

ADD ON

*tabled*

Meeting Date
1/26/2016



AGENDA	
Section	New Business
Item No.	<b>VI F 3</b>

**AGENDA REPORT**  
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Election Referendum Resolution Cash Incentives – Economic Development
DEPT/OFFICE:	Trudie Infantini, District 3 Commissioner

Requested Action:

Request the Board of County Commissioners authorize Resolution calling for a referendum election on November 8, 2016 for voter approval for the Board of County Commissioners to grant cash incentives to new and expanding businesses; authorize the Chairman and County Attorney to sign the necessary documents; authorize staff to make necessary budget changes.

Summary Explanation & Background:

The practice in Brevard County has been to give millions of General Fund dollars to businesses without voter approval. The necessary resolution to formalize the call for a referendum on November 8, 2016, allowing the voters to decide whether to give cash to businesses is attached.

Contact: Linda Mannier  
Phone: (321) 952-6300

Clerk to the Board instruction:

Exhibits Attached: Resolution

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

County Manager	Deputy County Manager	Department Director / Extension
Stockton Whitten	Assistant County Manager	D3 County Commissioner <i>Trudie Infantini</i>



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

January 27, 2016

MEMORANDUM

TO: Trudie Infantini, Commissioner District 3 Attn: Linda Mannier

RE: Item VI.F.3., Calling for a Referendum Election on November 8, 2016 for Voter Approval for the Board of County Commissioners to Grant Cash Incentives to New and Expanding Businesses

The Board of County Commissioners, in regular session on January 26, 2016, withdrew request for calling for a referendum election on November 8, 2016, for voter approval for the Board of County Commissioners to grant cash incentives to new and expanding businesses.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/ds

V.I.F.3  
Attachment,

RESOLUTION 2016-\_\_\_\_\_

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, CALLING A REFERENDUM ELECTION ON NOVEMBER 8, 2016 WITHIN THE TERRITORIAL LIMITS OF BREVARD COUNTY ON THE QUESTION AS TO WHETHER THE AUTHORITY OF THE BOARD OF COUNTY COMMISSIONERS TO PAY CASH INCENTIVES TO NEW BUSINESSES AND EXPANSIONS OF EXISTING BUSINESSES, IN ADDITION TO VOTOR APPROVED TAX ABATEMENTS, SHOULD BE PERMITTED IN ACCORDANCE WITH THE AUTHORITY OF SECTION 125.045, FLORIDA STATUTES, WHICH PERTAINS TO ECONOMIC DEVELOPMENT; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA:

SECTION I. AUTHORITY FOR RESOLUTION. This resolution is adopted pursuant to Chapter 125.045, Florida Statutes, and all other applicable provisions of law.

SECTION 2. FINDINGS. It is hereby found and determined as follows:

A. That cash incentives for the purpose of promoting economic development is authorized by the Chapter 125.045, Florida Statutes;

B. That cash incentives may help Brevard County attract new businesses and expansions to existing businesses;

C. That the attraction of new businesses and expansion of existing businesses will create new jobs or retain existing jobs within the County and thereby promote the public welfare;

D. That the Board of County Commissioners may, at its discretion, by ordinance, only after referendum approval of the electors of Brevard County, Florida, utilize cash incentives to entice businesses to relocate to Brevard County or expand in Brevard County.

E. Brevard County no longer desires to grant millions of dollars in cash grants to businesses at the expense of taxpayers without the voted-approval of the electorate of Brevard County.

SECTION 3. REFERENDUM. A special election referendum election is hereby called and ordered to be held in Brevard County at the time of the next general election to be held on November 8, 2016 to determine whether cash incentives should be given to new businesses and expansions of existing businesses that are expected to create new, full-time jobs in the county.

SECTION 4. NOTICE OF REFERENDUM. This resolution shall be published twice in

full as part of the Notice or the Referendum Election, together with a notice in substantially the form attached hereto as Exhibit "A" in *Florida Today*, a newspaper of general circulation in the County. The publications shall occur once in the fifth week and once in the third week prior to the week which includes November 8, 2016.

SECTION 5. NOTICE TO SUPERVISOR OF ELECTIONS. Upon adoption of this resolution, notice of the calling of the referendum election provided for in this resolution shall be delivered to the Supervisor of Elections. This resolution shall not be implemented unless the Supervisor of Elections provides her consent to a date when the registration books can be available pursuant to Section 100.151, Florida Statutes.

SECTION 6. PLACES OF VOTING, INSPECTORS, CLERKS. The polls will be open at the voting places on the date of the referendum during the times prescribed by law. All qualified electors residing within the County shall be entitled and permitted to vote at the referendum on the proposition set forth below. The places of voting and the inspectors and clerk for the referendum shall be those designated by the Supervisor or Elections of Brevard County.

SECTION 7. OFFICIAL BALLOT. Ballots to be used in the referendum shall contain a statement of the description of the proposed issue on economic development cash incentives and shall be in substantially the following form:

**BALLOT**  
**Brevard County, Florida**

**Caption:      Cash Grants as economic incentives for new businesses  
                  and expansions of existing businesses**

**Shall the Board of County Commissioners of Brevard County, Florida  
be authorized to grant cash incentives, of up to \$10,000,000 per  
business or expansion, to new businesses and expansions of  
existing businesses that are expected to create new, full-time jobs  
in the county?**

**Yes - for authority to grant cash incentives**

**No - against authority to grant cash incentives**

SECTION 8. ABSENTEE VOTING. The form of ballots to be used in such referendum for absentee voters shall be the same as used at the polling places for said referendum or such other form as may be prescribed by law.

SECTION 9. PRINTING OF BALLOTS. The Supervisor or Elections for Brevard County is hereby authorized and requested to (a) have sample ballots printed and to deliver such sample ballots to the inspectors and clerks on or before the date and time for opening of the polls for such referendum and (b) have official ballots for use in such referendum printed and delivered in accordance with law.

SECTION 10. PAYMENT OF REFERENDUM EXPENSES. The County Manager is hereby authorized and directed to approve the payment of lawful expenses associated with conducting the referendum election and the Clerk of the Board of County Commissioners is hereby authorized and directed to disburse the funds necessary to pay such expenses.

SECTION 11. VOTER REGISTRATION BOOKS. The Supervisor of Elections for Brevard County is hereby authorized and requested to furnish to the inspectors and clerks at each place where the votes are to be cast in such referendum, applicable portions of the registration books or certified copies thereof showing the names of the qualified electors residing in the County.

SECTION 12. ELECTION PROCEDURE. The referendum shall be held and conducted in the manner prescribed by law and shall be as soon as practicable, be returned and canvassed in the manner prescribed by law. The result shall show the number of qualified electors who voted at such referendum and the number of votes cast respectively for and against approval of the proposition. Upon certification in the manner prescribed by law, the results shall be recorded in the minutes of the Board of County Commissioners.

SECTION 13. ELECTION RESULTS. If the majority of the votes cast at such a referendum shall be for the proposition, the Board of County Commissioners, at its discretion, by ordinance may thereafter grant cash incentives for new businesses and expansions of existing businesses.

SECTION 14. SEVERABILITY. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, sentence or paragraph hereof.

SECTION 15. REPEALING CLAUSE. All resolutions or other actions of the County which are in conflict herewith are hereby repealed to the extent of such conflict or inconsistency.

SECTION 16. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption. However, the resolution shall not be implemented until such time as the Supervisor of Elections has consented to obtaining and making registration books available in accordance with Section 100.151, Florida Statutes.

DONE AND ADOPTED in Regular Session of the Board of County Commissioners of Brevard County, Florida this 26<sup>th</sup> day of January, 2016.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

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Scott Ellis, Clerk

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Jim Barfield, Chair