



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## New Business - Miscellaneous

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J.4.

3/5/2020

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### **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

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

March 6, 2020

**M E M O R A N D U M**

TO: Commissioner John Tobia, District 3

RE: Item J.4., 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 March 5, 2020, took no action on 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.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/ds

cc: Clerk of Courts  
Finance  
Budget

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 20<sup>th</sup> Day of February, 2020.

ATTEST:

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SCOTT ELLIS, CLERK



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