

Meeting Date
11/3/15



AGENDA	
Section	Consent
Item No.	II. B. 4.

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Legislative Intent and Permission to Advertise for Public Hearing re: Amendment to Chapter 98A, Code of Ordinances of Brevard County, Florida; Amending Article 1: Specifically amending Section 3 – Port St. John/Canaveral Groves Recreational Facilities Municipal Service Taxing Unit (MSTU). 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 approve Legislative Intent and grant permission to advertise for a public hearing to consider adoption of the proposed amendment to Chapter 98A, Code of Ordinances of Brevard County, Florida; Amending Article 1; specifically amending 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 (attached) 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?”*

Legislative Intent: The amendment will provide 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 This Ordinance will remain in effect unless or until repealed by the Board of County Commissioners.

The ordinance title and body of the proposed ordinance are attached and have been reviewed by the County Attorney’s Office.

Clerk to the Board Instructions:

Exhibits Attached: Proposed Ordinance, 1994 Ballot

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
------------------	--



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 4, 2015

MEMORANDUM

TO: Jack Masson, Parks and Recreation Department Director

RE: Item II.B.4., Legislative Intent and Permission to Advertise for Public Hearing for Amendment to Chapter 98A, Code of Ordinances of Brevard County, Amending Article 1, Specifically Amending Section 3 – Port St. John/Canaveral Groves Recreational Facilities Municipal Service Taxing Unit (MSTU)

The Board of County Commissioners, in regular session on November 3, 2015, approved Legislative intent, and granted permission to advertise for a public hearing to consider adoption of the proposed amendment to Chapter 98A, Code of Ordinances of Brevard County, Florida, amending Article 1, and specifically amending Section 3 – Port St. John/Canaveral Groves Recreational Facilities MSTU.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/ds

cc: Finance
Budget

ORDINANCE NO. 2015-_____

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. Strike through indicates deletions.

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.

Repeal/Sunset: ~~— (1) In the event a bond referendum approving the issuance of bonds for the purpose of constructing recreational facilities within the unit is not approved by the electors within the unit at an election held on or before November 8, 1994, or any other date authorized by law, this ordinance shall stand repealed and of no force and effect. (2) This ordinance shall be repealed upon the date of the retirement or defeasing of the debt incurred through the issuance of bonds pledging the taxes imposed under authority of this ordinance unless extended by the Board of County Commissioners of Brevard County, Florida beyond the date of the retirement of such bonded indebtedness.~~

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 _____ day of October, 2015.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: Scott Ellis, Clerk of Court

By: Robin Fisher, Chairman
(as approved by the Board on 11/3/15)

ORDINANCE NO. 2015-_____

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:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: Scott Ellis, Clerk of Court

By: Robin Fisher, Chairman

As approved by the Board on November 3, 2015

19

D

**OFFICIAL BALLOT
GENERAL ELECTION**

**BREVARD COUNTY, FLORIDA
NOVEMBER 8, 1994**

0533

**PORT ST. JOHN/CANAVERAL GROVES
MUNICIPAL SERVICE TAXING UNIT BOND
REFERENDUM/RECREATIONAL FACILITIES**

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?

FOR BONDS	>	+
AGAINST BONDS	>	+

BG405

GENERAL ELECTION 11/8/94 118 10