



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Add-On

J.5.

5/9/2023

Subject:

Legislative Intent and Permission to Advertise an Ordinance Amending Chapter 62, Article XVII, "Workforce Housing Incentives," Brevard County Code of Ordinances

Fiscal Impact:

None

Dept/Office:

Housing and Human Services

Requested Action:

It is requested that the Board approve the statement of legislative intent set forth below and authorize the advertisement of an ordinance amending Chapter 62, Article XVII, "Workforce Housing Incentives," Brevard County Code of Ordinances, in order to implement a Brevard County Workforce and Supportive Housing Trust Fund as required by a Charter amendment approved by the voters in the November 2022 election.

Summary Explanation and Background:

In November of 2022, an amendment to the Brevard County Home Rule Charter was approved by voters to add Section 1.9, Workforce and Supportive Housing Trust Fund to the Charter. This new section reads:

"Section 1.9. Brevard County Workforce and Supportive Housing Trust Fund.

- (a) The Brevard County Workforce and Supportive Housing Trust Fund is hereby established.*
- (b) Purpose of Trust Fund. The purpose of the trust fund is to provide a continuing, non-lapsing fund for Brevard County to use to address the need for affordable housing within Brevard County. The trust fund shall be used to create and sustain affordable housing throughout Brevard County for renters and homeowners and to increase workforce housing opportunities.*
- (c) Revenue sources. The trust fund shall be funded as directed from time to time by the county commission and may be comprised of the following sources:*
 - (1) Funds from the sale of county surplus real property, the funds which are not otherwise legally committed to other sources; and*
 - (2) Other sources as established from time to time by ordinance.*
- (d) Continuing nature of trust fund. Unless otherwise provided by ordinance or resolution or required by applicable law, unspent portions of the trust fund, repayments of principal and interest on loans*

provided from the trust fund, and interest earned from the deposit or investment of monies from the trust fund:

(1) Shall remain in the trust fund to be used exclusively for the purposes of the trust fund;

(2) Shall not revert to the general revenues or other funds of the county; and

(3) Any appropriations shall not lapse.

(e) Implementation. Not later than July 1, 2023, the county commission shall adopt one or more ordinances implementing the provisions of this section, which ordinances may be amended from time to time.

Newly Adopted 11/08/2022."

As the new Charter language requires the Board of County Commissioners to adopt an ordinance or ordinances implementing the provisions of the newly enacted Section 1.9 on or before July 1, 2023, it is requested that the Board approve the following statement of legislative intent and authorize the advertisement of an ordinance amending Chapter 62, Land Development Regulations, Article XVII, "Workforce Housing Incentives," Brevard County Code of Ordinances.

Statement of Legislative Intent: It is proposed that staff draft an ordinance amending Chapter 62, Land Development Regulations, Article XVII, "Workforce Housing Incentives, of the Brevard County Code of Ordinances to implement the provisions of newly adopted Section 1.9 of the Brevard County Home Rule Charter.

Clerk to the Board Instructions:

N/A



May 10, 2023

M E M O R A N D U M

TO: Ian Golden, Housing and Human Services Director

RE: Item J.5., Legislative Intent and Permission to Advertise an Ordinance Amending Chapter 62, Article XVII, Workforce Housing Incentives, Brevard County Code of Ordinances

The Board of County Commissioners, in regular session on May 9, 2023, approved legislative intent and permission to advertise an Ordinance amending Chapter 62 Article XVII "Workforce Housing Incentives" Brevard County Code of Ordinances, in order to implement a Brevard County Workforce and Supportive Housing Trust Fund as required by a Charter amendment approved by the voters in the November 2022 election.

Your continued cooperation is always appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK**

Kimberly Powell
Kimberly Powell, Clerk to the Board

/ns

RESOLUTION 2022- 093

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, CALLING A SPECIAL ELECTION ON NOVEMBER 8, 2022, ON THE QUESTION OF WHETHER BREVARD COUNTY SHOULD CREATE SECTION 1.9 OF THE BREVARD COUNTY HOME RULE CHARTER TO PROVIDE A WORKFORCE AND SUPPORTIVE HOUSING PROGRAM; PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. AUTHORITY FOR RESOLUTION. This Resolution is adopted pursuant to the authority of the Board under Chapter 125, Florida Statutes, the Brevard County Home Rule Charter, Article VIII, section (1)(c), and Article X, Section 12(d), of the Florida Constitution and any other applicable provision of law.

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

- A. A charter has been adopted for Brevard County entitled "Brevard County Home Rule Charter."
- B. The Charter Review Commission has proposed an amendment to the Brevard County Charter.
- C. The Legal Panel review of the amendment found amendment Proposal 6 (Amendment Creating Section 1.9 providing a Workforce And Supportive Housing Program), as set forth in CRC Resolution 2022-006, to be consistent with the Florida Constitution, general law, and the Brevard County Charter and to contain a single subject.
- D. The general election to be held on November 8, 2022, is an appropriate and desirable date for the conduct of a concurrent special election on the proposed CRC amendment.

SECTION 3. SPECIAL ELECTION. A special election is hereby called and ordered to be held concurrently with the general election to be held on November 8, 2022, to determine whether or not the amendment to the Brevard County Home Rule Charter as recited in CRC Resolution 2022-006, as the proposed amendment is more particularly set forth in Section 7 below, shall be approved.

SECTION 4. NOTICE OF SPECIAL ELECTION. This Resolution shall be published once a week for four consecutive weeks in full as part of the Notice of Special 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 with the first such publication occurring in the fifth week prior to the election provided that the first publication must be at least thirty days but no more than forty-five day prior to the date set for the election.

SECTION 5. PLACES OF VOTING, INSPECTORS, CLERKS. The polls will be open at the voting places on the date of such special election during the hours prescribed by law. All qualified electors shall be entitled and permitted to vote at such special election on the proposition provided below. The places of voting and the inspectors and clerk for the special election shall be those designated by the Supervisor of Elections of Brevard County.

SECTION 6. OFFICIAL BALLOT. Proposal No. 6. The ballots to be used in the special election shall contain a statement of the description of the proposed amendment to the County Charter, and, without waiving the County's right to challenge the amendment as misleading, that description shall conform to the ballot language submitted by the CRC and ordered to be placed on the ballot by the Court in substantially the following form:

BALLOT
Brevard County, Florida

BREVARD COUNTY CHARTER AMENDMENT

**PROPOSAL NO. 6 – WORKFORCE
AND SUPPORTIVE HOUSING**

Creates Section 1.9 of the Charter. The amendment establishes an affordable housing trust fund to assist in establishing affordable housing for renters and homeowners to create and increase workforce housing opportunities throughout the county. The trust fund shall be funded as directed by the county commission.

_____ Yes for approval

_____ No for rejection

SECTION 7. CHARTER AMENDMENT. Proposal No. 6. The full text of the proposed CRC amendment reads as follows:

A. Section 1.9 Brevard County Home Rule Charter is hereby created to read as set forth below. In interpreting the proposed amendment, new language is underlined and deleted language is ~~stricken through~~. The proposed amendment states as follows:

Sec. 1.9. Brevard County Workforce and Supportive Housing Trust Fund.

(a) The Brevard County Workforce and Supportive Housing Trust Fund is hereby established.

(b) Purpose of Trust Fund. The purpose of the trust fund is to provide a continuing, non-lapsing fund for Brevard County to use to address the need for affordable housing within Brevard County. The trust fund shall be used to create and sustain affordable housing throughout Brevard County for renters and homeowners and to increase workforce housing opportunities.

(c) Revenue sources. The trust fund shall be funded as directed from time to time by the county commission and may be comprised of the following sources:

(1) Funds from the sale of county surplus real property, the funds of which are not otherwise legally committed to other sources; and

(2) Other sources as established from time to time by ordinance.

(d) Continuing nature of trust fund. Unless otherwise provided by ordinance or resolution or required by applicable law, unspent portions of the trust fund, repayments of principal and interest on loans provided from the trust fund, and interest earned from the deposit or investment of monies from the trust fund:

(1) Shall remain in the trust fund to be used exclusively for the purposes of the trust fund;

(2) Shall not revert to the general revenues or other funds of the county;
and

(3) Any appropriations shall not lapse.

(e) Implementation. Not later than July 1, 2023, the county commission shall adopt one or more ordinances implementing the provisions of this section, which ordinances may be amended from time to time.

B. The above amendment creating Article 1.9, shall become effective upon approval of the electors of Brevard County.

SECTION 8. PAYMENT OF SPECIAL ELECTION EXPENSES. The County Manager is hereby authorized and directed to approve the payment of lawful expenses associated with conducting the special election and the Clerk of the Board of County Commissioners is hereby authorized and directed to disburse funds necessary to pay such expenses.

SECTION 9. 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 special election, applicable portions of the registration books or certified copies thereof showing the names of the qualified electors.

SECTION 10. ELECTION ADMINISTRATION. The special election 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 special election and the number of votes cast respectively for and against approval of the amendments. Upon certification in the manner prescribed by law, the results shall be recorded in the minutes of the Board of County Commissioners.

SECTION 11. ELECTION RESULTS. If the majority of the votes cast at such a special election shall be "Yes For Approval," the amendments shall pass until and unless such amendment or ballot language is invalidated by a court with jurisdiction.

SECTION 12. 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.

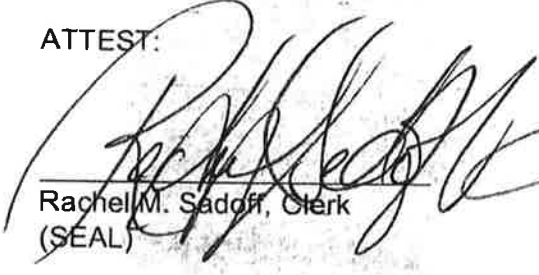
SECTION 13. REPEALING CLAUSE. All resolutions or other actions of the County which are in conflict herewith are hereby repealed to the extent of such conflict or inconsistency.

SECTION 14. EFFECTIVE DATE. This resolution shall take effect upon adoption by the Board of County Commissioners.

DONE, AND ADOPTED in Regular Session of the Board of County Commissioners of Brevard County, Florida, this 16 day of August, 2022.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA


Rachel M. Sadoff, Clerk
(SEAL)


Kristine Zonka, Chair

Reviewed for legal form and content:

As approved by the Board on 8/16/2022

County Attorney