



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

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MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney
DATE: April 29, 2021
SUBJECT: Children's Services Dedicated Millage

BACKGROUND.

On February 25, 2020, the Indian River County Board of County Commissioners ("Board") conducted a workshop and provided guidance to the County Attorney on various issues pertaining to the dedicated millage for the Children's Trust. The guidance addressed the proposed millage rate, sunset date, millage phase-in, Children's Trust Advisory Board membership, executive director position and staffing, and the use of dedicated millage funds.

After the workshop, the County Attorney's Office began drafting the proposed ordinance, which called for the referendum and established a new chapter of the Indian River County Code of Ordinances pertaining to the dedicated millage and the other issues noted above. On May 5, 2020, in response to the COVID-19 pandemic, and at the request of County staff and representatives supporting the referendum, the Board voted to defer placing the matter on the November 2020 ballot. At the time, the County Attorney's Office noted that it would bring the matter and a draft ordinance back to the Board in 2021 for consideration of placing the matter on the November 2022 ballot.

Since then, County staff has had several productive meetings with the representatives supporting the referendum. Based upon the input from the Board at the workshop and from the representatives supporting the referendum, the County Attorney's Office has drafted the attached ordinance for review and comment from the Board.

The ordinance establishes a 15 member Children's Trust Advisory Board, consisting of the following members:

1. County Commissioner
2. Judge living in Indian River designated by Chief Judge
3. Superintendent of Schools
4. Department of Children and Families, Assistant District Administrator for Indian River County.
5. Department of Health County Health Department Administrator

6. Law Enforcement officer
7. Representative from the Indian River County Hospital District.
- 8-12. Five (5) voting members from the community appointed by the Board of County Commissioners, which individuals shall have some form of expertise in the arena of children's services, such as a physician, licensed mental health professional, or child advocate.
13. One voting member appointed by the Board of County Commissioners, who represents the Taxpayers' Association of Indian River County.
14. One voting member, appointed by the Board of County Commissioners, who is an accountant.
15. One (1) at-large voting member shall be appointed by the Board of County Commissioners.

The funding for the Children's Trust would be based upon an ad valorem tax of 0.2000 of a mill from 2023-2024 to 2025-2026, 0.2500 of a mill from 2026-2027 to 2028-2029, and 0.3333 of a mill from 2029-2030 to 2034-2035. The funds will be used to promote the health and well-being of children, which encompasses socioeconomic, physical, mental, social, emotional, environmental and educational health. A number of purposes are described in the ordinance, however in an attempt to address the concern with the duplication of funds expended by other agencies, the ordinance does not permit funds to be used to pay for or reimburse services provided by other governmental entities or their employees.

The ordinance includes an executive office director who would serve under the purview of the County Administrator, who will undertake various functions including, but not limited to, providing administrative support for the Children's Trust Advisory Board meetings, monitoring agencies receiving funds, writing appropriate grants, producing written materials, reviewing applications for funding, reporting to the Children's Trust Advisory Board, preparing annual budgets, writing and presenting annual reports. The office will consist of a director or manager and adequate staff to perform all duties provided for under the Children's Trust Chapter of the County Ordinance Code.

The ordinance calls for a referendum at the November 8, 2022 election and would expire 12 years after such date, if the millage is approved by the voters.

Since the workshop on February 25, 2020, it has been determined that the most practicable method by which to dedicate the Children's Trust millage would be to establish a special dependent district. In order to establish a special district countywide, per section 125.01(5)(a), Florida Statutes, the special district would be subject to the approval of the governing body of the incorporated area affected. Thus, the councils of the five municipalities will need to approve the special district in order to have the millage rate applicable in the incorporated areas of the County.

If the Board approves moving forward with the draft ordinance, County staff would work with the representatives supporting the referendum, to seek support of a resolution from each of the municipalities. Additionally, the County Attorney's Office would make such changes to the draft ordinance to reflect the establishment of the special dependent district.

FUNDING.

The Children's Trust expenses will be solely funded by the millage proceeds collected as detailed in the referendum.

RECOMMENDATION.

The County Attorney's Office recommends the Indian River County Board of County Commissioners provide guidance on the proposed ordinance and authorize County staff to work with the representatives supporting the referendum in obtaining the approval from the municipalities and drafting any resolutions to effectuate such approval. The County Attorney's Office also recommend that the Board authorize setting a public hearing on the ordinance, incorporating any changes made by the Board, after obtaining the approvals from the municipalities.

ATTACHMENT.

Ordinance