

**AMENDED**

PROPOSED  
ORDINANCE NO. 35-17

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 3-1 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, FINANCE AND TAXATION – GENERAL PROVISIONS; CREATING SECTION 3-1-14 TO PROVIDE EQUITABLE DISTRIBUTION OF LOCAL OPTION SALES TAX REVENUES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 3-1-14 of the Code of the City of Pensacola, Florida is hereby created to read as follows:

Sec. 3-1-14 – Equitable Distribution of Local Option Sales Tax Revenues

1. Statement of Purpose and Legislative Intent. To best promote the health, safety and welfare of all city residents and to ensure that each City Council District and its citizens are treated in an equitable manner, the City Council finds that each year's fair share allocation of Local Option Sales Tax (LOST) Revenues shall be divided equally among each of the City Council Districts.

2. Implementation. This ordinance shall take effect in conjunction with the receipt of LOST Revenues for Fiscal Year 2018 and remain in effect until the City Council repeals or amends it.

3. City Council District LOST Revenues Trust Fund. Upon the City's receipt of each year's allocation of LOST Revenues, all LOST Revenues shall be divided equally among the City Council Districts and placed in separate interest-bearing Trust Funds except as provided herein.

4. Citizens' LOST Commission. There shall be a Citizens' LOST Commission to advise the City Council and its Members on the expenditure of LOST Revenues. Each City Council Member shall make one direct appointment of a qualified elector of their City Council District to the commission who shall serve at the pleasure of their appointing City Council Member.

5. Expenditure of City Council District LOST Revenues. After consultation with the qualified electors of each City Council District during a publically noticed meeting held in their City Council District, each City Council Member may propose the expenditure of LOST Revenues in their City Council District's LOST Revenue Trust Fund for fixed capital improvement infrastructure projects to include but not be limited to Transportation & Drainage Improvements, Recreation & Neighborhood Improvements and Public Facilities Infrastructure Improvements. By unanimous

approval of the full membership of the City Council, the LOST Revenues of two or more City Council Districts may be combined in support of a single project that benefits two or more City Council Districts. City Council approval of the projects shall not require the adoption of an ordinance or resolution except if required by state law.

6. Neighborhood Improvement Grants. Each City Council Member may allocate up to five percent of each year's allocation of City Council District LOST Revenues to neighborhood improvement grants in their City Council District. Acting in a ministerial capacity, the Council President shall certify that the request complies with the City Council's policies for such grants.

7. Limitations Upon Expenditure of LOST Revenues. LOST Revenues shall not be expended in support of the purchase of Capital Equipment that shall be purchased as a regular part of each administrative department's budget during the regular annual budget process; for Economic Development; for Community Services; for Debt Service or for Unallocated. LOST Revenues shall not be expended in support of enterprise operations or special revenue funds. As an exception to this section, the City Council may each year authorize the expenditure of an amount up to ten percent of each year's allocation of LOST Revenues to fund the purchase of replacement vehicles for the Pensacola Police Department and Pensacola Fire Department. An equitable share of this expenditure shall be deducted from the amount of revenues deposited that year into each City Council District LOST Revenues Trust Fund.

8. Expenditure of LOST IV Revenues Prior to Adoption of Ordinance. All LOST IV Revenues allocated for projects given final approval prior to adoption of this ordinance and funded using borrowed monies shall be deducted first from the annual share of the City Council District LOST Revenues where the project is currently located. The annual cost to replace the Pensacola Police Department's 800 MHz Radio System shall be reflected in the department's regular budget.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: \_\_\_\_\_

Approved: \_\_\_\_\_  
President of City Council

Attest:

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City Clerk