

Meeting Date
January 24, 2017



AGENDA	
Section	Consent
Item No.	<i>II.D.2</i>

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Request to approve Resolution establishing the “Save Our Indian River Lagoon Trust Fund”.
DEPT/OFFICE:	County Attorney’s Office

Requested Action:
 The County Attorney’s Office requests that the Board approve the attached resolution establishing the “Save Our Indian River Lagoon Trust Fund”.

Summary Explanation & Background:
 On November 8, 2016, a majority of the qualified electors of Brevard County voted in favor of a referendum authorizing the levying of a one half cent surtax to implement the “Save Our Indian River Lagoon Project Plan.” This request is for the Board to approve the attached resolution establishing the “Save Our Indian River Lagoon Trust Fund.” This trust fund is contemplated in the surtax’s enacting ordinance to account for all receipts and disbursements relative to revenues and expenses authorized in accordance with Section 16 of Ordinance 2016-15 as amended.

Contact Person/Phone/Email: Cristina Berrios, (321) 633-2090, cristina.berrios@brevardcounty.us
 Fiscal impact: None.

Clerk to the Board Instructions:

Exhibits Attached:
 Resolution of the Board Of County Commissioners of Brevard County, Florida, Establishing the Save Our Indian River Lagoon Trust Fund

Contract /Agreement (If attached): Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager	Assistant County Manager	Department Director / Extension
Stockton Whitten	Assistant County Manager	Scott Knox, County Attorney / 52090 

CORRECTED RESOLUTION 2017 - 005

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, ESTABLISHING THE SAVE OUR INDIAN RIVER LAGOON TRUST FUND, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Brevard County, Florida, has been granted authority under Section 212.055(2)(a), Florida Statutes, to levy for a period of ten (10) years from the date of levy, a discretionary infrastructure sales tax of a one half cent, pursuant to ordinance enacted by a majority of the members of the Board of County Commissioners and approved by a majority of the electors of the County voting in a referendum on the surtax; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, saw the urgent need to implement the "Save Our Indian River Lagoon Project Plan," with the aim to restore the Indian River Lagoon through financing, planning, constructing, maintaining, and operating capital improvements and capital maintenance projects and programs designed to improve water quality, fish, wildlife and marine habitat, remove muck and reduce pollution, as permitted under Section 212.055(2)(d)1., Florida Statutes; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, has promulgated and passed Brevard County Ordinance no. 2016-15, ("the Ordinance") imposing a one half cent discretionary infrastructure sales tax for a period of ten (10) years from the date of levy, for the purposes expressed above, subject to approval of said surtax by a majority vote of those qualified electors of Brevard County voting in a referendum that was held on November 8, 2016; and

WHEREAS, it was contemplated that if approved in said referendum, said one half cent discretionary infrastructure sales tax shall be imposed and collected countywide, commencing on January 1, 2017, and continuing thereafter for a period of ten (10) years until December 31, 2027; and

WHEREAS, on November 8, 2016, a majority of those qualified electors of Brevard County voted in favor of the referendum, thereby authorizing the levying of the one half cent surtax;

WHEREAS, the Board of County Commissioners of Brevard County, Florida, deem it in the best interest of all of the citizens and residents of Brevard County, Florida, that the proceeds of the one half cent discretionary infrastructure sales tax be used to fund projects and programs designed to restore the Indian River Lagoon in the manner set forth in the Ordinance, including operations, maintenance and reasonable administrative costs of those projects and programs;

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Brevard County, Florida, as follows:

SECTION 1. Recitals

The above recitals are true and correct and are deemed an integral part of this Resolution.

SECTION 2. Ordinance

The following is hereby incorporated, as amended, into and made part of this Resolution:

Ordinance 2016-15, entitled "An Ordinance of the Board of County Commissioners of Brevard County, Florida, Calling a Countywide Save Our Indian River Lagoon ½ Cent Sales Tax Referendum Election On November 8, 2016 Within The Territorial Limits Of Brevard County On The Question As To Whether The Board Of County Commissioners Should Levy a ½ Cent Infrastructure Sales Tax For Financing the County's Share of the Cost for the Save Our Indian River Lagoon Project Plan; Providing for Findings; Calling a Referendum; Providing for Notice of the Referendum; Providing for Ballot Language; Approval of Save Our Indian River Lagoon Project Plan; Providing for Levy of the ½ Cent Sales Tax for Restoration of the Indian River Lagoon; Creating a Save Our Indian River Lagoon Project Trust Fund; Save Our Indian River Lagoon Oversight Committee; Providing for Severability; Repealer; and an Effective Date."

SECTION 3. Establishment of the Save Our Indian River Lagoon Trust Fund

A Special Revenue Fund group is hereby designated to account for all receipts and disbursements relative to revenues and expenses authorized in accordance with Section 16 of Ordinance 2016-15 as amended, which include project monies disbursed to other entities expending its funds on an approved lagoon restoration project. This fund group will collectively be known as "The Save Our Indian River Lagoon Trust Fund."

Expenditures from "The Save Our Indian River Lagoon Trust Fund," that are inconsistent with the language of Section 16 of Ordinance 2016-15, as amended, shall not be permitted.

SECTION 4. Effective Date.

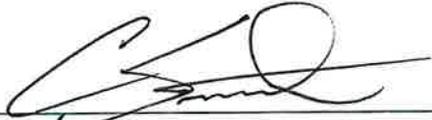
This resolution shall take effect on this 24th day of January, 2017.

ATTEST



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Curt Smith, Chair

As approved by the Board on: 1/24/17

Reviewed for legal form and content:



Assistant County Attorney