

VI.F.1



**AGENDA REPORT
May 24, 2018**

SUBJECT:

Resolution to allow a referendum to be held in the general election on November 6, 2018, seeking approval of the electorate to approve authority for the Children's Services Council to annually levy up to a .33 mill of assessed valuation of properties in Brevard County subject to ad valorem taxation to fund the activities of the Council

DEPT/OFFICE:

Agenda Coordinator

REQUESTED ACTION:

It is requested that the Board of County Commissioners approve the attached Resolution, to allow the voters of Brevard County to vote on whether to fund the Children's Services Council to provide services to Brevard County children including prevention, development, treatment and rehabilitation services.

SUMMARY EXPLANATION and BACKGROUND:

The Children's Services Council has requested that the Brevard County Board of Commissioners submit a referendum to the electors as to whether or not to fund the Council's activities by an annual levy of an ad valorem tax on all taxable property in the County. By Ordinance No. 90-41, the Brevard Board of County Commissioners created the Children's Services Council of Brevard County as an Independent Special District coterminous with the boundaries of the County to provide children's services throughout Brevard County. The Children's Services Council has authority to provide services to Brevard County children including prevention, development, treatment and rehabilitation services.

In accordance with Ordinance No. 90-41 and Section 125.901, Florida Statutes, the County may fund the Children's Services Council through the annual levy of a county-wide ad valorem tax on all taxable property in the County, which shall not exceed one-half mill (\$.50 per \$1000), provided that the authority to levy such taxes has been approved by a majority vote of those electors voting on the question in an election called for by the Board of County Commissioners for such purpose.

The Council is seeking voter approval to levy up to a one-third (.33) mill on all taxable property, despite the maximum statutory request allowed being one-half (.5) mill.

The Council will allocate the funds collected to help the children in our County that are most at risk – risk to abuse, drugs, poverty, mental illness and homelessness. Local non-profits and government-funded agencies cannot reach all the at-risk children due to limited and decreasing resources. The Children’s Services Council will be able to fund services and systems of care which are currently unfunded or under-funded.

ATTACHMENTS:

Description

- **Strikethrough Resolution**
- **Clean Resolution**



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

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

June 4, 2018

MEMORANDUM

TO: Frank Abbate, County Manager

RE: Item VI.F.1., Resolution to Allow A Referendum Seeking Approval of the Electorate to Approve Authority for the Children's Services Council to Annually Levy up to a .33 Mil of Assessed Valuation of Properties

This is to correct the memorandum of May 25, 2018. The Board of County Commissioners, in regular session on May 24, 2018, tabled consideration of a resolution to allow a referendum seeking approval of the electorate to approve authority for the Children's Services Council to annually levy up to a .33 mil of assessed valuation of properties to the July 24, 2018, Regular meeting.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

A handwritten signature in cursive script that reads "Tammy Rowe".

Tammy Rowe, Deputy Clerk

/cmw



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

May 25, 2018

MEMORANDUM

TO: Frank Abbate, County Manager

RE: Item VI.F.1., Resolution to Allow A Referendum Seeking Approval of the Electorate to Approve Authority for the Children's Services Council to Annually Levy up to a .33 Mil of Assessed Valuation of Properties

The Board of County Commissioners, in regular session on May 24, 2018, tabled consideration of a resolution to allow a referendum seeking approval of the electorate to approve authority for the Children's Services Council to annually levy up to a .33 mil of assessed valuation of properties to the July 10, 2018, Regular meeting.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cmw

RESOLUTION 2018--____--

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AS DIRECTED BY THE CHILDREN'S SERVICES COUNCIL OF BREVARD COUNTY, PROVIDING FOR CALLING RE-A REFERENDUM TO BE HELD IN THE GENERAL ELECTION ON NOVEMBER 6, 2018 WITHIN THE TERRITORIAL LIMITS OF BREVARD COUNTY SEEKING APPROVAL OF THE ELECTORATE TO ON THE QUESTION AS TO WHETHER VOTERS WILL APPROVE AUTHORITY FOR THE CHILDREN'S SERVICES COUNCIL TO ANNUALLY LEVY UP TO A .5-33 MILLS OF ASSESSED VALUATION OF ALL PROPERTIES IN BREVARD COUNTY SUBJECT TO AD VALOREM TAXATION AD VALOREM TAX COUNTY-WIDE TO FUND THE COUNCIL ACTIVITIES OF THE COUNCIL; 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 Chapter 125, Florida Statutes, and all other applicable provisions of law including Section 125.901, Florida Statutes.

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

A. The Children's Services Council has requested that the Brevard County Board of Commissioners submit a referendum to the electors as to whether or not to fund the Council's activities - by an annual levy of an ad valorem tax on all taxable property in the County.

B. Pursuant to Ordinance No. 90-41, the Brevard Board of County Commissioners created the Children's Services Council of Brevard County as an Independent Special District coterminous with the boundaries of the County to provide children's services throughout Brevard County.

C. The Brevard Board of County Commissioners created the Children's Services Council in accordance with Section 125.901, Florida Statutes.

D. In accordance with Ordinance No. 90-41 and Section 125.901, Florida Statutes, the County may fund the Children's Services Council through the annual levy of a county-wide ad valorem tax on all taxable property in the County, which shall not exceed one-half mill (\$.50 per \$1000), provided that the authority to levy such taxes has been approved by a majority vote of those electors voting on the question in an election called for by the Board of County Commissioners for such purpose.

E. The Children's Services Council has authority to provide services to Brevard County children including prevention, development, treatment and rehabilitation services. (Further info here from CSC)

SECTION 3. REFERENDUM. A referendum election is hereby called and ordered to be held

in Brevard County concurrently at the time of the next general election to be held on November 6, 2018, to determine whether or not ~~whether~~ voters will approve authority for the Children's Services Council to annually levy up to a .335 mills ad valorem tax county-wide to fund the Council.

SECTION 4. NOTICE OF REFERENDUM. ~~A~~This notice of referendum~~resolution~~ shall be published twice in ~~full as part of the Notice of Referendum Election, together with a notice in~~ substantially the form attached hereto as Exhibit "A," in Florida Today, a newspaper of general circulation in Brevard County published at least twice, once in the fifth week and once in the third week prior to the week in which the referendum election is to be held.

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 election 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 of 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 authorization of the Children's Service County to levy economic development ad valorem annually, not to exceed .33 mill~~tax exemptions~~ and shall be in substantially the following form:

BALLOT
Brevard County, Florida

Caption: ~~.5 MIL AD VALOREM TAX TO FUND CHILDRENS SERVICES COUNCIL~~CHILDREN'S SERVICES COUNCIL OF BREVARD COUNTY AD VALOREM TAX AUTHORIZATION REFERENDUM

Shall the Children's Services Council of Brevard County be granted the authority to ~~fund~~improvement of to annually levy up to ~~.5 mils in county-wide ad-valorem taxes, pursuant to Florida Statutes 125.901, to provide funding for the children's services, including council, an independent special district that provides preventive, developmental, treatment and rehabilitative services for children as needed for the general welfare of the County by levying each year an ad valorem tax not to exceed one-third (.33) mill for services to children?~~one-third (.33) mill for services to children?

Yes for authority to levy up to one-third .5 mils

No against authority to levy up to one-third mill .5 mils

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 of 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 Children's Services Council shall pay all 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 election 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 election shall be "Yes For Approval," the referendum shall pass.

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.

(signature page follows)

DONE AND ADOPTED in Regular Session of the Board of County Commissioners of Brevard County, Florida, this ___ day of ___, 2018.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

By: _____
Rita Pritchettard, Chair

Exhibit "A"

**NOTICE OF REFERNDUM ELECTION IN BREVARD COUNTY, FLORIDA
ON NOVEMBER 6, 2018**

NOTICE IS HERBY GIVEN THAT A REFERENDUM ELECTION has been called by the Board of County Commissioners of Brevard County, Florida, and will be held from 7:00A.M. until 7:00 P.M. in Brevard County, Florida, at which time there shall be submitted to the duly qualified electors of Brevard County, Florida, as more specifically described and provided for in a Resolution of the Board of County Commissioners of Brevard County, Florida, adopted _____, 2018, the following question published below:

**CHILDREN'S SERVICES COUNCIL OF BREVARD COUNTY AD
VALOREM TAX AUTHORIZATION REFERENDUM**

Shall the Children's Services Council of Brevard County be granted the authority to fund improvement of children's services, including preventive, developmental, treatment and rehabilitative services for children as needed for the general welfare of the County by levying each year an ad valorem tax not to exceed one-third (.33) mill for services to children?

YES _____

NO _____

RESOLUTION 2018-____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AS DIRECTED BY THE CHILDREN'S SERVICES COUNCIL OF BREVARD COUNTY, PROVIDING FOR REFERENDUM TO BE HELD IN THE GENERAL ELECTION ON NOVEMBER 6, 2018 WITHIN THE TERRITORIAL LIMITS OF BREVARD COUNTY SEEKING APPROVAL OF THE ELECTORATE TO APPROVE AUTHORITY FOR THE CHILDREN'S SERVICES COUNCIL TO ANNUALLY LEVY UP TO A .33 MILL OF ASSESSED VALUATION OF ALL PROPERTIES IN BREVARD COUNTY SUBJECT TO AD VALOREM TAXATION TO FUND THE ACTIVITIES OF THE COUNCIL; 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 Chapter 125, Florida Statutes, and all other applicable provisions of law including Section 125.901, Florida Statutes.

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

- A. The Children's Services Council has requested that the Brevard County Board of Commissioners submit a referendum to the electors as to whether or not to fund the Council's activities by an annual levy of an ad valorem tax on all taxable property in the County.
- B. Pursuant to Ordinance No. 90-41, the Brevard Board of County Commissioners created the Children's Services Council of Brevard County as an Independent Special District coterminous with the boundaries of the County to provide children's services throughout Brevard County.
- C. The Brevard Board of County Commissioners created the Children's Services Council in accordance with Section 125.901, Florida Statutes.
- D. In accordance with Ordinance No. 90-41 and Section 125.901, Florida Statutes, the County may fund the Children's Services Council through the annual levy of a county-wide ad valorem tax on all taxable property in the County, which shall not exceed one-half mill (\$.50 per \$1000), provided that the authority to levy such taxes has been approved by a majority vote of those electors voting on the question in an election called for by the Board of County Commissioners for such purpose.
- E. The Children's Services Council has authority to provide services to Brevard County children including prevention, development, treatment and rehabilitation services.

SECTION 3. REFERENDUM. A referendum election is hereby called and ordered to be held in Brevard County concurrently at the time of the next general election to be held on November 6, 2018, to determine whether or not voters will approve authority for the Children's Services Council to annually levy up to a .33 mill ad valorem tax county-wide to fund the Council.

SECTION 4. NOTICE OF REFERENDUM. A notice of referendum shall be published twice in substantially the form attached hereto as Exhibit "A" in Florida Today, a newspaper of general circulation in Brevard County published at least twice, once in the fifth week and once in the third week prior to the week in which the referendum election is to be held.

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 election 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 of 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 authorization of the Children's Service County to levy ad valorem annually, not to exceed .33 mill and shall be in substantially the following form:

BALLOT
Brevard County, Florida

Caption: CHILDREN'S SERVICES COUNCIL OF BREVARD COUNTY AD
VALOREM TAX AUTHORIZATION REFERENDUM

Shall the Children's Services Council of Brevard County be granted the authority to fund improvement of children's services, including preventive, developmental, treatment and rehabilitative services for children as needed for the general welfare of the County by levying each year an ad valorem tax not to exceed one-third (.33) mill for services to children?

Yes – for authority to levy up to one-third mill

No – against authority to levy up to one-third mill

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 of 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 Children's Services Council shall pay all 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 election 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 election shall be "Yes For Approval," the referendum shall pass.

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 ___ day of ___, 2018.

ATTEST:

Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: _____
Rita Pritchett, Chair

Exhibit "A"

**NOTICE OF REFERNDUM ELECTION IN BREVARD COUNTY, FLORIDA
ON NOVEMBER 6, 2018**

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**CHILDREN'S SERVICES COUNCIL OF BREVARD COUNTY AD
VALOREM TAX AUTHORIZATION REFERENDUM**

Shall the Children's Services Council of Brevard County be granted the authority to fund improvement of children's services, including preventive, developmental, treatment and rehabilitative services for children as needed for the general welfare of the County by levying each year an ad valorem tax not to exceed one-third (.33) mill for services to children?

YES _____

NO _____