

## Dale Martin

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**From:** Drew Smith <dsmith@shepardfirm.com>  
**Sent:** Thursday, January 9, 2025 11:35 AM  
**To:** Dale Martin  
**Subject:** External - RE: External - Flagler Beach Mobility Action Plan & Fee Scope

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Dale,

The Infrastructure surtax proceeds do have some limitations. They have to 1) be used on infrastructure, which in the definition used for the surtax statutes means: “any fixed capital expenditure or fixed capital costs associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto” and 2) be included within the stated purposes of the surtax when it was put out to referendum by the County.

The County’s stated purpose for the surtax is "To provide the funding for necessary public capital projects, Flagler County and its cities require additional revenue. The proposed revenue source is a ten (10) year 0.5 cent (0.5¢) per dollar sales surtax on taxable transactions occurring within Flagler County. These revenues would be used for funding public projects and improvements such as the renovation, reconstruction and construction of roads, streets, pedestrian safety projects, motor vehicles, public buildings and associated capital facilities throughout Flagler County." I think the inclusion of roads, streets, pedestrian safety projects, and motor vehicles is enough to include mobility *projects* as an allowable use. In addition, in 2012, we asked for an Attorney General Opinion on behalf of the City if the surtax proceeds could be used for planning expenses related to beach improvement. While the Attorney General suggested the purpose statement was not broad enough to include beach restoration activities, she did opine that *design and planning* expenses related to construction of covered infrastructure would be allowed.

With that in mind, infrastructure surtax proceeds could be used to pay the costs of actual design and planning of mobility infrastructure. The question that remains is whether the mobility plan is far enough along the road of design and planning of infrastructure to fall into that allowance. Reviewing the proposal, I think we can certainly call it planning. What I don’t know and where I have some reservations, though, is how much actual design of infrastructure we would get out of it. If the plan is going to be “these are things that you could do,” I would lean away from using infrastructure surtax. If, however, the plan is going to be (and the proposal reads this way to me) step one in planning the implementation of a transportation infrastructure improvement plan that will be implemented by the City, I think that would bring us into the realm of “design and planning” of actual infrastructure to be constructed.

Drew

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**From:** Dale Martin <dmartin@cityofflaglerbeach.com>

**Sent:** Thursday, January 9, 2025 10:44 AM

**To:** Drew Smith <dsmith@shepardfirm.com>

**Cc:** Rhonda <rallen@CityofFlaglerBeach.com>; Hollie Harlan <HHarlan@cityofflaglerbeach.com>; Lupita McClenning <LMcClenning@cityofflaglerbeach.com>

**Subject:** FW: External - Flagler Beach Mobility Action Plan & Fee Scope

Good morning, Drew:

Please see the attached proposal received to prepare a Mobility Plan (with the intent to develop and implement a Mobility Impact Fee).

Ms. Allen has indicated that the City has sufficient funds received from the State (identified as Infrastructure Surtax). Are you aware of any restrictions on the use of these funds or can I present these funds as a funding source to the City Commission?

Thank you for your review.

**Mr. Dale L. Martin**

City Manager

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