

Meeting Date
11/17/15



AGENDA	
Section	Public Hearing
Item No.	IV.C

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Public Hearing re: Ordinance amending Chapter 98A, Code of Ordinances of Brevard County, Florida; Port St. John/Canaveral Groves Recreational Facilities Municipal Service Taxing Unit (MSTU). – District 1 Fiscal Impact: The Parks and Recreation Department will collect \$491,242 in operating revenue from the Port St. John/Canaveral Groves MSTU in the current fiscal year.
DEPT/OFFICE:	Community Services Group / Parks and Recreation Department

Requested Action:
 It is requested the Board of County Commissioner conduct a public hearing and adopt the proposed Ordinance amending Chapter 98A, Code of Ordinances of Brevard County, Florida; Article 1; Section 3 – Port St. John/Canaveral Groves Recreational Facilities MSTU.

Summary Explanation & Background:
 On November 8, 1994, the voters of Brevard County approved a levy not to exceed nine tenths (.9) of one mill within the Port St. John/Canaveral Groves Recreational Facilities MSTU for providing and/or financing the cost of acquiring, constructing, operating and maintaining recreational facilities. The continuation of the MSTU will meet the intent of the voters by providing funds for ongoing operational support of the park facilities in this taxing unit.

 It is clear in the ballot language that it was the intent of the voters to have the tax continue after retirement of the debt. The ballot language reads; *“Shall the acquisition and construction of recreational facilities within the Port St. John/Canaveral Groves MSTU, including a community center and athletic fields be financed by issuing \$5,000,000 bonds bearing interest at a rate not exceeding the maximum permitted by law, and by levying an ad valorem tax not exceeding nine-tenths of one mill on all taxable property within the MSTU for the repayment of such bonds and for recreational facilities, **operation** and **maintenance**?”*

 The proposed Ordinance amends Chapter 98A, Code of Ordinances of Brevard County, Florida; Article 1; specifically amending Section 3 – Port St. John/Canaveral Groves Recreational Facilities MSTU providing for the continuation of a levy not to exceed nine tenths (.9) of one mill for operation and maintenance of the recreational facilities in the Port St. John/Canaveral Groves Recreational Facilities MSTU. This Ordinance will remain in effect unless or until repealed by the Board of County Commissioners.

 At a regular meeting of the Board of County Commissioners on November 3, 2015, the Board approved Legislative Intent and authorized advertisement, which occurred on November 6, 2015 in the Florida Today newspaper.

Clerk to the Board Instructions:

Exhibits Attached: Ordinance, FL Today advertisement

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

County Manager	Assistant County Manager,	Jack Masson, Parks & Recreation Department Director jack.masson@brevardparks.com; 633-2046
Stockton Whitten	Assistant County Manager, Venetta Valdengo	<i>Jack Masson</i>



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

November 18, 2015

MEMORANDUM

TO: Jack Masson, Parks and Recreation Director

RE: Item IV.C., Amending Chapter 98A, Article 1, Section 3, Code of Ordinances of Brevard County, Florida – Port St. John/Canaveral Groves Recreational Facilities Municipal Service Taxing Unit (MSTU)

The Board of County Commissioners, in regular session on November 17, 2015, adopted Ordinance No. 15-29, Amending Chapter 98A, Article 1, Section 3, Code of Ordinances of Brevard County, Florida – Port St. John/Canaveral Groves Recreational Facilities MSTU. Enclosed is a certified copy of the Ordinance for your action.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/ds

Encls. (1)



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 18, 2015

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Ms. Deborah Thomas, Administrative Assistant

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2015-29, which was filed in this office on November 18, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 2015- 29

AN ORDINANCE AMENDING CHAPTER 98A, CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE I; SPECIFICALLY AMENDING SECTION 3 "REPEAL/SUNSET"; EXTENDING EFFECT OF ORDINANCE UNTIL REPEALED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY; PROVIDING FOR THE CONTINUATION OF A LEVY OF A TAX NOT TO EXCEED NINE TENTHS (.9) OF ONE MILL ON ALL THE REAL AND TAXABLE PROPERTY WITHIN THE PORT ST. JOHN/CANAVERAL GROVES RECREATIONAL FACILITIES MUNICIPAL SERVICE TAXING UNIT WITHIN A PORTION OF THE UNINCORPORATED AREA OF BREVARD COUNTY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ALL OTHER PROVISIONS TO REMAIN IN FULL FORCE AND EFFECT; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, Section 125.01(1)(r), Florida Statutes authorizes a charter county to levy ad valorem taxes within the constitutional limits fixed for municipal purposes within a municipal service taxing unit created under Section 125.01(1)(q), Florida Statutes; and

WHEREAS, Section 125.01(1)(q), Florida Statutes grants the board of county commissioners of a charter county the power to establish a municipal service taxing unit for any part or all of the unincorporated areas of the county within which may be provided recreation services and facilities from funds derived from taxes within such unit only; and

WHEREAS, the levy by the Board of County Commissioners of Brevard County of a tax not to exceed nine tenths (.9) of one mill on all the real and taxable property within the Port St. John/Canaveral Groves Recreational Facilities Municipal Service Taxing Unit was approved by the electors within the unit at an election held on November 8, 1994;

NOW THEREFORE, be it ordained by the Board of County Commissioners of Brevard County, Florida, as follows:

Underline indicates additions.

SECTION 1. Chapter 98A, Article I, Section 3 of said Code, is hereby amended as follows:

Section 3. Repeal: This ordinance shall be in effect unless or until repealed by the Board of County Commissioners of Brevard County, Florida.

SECTION 2. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 5. Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

SECTION 6. All Other Provisions to Remain in Full Force and Effect. All other provisions of Chapter 98A, not in conflict with this provision, shall remain in full force and effect.

SECTION 7. Inclusion in code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be

renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED AND ADOPTED in Regular Session, this 3rd day of November, 2015.

ATTEST:



By: Scott Ellis, Clerk of Court

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



By: JIM BARFIELD, CHAIRMAN

As approved by the Board on November 17, 2015

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Brevard County, Florida, on November 17, 2015 at 9:00 a.m., in the Commission Room at 2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, FL, 32940, will hold a public hearing on the following ordinance:

ORDINANCE NO. 15-29

AN ORDINANCE AMENDING CHAPTER 98A, CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE I; SPECIFICALLY AMENDING SECTION 3 "REPEAL/SUNSET"; EXTENDING EFFECT OF ORDINANCE UNTIL REPEALED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY; PROVIDING FOR THE CONTINUATION OF A LEVY OF A TAX NOT TO EXCEED NINE TENTHS (.9) OF ONE MILL ON ALL THE REAL AND TAXABLE PROPERTY WITHIN THE PORT ST. JOHN/CANAVERAL GROVES RECREATIONAL FACILITIES MUNICIPAL SERVICE TAXING UNIT WITHIN A PORTION OF THE UNINCORPORATED AREA OF BREVARD COUNTY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ALL OTHER PROVISIONS TO REMAIN IN FULL FORCE AND EFFECT; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

All persons for or against said ordinance can be heard at said time and place. If a person decides to appeal any decision made by the Board with respect to such hearing or meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The needs of hearing or visually impaired persons shall be met if the department sponsoring the Public Hearing is contacted at least 48 hours prior to the public meeting hearing by any person wishing assistance. The sponsoring department is the Parks and Recreation Dept., 633-2046.

A copy of the ordinance may be inspected at the following locations:

www.brevardcounty.us/business

Brevard County Government Center, Building C; Clerk to the Board of County Commissioners; South, Central, North Brevard County Libraries.

By order of the Board of County Commissioners of Brevard County, Florida



Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: B.O.C.C. COUNTY MANAGER'S OFF
Address: 2725 JUDGE FRAN JAMIESON WAY
MELBOURNE FL 32940
USA

Ad No.: 0000847157
Pymt Method: Invoice
Net Amt: \$200.86

Run Times: 1

No. of Affidavits: 1

Run Dates: 11/06/15

Text of Ad:

AD#847157 11/06/2015
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