taken if any Member so requests. Any Member may give a brief explanation of his or her vote. A tie vote shall result in failure of a motion.
- 7.6.7** Reconsideration: A motion to reconsider an item on which a vote has been taken may be made only by a Member who voted with the prevailing side. The motion to reconsider must be made at the same meeting the original action was taken. Adoption of a motion to reconsider requires the approval of at least a simple majority of the votes cast.

**7.7 ORDER OF BUSINESS AT MEETINGS:** The order of business shall be determined by the Chair; however, the following is provided as a guide:

- 7.7.1** Regular Meetings:

  - (a) Call to Order and Pledge of Allegiance
  - (b) Approval of minutes of prior meetings, Workshops and Public Hearings.
  - (c) Public input on Agenda Items

- (d) Consideration of Action Items
- (e) Consideration of Status Reports
- (f) Presentation of reports from the Chair or the designated IOC support liaison
- (g) Public input regarding general concerns
- (h) Consideration of items under old business
- (i) Consideration of items under new business
- (j) Adjournment

**7.7.2 Special Meetings or Workshops**

- (a) Call to Order
- (b) Consideration of individual agenda items
- (c) Adjournment

**7.7.3 Public Hearings**

- (a) Call to Order
- (b) Consideration of individual agenda items
  - 1. Presentation by staff
  - 2. Public comment
  - 3. IOC deliberation
- (c) Adjournment

**7.7.4 Order of Consideration of Action Items:** The order of consideration of any individual agenda item shall be as follows unless otherwise authorized by the Chair:

- (a) Chair introduces the agenda item.
- (b) IOC support liaison presents the agenda item.
- (c) Other invited speaker(s) make presentations.
- (d) IOC Members ask questions.
- (e) Motion is made, seconded and debated.
- (f) Vote is taken.

**7.7.5** The Chair may contract or expand all time limitations established by Section 7.6.3 of these By-Laws.

**7.7.6** The IOC Members may waive procedural requirements of these By-laws by 2/3 vote of the Members present.

**7.8 OPEN MEETINGS:** All IOC Regular Meetings, Special Meetings, Emergency meetings, Workshops and Public Hearings shall be properly noticed and open to the public as provided by Florida's Government-in-the-Sunshine Law, Section 286.011, Florida Statutes.

**8.0 ATTENDANCE:** Members are expected to attend all Regular Meetings, Special Meetings, Emergency meetings, Public Hearings and Workshops of the IOC.

- 8.1 **EXCUSAL FROM MEETINGS:** Each Member who knows that his or her attendance at a Regular Meeting, Special Meeting, Public Hearing or Workshop will not be possible, shall notify the designated IOC support liaison of the anticipated absence and the reason therefor. The designated IOC support liaison shall communicate this information to the Chair who shall excuse the absent Member for Good Cause.

9.0 **CODE OF ETHICS:**

- 9.1 **COMPLIANCE WITH LAWS:** Members shall comply with the applicable provisions of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes.
- 9.2 **REQUESTS FOR INFORMATION:** Members may request information readily available to the general public directly from the designated IOC support liaison. Requests for information not readily available to the general public, or information which would involve the expenditure of staff time in preparation or compilation, shall be made to the designated IOC support liaison, who may consult with the Chair for guidance.
- 9.3 **LOBBYING ACTIVITIES:** Members shall use their discretion in conducting private discussions with Interested Persons regarding IOC business, as long as all Interested Persons are treated equally. Any written material received by a Member in connection with IOC business shall be given to the designated IOC support liaison for distribution to other Members.
- 9.4 **GOVERNMENT IN THE SUNSHINE:** Members shall refrain from participating in any private communications regarding IOC business involving two or more Members. For purposes of this section, a private discussion is one that is not conducted in accordance with the requirements of Florida's Government-in-the-Sunshine Law, Section 286.011, Florida Statutes.

All documents distributed or received by any IOC Member in connection with IOC business are public records and must be retained in compliance with the applicable records retention schedule and made available to the public consistent with the Florida Public Records Act. Written material distributed or received by a Member in connection with IOC business shall be given to the designated IOC support liaison for distribution to other Members, unless after consultation with the County Attorney's Office it is determined that distribution to other IOC Members may violate Florida's Government-in-the-Sunshine Law, Section 286.011, Florida Statutes.

- 9.5 **STATEMENTS BY MEMBERS:** Members will from time to time be asked to give their opinions regarding matters which have been or will be considered by the IOC. No Member shall be prohibited from stating his or her individual opinion on any matter; however, in doing so, each Member shall take care to make clear that the opinion expressed is his or her own, and does not constitute the official position of the IOC.



**10.0 ADMINISTRATION:** The administration of IOC activities shall be accomplished through official actions of the IOC in accordance with the following guidelines:

**10.1 POLICIES:** The IOC may adopt, by motion, *Policies* to guide the administration of the IOC. The *Policies* shall be published in conjunction with the *By-laws*. The *Policies* may be amended from time to time by motion of the IOC.

**10.2 COMPLIANCE WITH LAW:** The IOC shall abide by all applicable law authorizing and specifying its duties and functions, including the Governing Law, and all other requirements of Florida law.

**10.3 STAFF:** The support staff of the IOC shall consist of the designated IOC support liaison, the County Attorney's Office, and such additional employees as provided by the Metropolitan Planning Organization ("MPO"). The staff shall be directed by the Executive Director of the MPO.

**11.0 RULES OF CONSTRUCTION; SEVERABILITY:** The following rules apply to the text of this document.

**11.1** The particular controls the general.

**11.2** The word "shall" is mandatory and not discretionary. The word "may" is permissive.

**11.3** Words used in the present tense include the future; words used in the singular number shall include the plural and the plural the singular unless the context indicates the contrary.

**11.4** Words not defined shall have the meaning commonly ascribed to them.

**11.5** If there is any conflict between the provisions of these By-laws and the Governing Law, the provisions of the Governing law shall govern.

**11.6** Should any of the provisions or portions of these By-laws be held unenforceable or invalid for any reason, the remaining provisions and portions of these By-laws shall be unaffected by such holding.

**12.0 AMENDMENT:** The *By-laws* may be amended by a two-thirds majority vote of the total membership of the IOC. Any amendment shall be proposed at a Regular Meeting and voted upon at the next Regular Meeting.

Approved and adopted this 27th day of August, 2019.