



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Miscellaneous

J.6.

2/25/2020

Subject:

Resolution Declaring the Intent of the Board to Not Make a Finding Of Critical Need Pursuant to Section 2.9.3.1 (c) of the Brevard County Charter

Fiscal Impact:

Dept/Office:

District 3

Requested Action:

Board Passage of Attached Resolution

Summary Explanation and Background:

Over the next several months, County staff and Constitutional Officers will be developing a budget. The attached resolution would provide direction in crafting this budget by declaring the intent of the Board not to make a critical need finding under Section 2.9.3.1(c) of the Charter.

Clerk to the Board Instructions:



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

February 26, 2020

M E M O R A N D U M

TO: Commissioner John Tobia, District 3

RE: Item J.6., Resolution Declaring the Intent of the Board to Not Make a Finding of Critical Need, Pursuant to Section 2.9.3.1(c) of the Brevard County Charter

The Board of County Commissioners, in regular session on February 25, 2020, reached consensus to table consideration for a resolution declaring the intent of the Board to not make a finding of critical need, pursuant to Section 2.9.3.1(c) of the Brevard County Charter to a future Board meeting.

Your continued cooperation is greatly appreciated.

Sincerely yours,

**BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK**

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

cc: County Manager

RESOLUTION 20-_____

A RESOLUTION DECLARING THE INTENT OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS TO NOT MAKE A FINDING OF CRITICAL NEED PURSUANT TO SECTION 2.9.3.1(c) OF THE BREVARD COUNTY CHARTER IF FY 2021 REVENUE IS PROJECTED TO EXCEED FY 20 REVENUE ABSENT SUCH A FINDING

WHEREAS, Sec. 2.9.3.1 of the Brevard County Charter sets "limitation on growth in ad valorem tax revenues," commonly referred to as the "charter cap;" and

WHEREAS, 73% of republican, democratic, and non-affiliated voters approved this cap by referendum in 2008; and

WHEREAS, the charter cap prevents the Boards from increasing a millage rate in a manner that would cause budgeted revenue to increase by the lesser of 3% or the consumer price index; and

WHEREAS, the Charter contains a limited exception to this cap if the Board finds that such revenue increases are necessary because of a specified "emergency or critical need;" and

WHEREAS, the Board of County Commissioners intends to adhere to the will of the voters, and not interpret "critical need" in such a manner as to create a virtually limitless loophole; and

WHEREAS, outside of a State or Federally declared emergency, a true critical need will not arise in the current year if revenue exceeds the previous fiscal year absent such a finding.

NOW, THEREFORE, BE IT RESOLVED THAT THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, does hereby

DECLARE its intention to adopt a fiscal year 2020-2021 budget that will NOT require a finding of a critical need under Sec. 2.9.3.1, Brevard County Charter, should budgeted revenue exceed that of the previous year absent such a finding.

DONE, ORDERED AND ADOPTED, in regular session, this 20th Day of February, 2020.

ATTEST:

SCOTT ELLIS, CLERK

BRYAN LOBER, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FL