

Meeting Date
SEPTEMBER 13, 2016



AGENDA	
Section	PUBLIC HEARING
Item No.	I.A.3

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	ADOPTION FY 2016-2017 TENTATIVE MILLAGES
DEPT/OFFICE:	BUDGET OFFICE

Requested Action:

It is recommended that the Board of County Commissioners discuss and tentatively adopt the FY 2016-2017 millages.

Summary Explanation & Background:

At this point, the Board will have heard comments from the public concerning the budgets and millages of the Board agencies, Charter Officers, and Dependent Special Districts. It is at this time that the Board should direct staff to make such changes as the Board deems necessary.

Description	FY 2015-2016 Adopted Millages	FY 2016-2017 Tentative Millages	FY 2016-2017 Ad Valorem Revenue	FY 2016-2017 Tentative Budget
Operating:				
General Fund	4.5497	4.3631	\$139,917,925	\$256,419,813
Library District	0.5555	0.5232	\$16,917,611	\$21,380,416
Mosquito Control District	0.1995	0.2067	\$6,683,621	\$9,441,383
Fire Control MSTU	0.7580	0.7145	\$11,333,050	\$11,258,552
Recreation District #1 MSTU	0.6810	0.6445	\$2,736,669	\$8,215,796
Recreation District #4 O&M	0.6281	0.7200	\$2,510,901	\$2,423,159
TICO Airport Authority	0.0000	0.0000	\$0	\$2,466,739
Law Enforcement MSTU	1.2691	1.1970	\$17,680,215	\$19,020,409
Road & Bridge Dist #1 MSTU	0.5511	0.6899	\$2,021,732	\$2,723,483
Road & Bridge Dist #2 MSTU	0.2874	0.2712	\$961,339	\$1,193,360
Road & Bridge Dist #3 MSTU	0.3045	0.2856	\$453,753	\$612,966
Road & Bridge Dist #4 MSTU	0.3145	0.2971	\$1,247,095	\$2,718,783
Road & Bridge Dist #5 MSTU	0.4303	0.4207	\$545,129	\$1,351,494
Road & Bridge Dist #4 N. Bchs. MSTU	0.3032	0.2818	\$149,677	\$768,629
Road & Bridge Dist #4 So. MI MSTU	0.1422	0.1362	\$20,272	\$128,157
Environ. Endangered Land ('04)	0.0543	0.0582	\$1,881,448	\$2,582,852
PSJ/Can Groves Recreation MSTU	0.3568	0.3394	\$493,078	\$522,710
N. Brevard Special Recreation Dist.	0.0000	0.1841	\$458,066	\$0
Merritt Island Recreation MSTU	0.1588	0.3144	\$897,439	\$891,995
S. Brevard Special Recreation Dist	0.1841	0.2456	\$4,483,557	\$10,960,194
Debt Service:				
Environ. Endangered Land ('04)	0.1102	0.1036	\$3,351,463	\$6,190,110
PSJ/Can Groves Rec.Fac. MSTU	0.0915	0.0000	\$0	\$0
N. Brevard Special Recreation Dist.	0.8000	0.6159	\$1,536,602	\$1,729,185
Merritt Island Recreation MSTU	0.6412	0.4856	\$1,386,121	\$1,783,358
S. Brevard Special Recreation Dist	0.4159	0.3544	\$6,474,901	\$7,361,298

Clerk to the Board instruction: Maintain for records retention

Exhibits Attached: None

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager Department Director / Extension

Stockton Whitten Tom Rosenberg/52854



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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Tammy.Rowe@brevardclerk.us

September 21, 2016

MEMORANDUM

TO: Tom Rosenberg, Budget Office Director

RE: Item I.A.3., **Discussion and Adoption of Resolutions for the Finding of Critical Need of Fiscal Year 2016-2017 Tentative Millages for General Fund, Road and Bridge District 1 MSTU, and Road and Bridge District 5 MSTU**

This is to correct the memorandum dated September 14, 2016. The Board of County Commissioners, in special session on September 13, 2016, **adopted Resolution No. 16-137a, for the finding of critical need for General Fund; adopted Resolution No. 16-137b, for the finding of critical need for Road and Bridge District 1 MSTU; and adopted Resolution No. 16-137c, for the finding of critical need for Road and Bridge District 5 MSTU; and discussed and tentatively adopted the Fiscal Year 2016-2017 millages. Enclosed are certified copies of each Resolution for your action.**

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/ds

Encls. (3)

cc: County Manager
Finance

RESOLUTION NO. 2016-137a

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA; PROVIDING FOR ULTIMATE FACTS SUPPORTING AN INCREASE IN THE GENERAL FUND AD VALOREM TAX RATE AND GENERAL FUND AD VALOREM TAX REVENUES OVER THE CAP SET FORTH IN SECTION 2.9.3.1(a) OF THE BREVARD COUNTY HOME RULE CHARTER; PROVIDING FOR THE FINDING OF CRITICAL NEED REQUIRED BY SECTION 2.9.3.1(c) OF THE CHARTER

WHEREAS, Brevard County is the tenth most populous state in Florida; and

WHEREAS, Brevard County is the only county in the State of Florida that is subject to a charter cap in section 2.9.3.1 (a) of the Brevard County Home Rule Charter enacted under the authority of a special act required a referendum on following ballot language pertaining to the proposed charter cap:

BREVARD COUNTY

Cap on Annual Increases in County Ad Valorem Tax Revenues

Shall the County Charter be amended to limit increases from the previous year in ad valorem tax revenues from tax rates imposed by the Board of County Commissioners, to three per cent or the increase in cost of living index, whichever is less; providing exceptions for voter approved taxes, or when a supermajority of the Board finds that an emergency or critical need exists; excluding certain revenue changes from the computation of revenue increases?

YES

NO

WHEREAS, the charter cap was passed in the 2008 election;and

WHEREAS, in any fiscal year thereafter, absent a supermajority vote of the County Commission finding of an emergency or critical needs, the Brevard County Commission cannot increase ad valorem tax revenues over the prior year's ad valorem tax revenues for the general fund, for any MSTU or for any dependent special district by any more than the lower of the percentage increase in the Consumer Price Index or 3%; and

WHEREAS, since the November, 2008 effective date of the charter cap, the average increase in the CPI has exceeded 3% one time and over the seven year period through 2015 has averaged 1.39%; and

WHEREAS, the total of the seven year percentage increases in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1982-84=100 or successor reports, adopted by the charter is below the actual increase in the cost of goods and services procured by Brevard County Government over the seven year period from 2008 to 2015, thereby rendering the CPI inaccurate as a true indicator of the higher cost of inflation over that period; and

WHEREAS, every other County in the State of Florida is statutorily authorized to levy a “maximum millage” that “is a rolled-back rate based on the amount of taxes which would have been levied in the prior year if the maximum millage rate had been applied, adjusted for change in per capita Florida personal income, unless a higher rate was adopted, in which case the maximum is the adopted rate”; and

WHEREAS, every other County in the State of Florida also has the statutory option of adopting a higher rate in the following manner:

“1. A rate of not more than 110 percent of the rolled-back rate based on the previous year’s maximum millage rate, adjusted for change in per capita Florida personal income, may be adopted if approved by a two-thirds vote of the membership of the governing body of the county, municipality, or independent district; or

2. A rate in excess of 110 percent may be adopted if approved by a unanimous vote of the membership of the governing body of the county, municipality, or independent district or by a three-fourths vote of the membership of the governing body if the governing body has nine or more members, or if the rate is approved by a referendum”; and

WHEREAS, of nine Central Florida counties, due to the revenue cap Brevard County is the only county that has experienced a five year decline in the General Revenue Countywide millage rate, -11%, while the rate for four of the counties remained flat for all five years; three of the counties have had millage rate increases between 3% and 9% during that period; and one county has increased their General Revenue Countywide millage rate by nearly 11% over that period; and

WHEREAS, five of those nine Central Florida counties (only one of which has a larger population than Brevard) have total budgeted tax revenue increases of 25% or more over that five year period as compared to Brevard’s total revenue increase of 14% over the same period; and

WHEREAS, as a result of the Charter limitation, the County has been unable to fund certain services and programs for the past few years thereby elevating these services and programs to a critical need status; and

WHEREAS, Article 2.9.3.1(c) permits the Board of County Commissioners to impose an ad valorem tax for county, municipal or district purposes at a rate which raise revenues in excess of the revenue cap limitations if a supermajority of the Board concurs in a finding that such an excess is necessary because of emergency or critical need; and

WHEREAS, Article 2.9.3.1 (c) requires the finding of emergency or critical need to set forth the ultimate facts upon which it is based; and

WHEREAS, the following are deemed the ultimate facts justifying a finding of critical need that, upon a finding to that effect by a supermajority of the Board of County Commissioners, warranting the levy of a General Revenue Countywide millage rate (General Fund Millage) that will result in the collection of General Fund ad valorem tax revenues projected to exceed the cap the ad valorem tax rate and ad valorem revenues provided for in Article 2.9.3.1 (a):

Sheriff's Office Critical Needs

1. The recitals set forth above are true, correct and incorporated herein.
2. Over the last 18 months, 22.4% or 194 sworn positions within the Sheriff's Office (BCSO) have been filled with new employees with very limited experience. Over the past 8 months, the Agency has lost a total of 700+ years of experience primarily due to retirees that realized the full maturity of their FRS and D.R.O.P. Plan.
3. The starting salary for a BCSO Deputy currently ranks 6th out of the 14 local Law Enforcement Agencies in Brevard County. It ranks 6th out of the 7 Sheriff's Office in the East Central Florida area. The lower starting pay has created significant challenges in the recruitment and retention of highly qualified candidates.
4. Each time a sworn position is vacant, an investment of \$23,089.34 is made to fill, train and prepare the candidate to perform their sworn duties.
5. The Sheriff's Office has not requested any increase to overtime funding. Yet, as a direct result of the vacancies associated with the separations, agency personnel are required to work beyond their normal schedules.
6. The Sheriff's Office high liability training budget is funded from the surcharge on traffic citations, however, this source of funding has been significantly reduced over the past several years resulting in budgetary impacts on the fulfillment of the required training.
7. Due to budgetary constraints, the Sheriff's Office has been forced to reduce the number of vehicle replacements over the last several years. Based upon the current replacement model, the agency is currently has a deficit of 163 vehicles. As the BCSO utilizes a fleet of high mileage and less reliable vehicles, we have experienced a significant increase in associated fleet maintenance and repair costs.
8. Finally, the Sheriff's Office is providing funding for critical operational capabilities and adequate space needs in the form of \$747,000 in annual debt payments for the Criminal Investigations Building, the North Precinct Building and the CAD/RMS/JMS.
9. The Board of County Commissioners finds that the Sheriff's Office has set forth facts that give rise to critical needs in the BCSO for the purposes of section 2.9.3.1(c) of the Brevard County Charter.
10. The Brevard County Comprehensive Plan calls for 2.0 Deputies per 1,000 residents. Currently, the Brevard County Sheriff's Office is 68 Deputies short of meeting the plan's mandate.

Supervisor of Elections Office Critical Need

11. In the FY 2015-2016 adopted budget, the Supervisor of Elections requested a \$1.1 million increase in the General Fund transfer as a “result of the demands of the 2016 Election cycle, which includes three county wide elections within a nine month period. The increase includes temporary labor, printing and postage expenses.” Two of the referenced elections take place in FY 2015-2016 and the third (the General Election) will take place 27 business days into FY 2016-2017. Because two of the elections took place during FY 2015-2016, an anticipated reduction in the Supervisor’s budget was expected for FY 2016-2017.

12. However, the Supervisor has requested that the \$1.1 million approved for her 2015-2016 remain in the 2016-2017 budget and the Supervisor has also requested an additional \$161,000, the total \$1.261 million of which will be used to fund a projected 5% increase in the voter rolls before the General Election in November (during FY 2016-2017); a planned 25% expansion of Early Voter sites; an anticipated General Election turn-out of 85-90%; and the potential for a two page General Election ballot.

13. As a result, the expected \$1.1 million decrease in General Fund support for the Supervisor’s office (which could have been reallocated to other needs) is, in reality, a \$161,000 increase in the Supervisor’s budget.

14. In accordance with section 2.9.3.1(c) of the Brevard County Charter, the Board of County Commissioners finds that the Supervisor of Elections Office has set forth facts that give rise to critical needs in her office in the upcoming fiscal year in which the presidential General Election will take place.

County Critical Need

15. Since 2007, Board employees will have received a combined 8% increase in salary if the 1.5% increase for FY2016/2017 is approved. After accounting for increases in group health insurance premiums and out of pocket expenses shifted to employees, FRS contributions, and salary adjustments (both positive and negative), the average County employee salary is down 8% from 2007 to 2016. The negative impact on net average salary is even greater when factoring in the cumulative impact of the CPI (17.5%) from 2007-2016. We estimate that the total impact on salary when the CPI is factored in is a 24% reduction in the net average salary over that time.

16. The turnover rate Countywide is at 9.78% from October 2015 through June 2016. Projected thru the end of the year this is trending at 13.04% for FY 2015/2016, which would be over the average from the previous six years of 11.75% and the second highest turnover rate over that time period (the highest turnover rate was FY2014/2015 at 13.29%).

17. The turnover rate results in an increase in the cost to replace staff because of the local competition in the current workplace for positions in high demand, as experienced recently with hires for Information Systems, Heavy Equipment Operators Engineers in Public Works and Bus Drivers in Transit Services, all of which have required new hires to be paid at or above the salary levels of the employees they replaced as opposed to what has traditionally been the case where new hires start well below the salary of prior employees.

18. Though the Fire Rescue Department turnover rate is in line with the County rate and salaries for new hires set by contract, the cost of training replacements represents a significant investment in time and resources.

19. The 1.5% COLA increase proposed for County employees is at the low end of the spectrum compared to the surrounding municipalities. Five of Seven Municipalities surveyed responded as follows:

- Titusville – 1.5% COLA proposed for FY2016/2017, in addition to increases from a recently completed salary study being implemented over a 3 year period.
- Palm Bay – 2% COLA proposed for FY2016/2017
- Melbourne – 2.5% proposed for non-union employees, still considering if this will be across the board or done in steps.
- Indian River County – Tentative agreement with Teamsters for a 3% increase.
- Seminole County – 3% increase approved in preliminary budget
- Volusia County – 3% COLA proposed for FY2016/2017

20. An additional \$154,000 is necessary to support additional bus service (Transit Services) due to an identified critical need for citizens who utilize bus service to provide their transportation to work and/or school but were required to make other transportation arrangements or modify their work/school schedules. In addition, the demand exists for Saturday service on Routes 5 (Mims-Titusville), 7 (Rockledge – Viera) and 8 (West Cocoa). This General Fund support will generate approximately 3,175 hours of additional vehicle operations hours per year enabling Saturday service on all routes and extended evening service on Route 1 (Titusville – Melbourne) (see table below).

Fixed Route	Type of Service Increase	Additional Hours per week
Route 1- (Titusville to Melbourne)	Reduce time between buses from 120 minutes to 60 minutes thereby reducing Saturday wait times on Route 1	20
Route 1 (Titusville to Melbourne)	Titusville to Extend weekday hours to allow for a transfer at 7 PM at the Viera Government Center	20
Route 5 (Rockledge/Viera)	Add Saturday Service	10
Route 7 (Rockledge/Viera)	Add Saturday Service	10
Route 8 (West Cocoa)	Add one hour per weekday and Saturday service	10

21. A \$40,000 transfer to the City of Palm Bay to fund a Veterans' Services Officer (Housing and Human Services) to serve veterans in Brevard County, which has the seventh largest veteran population in the State of Florida (more veterans than Miami-Dade County), with approximately 65,000 veterans. This population (including dependents and surviving spouses) continues to grow and has unique service related needs. The suicide rate among male and female

veterans and military service members (50% higher than those who did not serve), justifies this classification as a critical need. Funding a Palm Bay Veterans officer, proximate to 25% of the County population, will permit the service of additional veterans and their dependents.

22. It is universally acknowledged that a primary function of County government is maintenance of County owned roads.

23. In 2014 the Blue Ribbon Advisory Board for Transportation Infrastructure established by the Board of County Commissioners recognized a “burgeoning mismatch between infrastructure revenues and needs”.

24. The Blue Ribbon Advisory Board for Transportation Infrastructure described the current “infrastructure dilemma” as limiting the available level of funding to the resurfacing of only eight miles of roads per year when the need exists to resurface 55 miles per year (1,100 miles on a 20 year rotation).

25. The 2014 Blue Ribbon Transportation Report is incorporated by reference herein.

26. For FY 2016-2017 the backlog of road projects will approximate 402 miles.

27. On average, it costs about \$84,000 to resurface or mill one mile of roadway.

28. Continued maintenance deferral could result in reconstruction of roads in lieu of resurfacing, which costs approximately \$240,000 per road mile.

29. In order to begin minimizing the roadway resurfacing backlog, the FY 2016-2017 proposed budget includes funding for an additional 15 miles of road resurfacing (15 miles X \$84,000 = \$1,260,000).

30. In accordance with section 2.9.3.1(c) of the Brevard County Board of County Commissioners finds that the foregoing paragraphs 14-28 set forth ultimate facts that give rise to critical needs in the General Fund services, programs and improvements in the upcoming fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida that:

a. The Board hereby makes the finding that the facts and circumstances described in the foregoing paragraphs 1-29, including all facts set forth in the Blue Ribbon Advisory Board for Transportation Infrastructure Report attached to this Resolution, are ultimate facts warranting the Board of County Commissioners to impose an ad valorem tax in the next fiscal year, for county general fund purposes, at a proposed rate of 4.3631 mills which exceeds the rate limitations imposed by paragraph 2.9.3.1 (a) of the Brevard County Home Rule Charter and that such an excess is necessary because of the critical needs established by the ultimate facts set forth above.

b. The estimated increase in General Fund ad valorem tax revenue resulting from the proposed increased in the General Fund ad valorem millage rate is \$2,459,651.

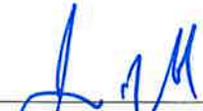
c. The foregoing finding is made and effective as having been adopted by a supermajority of the Board concurring in a finding that such an excess is necessary because of the critical needs described above.

DONE, ORDERED AND ADOPTED this 13 day of September, 2016



Scott Ellis, Clerk of the Circuit
Court

Brevard County Board of County Commissioners

BY: 
Jim Barfield, Chairman

(Approved by supermajority of the Board on Sept. 13, 2016)

RESOLUTION NO. 2016-137b**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA; PROVIDING FOR ULTIMATE FACTS SUPPORTING A DISTRICT 1 ROAD AND BRIDGE AD VALOREM TAX RATE AND AD VALOREM TAX REVENUE CAP SET FORTH IN SECTION 2.9.3.1(a) OF THE BREVARD COUNTY HOME RULE CHARTER; PROVIDING FOR THE FINDING REQUIRED BY SECTION 2.9.3.1(c) OF THE CHARTER**

WHEREAS, Brevard County is the tenth most populous county in the State in Florida; and;

WHEREAS, Brevard County is the only county in the State of Florida that is subject to a charter cap in section 2.9.3.1 (a) of the Brevard County Home Rule Charter enacted under the authority of a special act which requires a referendum before the Brevard County Commission can increase ad valorem tax revenues over the prior year's total revenues for the District 1 Road and Bridge MSTU by the lower of the percentage increase in the Consumer Price Index or 3%; and

WHEREAS, since the November, 2008 effective date of the charter cap, the average increase in the CPI has exceeded 3% one time and over the seven year period through 2015 has averaged 1.39%; and

WHEREAS, the total of the seven year percentage increases in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100, or successor reports adopted by the charter is below the actual increase in the cost of goods and services procured by Brevard County Government over the seven year period from 2008 to 2015, thereby rendering the CPI inaccurate as a true indicator of the higher cost of inflation over that period; and

WHEREAS, every other County in the State of Florida is statutorily authorized, by majority vote, to increase its millage rate by the percentage increase in personal income; by two-thirds vote (supermajority in Brevard) up to 110% of the rolled back rate; and by unanimous vote or referendum any percentage greater than 110% of the rolled-back rate; and

WHEREAS, as a result of the Charter limitation, the County been unable to fund certain road projects and programs for the past few years thereby elevating these projects and programs to a critical need status; and

WHEREAS, Article 2.9.3.1(c) permits the Board of County Commissioners to impose an ad valorem tax for municipal service taxing unit purposes at a rate which raise revenues in excess of the revenue cap limitations if a supermajority of the Board concurs in a finding that such an excess is necessary because of emergency or critical need; and

WHEREAS, Article 2.9.3.1 (c) requires the finding of emergency or critical need to set forth the ultimate facts upon which it is based; and

WHEREAS, the following are deemed the ultimate facts justifying a finding of critical need that, upon a finding to that effect by a supermajority of the Board of County Commissioners, warranting the levy of a District 1 Road and Bridge MSTU Millage that will result in the collection of District 1 Road and Bridge MSTU revenues projected to exceed the cap the ad valorem tax rate and ad valorem revenues for the District 1 Road and Bridge provided for in Article 2.9.3.1 (a):

1. The recitals set forth above are true, correct and incorporated by reference herein.
2. It is universally acknowledged that a primary function of County government is maintenance of County owned roads.
3. In 2014 a Blue Ribbon Advisory Board for Transportation Infrastructure (Blue Ribbon Advisory Board) established by the Board of County Commissioners recognized a “burgeoning mismatch between infrastructure revenues and needs”.
4. The Blue Ribbon Advisory Board described the current “infrastructure dilemma” as limiting the available level of funding to the resurfacing of only eight miles of roads per year when the need exists to resurface 55 miles per year (1,100 miles on a 20 year rotation).
5. The 2014 Blue Ribbon Advisory Board Report is incorporated by reference herein.
6. For FY 2016-2017 the backlog of road projects will approximate 402 miles.
7. On average, it costs about \$84,000 to resurface or mill one mile of roadway.
8. Continued maintenance deferral could result in reconstruction of roads in lieu of resurfacing, which costs approximately \$240,000 per road mile.
9. District 1 has over 60 miles of unpaved dirt roads while the remainder of the entire County has about 20 miles of unpaved dirt roads.
10. According to the Blue Ribbon Advisory Board report, District 1 has partially funded and unfunded road projects, including most of those set forth below:

1	Dairy Road	Carpenter Road to US 1	4 Lane Urban-sidewalks	\$17,786,000
1	Fay Boulevard	Grissom to I-95	4 Lane Urban-sidewalks	\$6,905,520
1	Grissom Road	Bridge to Kings Hwy.	4 Lane Urban-sidewalks	\$14,060,450
1	Grissom Road	Canaveral Groves to Bridge	4 Lane Rural-sidewalks	\$7,462,257
1	Grissom Road	Industry Road to Canaveral Groves	4 Lane Rural-sidewalks	\$9,365,320
1	Resurfacing (General)(Unincorporated)	30 Miles of Roads*	Resurfacing and Reconstruction	\$10,671,429

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida that:

a. The Board hereby makes the finding that the circumstances described in the foregoing paragraphs 1-10, including those facts evidencing resurfacing and reconstruction deficits presented in the Blue Ribbon Transportation Report are ultimate facts warranting the Board of County Commissioners to impose an ad valorem tax in the next fiscal year, for county District 1 Road and Bridge purposes, at a proposed rate of .6899 mills which exceeds the rate limitations imposed by paragraph 2.9.3.1 (a) of the Brevard County Home Rule Charter and that such an excess is necessary because of the critical District 1 road needs established by the ultimate facts set forth above.

b. The estimated increase in District 1 Road and Bridge ad valorem tax revenue resulting from the proposed increased in the District 1 Road and Bridge ad valorem millage rate is \$495,651.

c. The foregoing finding is made and effective as having been adopted by a supermajority of the Board concurring in a finding that such an excess is necessary because of the critical needs described above.

DONE, ORDERED AND ADOPTED this 13 day of September, 2016

ATTEST:


Scott Ellis, Clerk of the
Circuit Court

Brevard County Board of County Commissioners

BY:


Jim Barfield, Chairman

(Approved by supermajority of the Board on Sept. 13, 2016)

RESOLUTION NO. 2016- 137c**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA; PROVIDING FOR ULTIMATE FACTS SUPPORTING A DISTRICT 5 ROAD AND BRIDGE AD VALOREM TAX RATE AND AD VALOREM TAX REVENUE CAP SET FORTH IN SECTION 2.9.3.1(a) OF THE BREVARD COUNTY HOME RULE CHARTER; PROVIDING FOR THE FINDING REQUIRED BY SECTION 2.9.3.1(c) OF THE CHARTER**

WHEREAS, Brevard County is the tenth most populous county in the State in Florida;
and

WHEREAS, Brevard County is the only county in the State of Florida that is subject to a charter cap in section 2.9.3.1 (a) of the Brevard County Home Rule Charter enacted under the authority of a special act which requires a referendum before the Brevard County Commission can increase ad valorem tax revenues over the prior year's total revenues for the District 5 Road and Bridge MSTU by the lower of the percentage increase in the Consumer Price Index or 3%;
and

WHEREAS, since the November, 2008 effective date of the charter cap, the average increase in the CPI has exceeded 3% one time and over the seven year period through 2015 has averaged 1.39%; and

WHEREAS, the total of the seven year percentage increases in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100, or successor reports adopted by the charter is below the actual increase in the cost of goods and services procured by Brevard County Government over the seven year period from 2008 to 2015, thereby rendering the CPI inaccurate as a true indicator of the higher cost of inflation over that period;
and

WHEREAS, every other County in the State of Florida is statutorily authorized, by majority vote, to increase its millage rate by the percentage increase in personal income; by two-thirds vote (supermajority in Brevard) up to 110% of the rolled back rate; and by unanimous vote or referendum any percentage greater than 110% of the rolled-back rate; and

WHEREAS, as a result of the Charter limitation, the County been unable to fund certain road projects and programs for the past few years thereby elevating these projects and programs to a critical need status; and

WHEREAS, Article 2.9.3.1(c) permits the Board of County Commissioners to impose an ad valorem tax for municipal service taxing unit purposes at a rate which raise revenues in excess of the revenue cap limitations if a supermajority of the Board concurs in a finding that such an excess is necessary because of emergency or critical need; and

WHEREAS, Article 2.9.3.1 (c) requires the finding of emergency or critical need to set forth the ultimate facts upon which it is based; and

WHEREAS, the following are deemed the ultimate facts justifying a finding of critical need that, upon a finding to that effect by a supermajority of the Board of County Commissioners, warranting the levy of a District 5 Road and Bridge MSTU Millage that will result in the collection of District 5 Road and Bridge MSTU revenues projected to exceed the cap the ad valorem tax rate and ad valorem revenues for the District 5 Road and Bridge provided for in Article 2.9.3.1 (a):

1. The recitals set forth above are true, correct and incorporated by reference herein.
2. It is universally acknowledged that a primary function of County government is maintenance of County owned roads.
3. In 2014 a Blue Ribbon Advisory Board for Transportation Infrastructure (Blue Ribbon Advisory Board) established by the Board of County Commissioners recognized a “burgeoning mismatch between infrastructure revenues and needs”.
4. The Blue Ribbon Advisory Board described the current “infrastructure dilemma” as limiting the available level of funding to the resurfacing of only eight miles of roads per year when the need exists to resurface 55 miles per year (1,100 miles on a 20 year rotation).
5. The 2014 Blue Ribbon Advisory Board report is incorporated by reference herein.
6. For FY 2016-2017 the backlog of road projects will approximate 402 miles.
7. On average, it costs about \$84,000 to resurface or mill one mile of roadway.
8. Continued maintenance deferral could result in reconstruction of roads in lieu of resurfacing, which costs approximately \$240,000 per road mile.
9. According to the Blue Ribbon Advisory Board report, District 5 has partially funded and unfunded road projects, including most of those set forth below:

5	Babcock Street	Fee Ave. to RR Tracks	Resurfacing/Reconstruction	\$2,800,000
5	Babcock Street	Malabar Road to County Line	Resurfacing/Reconstruction	\$5,150,000
5	Resurfacing (General)(Unincorporated)	60 Miles of Roads*	Resurfacing and Reconstruction	\$20,071,478
5	Malabar Rd. Ext	at C-8 Canal	Box Culvert	\$155,095
5	Babcock St.	Malabar Rd to County Line	Resurfacing/Reconstruction	\$3,750,000
5	Riverside Drive	S. of SR 518 to N. of US 192	Paved Shoulders and Bike Path	\$1,050,000
				\$10,000,000

5	Aurora Road	Wickham Road to John Rodes Blvd.	3 Lane Urban-sidewalks	\$6,313,173
5	Babcock St.	Malabar Road to S. County Line	4 Lane Rural-sidewalks-Design/Acq/RW	\$17,500,000
5	Ellis Rd.	John Rodes to W. Melbourne	4-Lane Urban/Sidewalks	\$50,000,000
5	John Rodes Blvd.	US 192 to Eau Gallie	Intersections Improvement Project	\$9,055,117
5	John Rodes Blvd.	US 192 to Eau Gallie	4-Lane Urban/Sidewalks - 12.5% Match Only	\$5,689,650
5	Minton Rd.	US 192 to Malabar Road	6-Lane Urban	\$7,430,138
5	Riverside Dr.	US 192 & SR 518	US 192 Intersection	\$691,268
5	St. Johns Heritage Parkway	Palm Bay City Limits to Ellis Road	Widen to 4 Lanes	\$16,000,000
5	Washingtonia	Viera to St. Johns Heritage Parkway	Roadway Extension - Design	\$750,000
5	Washingtonia	Viera to St. Johns Heritage Parkway	2-Lane Urban/Sidewalks-R/W & Const.	\$12,500,000
5	Wickham Rd.	Nasa Blvd. to Sarno Road	6-Lane Urban/Sidewalks - 12.5% Match Only	\$4,520,544
4/5	Wickham Road	General Operational Improvements		\$9,216,900

10. District 5 has 139 miles of paved roads, of which 87 miles (or 62% of the paved road length in the district) need resurfacing or reconstruction.

11. That resurfacing and reconstruction is currently estimated to cost about \$13M.

12. The County Public Works Department has also identified an additional maintenance effort needed to repair sidewalks, bridges and drainage pipes in District 5 which is conservatively estimated to cost at least \$1.5M.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida that:

a. The Board hereby makes the finding that the circumstances described in the foregoing paragraphs 1-12, including those facts evidencing resurfacing and reconstruction deficits presented in the Blue Ribbon Transportation Report are ultimate facts warranting the Board of County Commissioners to impose an ad valorem tax in the next fiscal year, for county District 5 Road and Bridge purposes, at a proposed rate of .4207 mills which exceeds the rate limitations imposed by paragraph 2.9.3.1 (a) of the Brevard County Home Rule Charter and that such an excess is necessary because of the critical District 5 road needs established by the ultimate facts set forth above.

b. The estimated increase in District 5 Road and Bridge ad valorem tax revenue resulting from the proposed increased in the District 5 Road and Bridge ad valorem millage rate is \$18,918.

c. The foregoing finding is made and effective as having been adopted by a supermajority of the Board concurring in a finding that such an excess is necessary because of the critical needs described above.

DONE, ORDERED AND ADOPTED this 13 day of September, 2016

Brevard County Board of County Commissioners

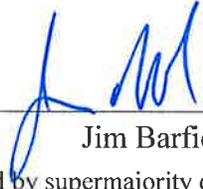
ATTEST:



A handwritten signature in blue ink, appearing to read "Scott Ellis", is written over a faint circular seal or stamp.

Scott Ellis, Clerk of the
Circuit Court

BY:



A handwritten signature in blue ink, appearing to read "Jim Barfield", is written over a horizontal line.

Jim Barfield, Chairman

(Approved by supermajority of the Board on Sept. 13, 2016)