

ORDINANCE NO. 2022- 007

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AMENDING PART II (CHILDREN'S SERVICES ADVISORY COMMITTEE) OF CHAPTER 103 (COMMISSIONS AND BOARDS) TO UPDATE VARIOUS ASPECTS OF THE CHILDREN'S SERVICES ADVISORY COMMITTEE, INCLUDING MEMBERSHIP, FUNDING AND DISTRIBUTION OF FUNDS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, REPEAL OF CONFLICTING PROVISIONS; AND AN EFFECTIVE DATE.

WHEREAS, Indian River County is among Florida's richest counties; and

WHEREAS, Indian River County has the 10th largest income gap between the top 1 percent and bottom 99 percent of earners out of 3,061 counties in the United States; and

WHEREAS, children and youth under age 18 represent 16% of Indian River County's population; and

WHEREAS, 16% of Indian River County children live in poverty and an additional 33% of Indian River County children live in households that are one financial emergency or missed paycheck away from poverty; and

WHEREAS, a network of organizations serving children and families in Indian River County has for decades demonstrated a trusted and verifiable track record of operating proven programs and developing promising practices that deliver measurable results by improving the health, education, economic opportunity and housing conditions for this vulnerable population; and

WHEREAS, investing in developmental and educational resources for children and families will provide measurable returns for our community; and

WHEREAS, Indian River County's children need enhanced services; and

WHEREAS, 7.5% of babies born in Indian River County each year are considered low birth weight, and 10.9% are preterm; and

WHEREAS, 42% of children in Indian River County are not prepared to enter kindergarten; and

WHEREAS, as many as 50% of children with developmental delays or disorders are not diagnosed or properly treated before they start school; and

WHEREAS, 54% of students in Indian River County are eligible for free & reduced lunch; and

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WHEREAS, in Indian River County only 60% of children in 3rd grade read on grade level and only 53% of 8th graders are proficient in 8th grade math; and

WHEREAS, over 1,500 reports of suspected child abuse in Indian River County are regularly received by the Department of Children and Families in a given year; and

WHEREAS, over 10% of middle school age children report using alcohol in the past 30 days; and

WHEREAS, 28% of Indian River County students are chronically absent; and

WHEREAS, Indian River County's teen pregnancy rate of 22.7/1000 is higher than the state's average of 19.7/1000; and

WHEREAS, Indian River County's hospitalization rate for youth for mood and depressive disorders is twice that of the state of Florida; and

WHEREAS, quality programs addressing these needs pay for themselves many times over and the cost of inaction is a tragic loss of human and economic potential that we cannot afford,

WHEREAS, the Indian River County Board of County Commissioners determines that it is in the best interests of the health and well-being of our children and broader community to modify the provisions Part II (Children's Services Advisory Committee) of Chapter 103 (Commissioner and Boards) to strengthen the process of funding children's programs.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT:

Section 1. Enactment Authority.

Article VIII, section 1 of the Florida Constitution and chapter 125, Florida Statutes vest broad home rule powers in counties to enact ordinances, not inconsistent with general or special law, for the purpose of protecting the public health, safety and welfare of the residents of the county. The Indian River County Board of County Commissioners specifically determines that the enactment of this ordinance is necessary to protect the health, safety and welfare of the residents of Indian River County.

Section 2. Amendment of Part II (Children's Services Advisory Committee) of Chapter 103 (Commissions and Boards) of the Code of Indian River County, Florida.

New language indicated by underline, and deleted language indicated by ~~strikethrough~~.

Part II (Children's Services Advisory Committee) of Chapter 103 (Commissions and Boards) of the Code of Indian River County, Florida, is hereby amended to read as follows:

CHAPTER 103. – COMMISSIONS AND BOARDS.

* * *

PART II. CHILDREN’S SERVICES ADVISORY COMMITTEE.

Section 103.20. - Purpose.

The purpose of the children’s services advisory committee is to promote ~~healthy children~~ the health and well-being of children in a healthy community. The term "healthy" encompasses socioeconomic, physical, mental, social, emotional, environmental and educational health.

Section 130.21. - Objective.

- (1) The objective of the children’s services advisory committee is to provide a unified system of planning and delivery within which children’s needs can be identified, targeted, evaluated and addressed by the children’s services advisory committee.-
- (2) Definition of child. Any person who has not attained the age of eighteen (18) years, also minor.
- (3) This objective will be met by the children’s services advisory committee through the powers and functions of the board of county commissioners as follows:
 - a) Recommended to provide and maintain in the county, services for children as the children’s services advisory committee determines are needed for the general well-being of the county.
 - b) Collect information and statistical data and conduct research helpful to the children’s services advisory committee and the county in deciding the needs of children in the county.
 - c) Consult, collaborate, and coordinate with other agencies dedicated to the well-being of children to the end that unnecessary duplication of services will be prevented.
 - d) Recommend the allocation of funds to agencies that provide services for the benefit of children in Indian River County.
 - e) Recommend standards for evidence based measurable outcomes within the request for proposal and monitor the agencies for actual performance on agreed upon standards.
 - f) Recommend to employ, pay and provide benefits for any part-time or full-time position needed to execute the foregoing powers and functions.

Section 103.22. - Appointment to the children's services advisory committee.

(1) The membership of the children's services advisory committee shall consist of ~~thirteen (13)~~ fifteen (15) voting members who must be residents of Indian River County as follows:

a) Six (6) ~~Seven (7)~~ ex-officio voting members. Those members shall be:

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 IRC~~ Circuit 19 Community Development Administrator
5. Department of Health County Health Department Administrator
6. Law Enforcement officer
7. Representative from the Indian River County Hospital District.

b) Five (5) voting members from the community appointed by the board of county commissioners, ~~reflecting the geographical and social diversity of the community.~~ Each commissioner shall appoint one member to represent his/her district, which individuals shall have some form of expertise in the arena of children's services, such as a physician, licensed mental health professional, child advocate or someone with business experience.

c) Two (2) at-large voting members shall be appointed by the board of county commissioners.

d) One voting member, appointed by the board of county commissioners, who is an accountant, certified financial officer, certified financial planner or has significant financial experience.

(2) Reserved.

(3) The ~~seven (7) district and at-large~~ members appointed by the board of county commissioners shall have been residents of Indian River County for at least twenty-four (24) months prior to nomination. Such members shall be appointed for four-year terms, except that the length of the terms of the initial appointees shall be adjusted to stagger the terms. No at-large member shall serve for more than two (2) consecutive four-year terms.

- (4) ~~Members appointed as district members may be replaced during their term if the commissioner from the same district requests the board of county commissioners to replace that district member. Reserved.~~
- (5) No designee of principals will be allowed for any member of the children's services advisory committee.
- (6) ~~One county staff member, assigned by the county administrator, acting as the executive office director to the children's services advisory committee, shall be a non-voting member. Reserved.~~
- (7) Officers: Officers will include a chair, appointed by the board of county commissioners, vice chair, and standing sub-committee chairs. Officers excluding the chair will be elected by the majority vote of the children's services advisory committee members each January and will assume the duties of their office on the regular meeting on the second Monday of the next meeting each year. The term as an officer, other than a county commissioner, will be for one year, but officers may succeed themselves.
- (8) Except in the event of a conflict between with this Chapter, the children's services advisory committee shall be subject to the provisions of Chapter 103 of the Indian River County Code of Ordinances.

Section 103.23. - Duties of the children's services advisory committee members.

- (1) Identify and assess the needs of the children in Indian River County and submit to the board of county commissioners a written description of:
 - a) The activities, services, and opportunities available to Indian River County children.
 - b) The activities, services, and opportunities that need to be provided to Indian River County's children.
 - c) The anticipated schedule for providing those activities, services, and opportunities.
 - d) The manner in which children will be served, including a description of collaboration and partnerships that will be made with community organizations, state and local educational agencies, federal agencies, public assistance agencies, the juvenile courts, foster care agencies, and other applicable public and private agencies and organizations.
 - e) The strategy that will be used for interagency coordination and collaboration to maximize existing human and fiscal resources.

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- f) The special outreach efforts that will be undertaken to provide services to promote healthy children.
- (2) Provide orientation to all new children's services advisory committee members, to allow them to perform their duties and understand the Sunshine Law.
- (3) Based upon board of county commissioner's fiscal year, provide an annual written report and presentation in January to the board of county commissioners, including program updates/highlights, outcome data and performance and fiscal reports from each funded organization.
- (4) Provide an updated short term and long-term plan to the board of county commissioners to include, but not limited to:
 - a) Programs, services, and activities that meet the objectives of the children's services advisory committee, including recommendations on best practices, programs and services to be implemented outside the RFP process set forth below.
 - b) A detailed budget for activities, services, and programs recommended to receive funding from the board of county commissioners.
- (5) Work with staff and sub-committees to review and update the procedure manual as set forth in section 103.31 of this Chapter, to be presented to the board of county commissioners for approval every two years.

Section 103.24. - Sub-committees.

- (1) The children's services advisory committee may establish the change of membership in or termination of the existence of any sub-committees. Each sub-committee shall be named and shall have and may exercise such powers as delegated by the children's services advisory committee through the board of county commissioners. Sub-committees may be composed of children's services advisory committee members and citizens who are Indian River County residents, with an effort to broadly represent the county, geographically and socioeconomically. Each sub-committee shall have one member who is an ex officio member of the children's services advisory committee who is a board of county commissioners appointed member to the children's services advisory committee who shall serve as chair of the sub-committee. There shall be no other children's services advisory committee members on the sub-committees. Only children's services advisory committee members shall serve as committee chairs. A minimum of three people will serve on each sub-committee.
- (2) There shall be standing sub-committees created by the children's services advisory committee. The children's services advisory committee chair shall appoint

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the sub-committee chairs with the approval of the children's services advisory committee. Annually standing sub-committees will evaluate their effectiveness and make recommendations to the children's services advisory committee.

~~a) Nominating sub-committee: Potential appointees shall submit resumes to the board of county commissioners and the board will make the selection.~~

ab) Community needs assessment and planning sub-committee: Shall be comprised of no fewer than 5 and no more than 9 members. Members may serve no more than three (3) two (2) year terms. A one (1) year absence shall be required before members may re-apply to serve on the sub-committee. The sub-committee shall identify and assess the needs of children of Indian River County through a needs assessment and asset mapping; submit to the board of county commissioners through the children's services advisory committee a written description of those needs. Provide and update short term and long term plan to the children's services advisory committee including, but not limited to, programs, services and activities that meet the objectives of the children's services advisory committee.;

~~i) Programs, services, and activities that meet the objectives of the children's services advisory committee.~~

~~ii) A detailed budget for activities, services, and programs recommended to receive funding from the board of county commissioners.~~

be) Grant review and program sub-committee: Shall be comprised of no fewer than 9 and no more than 15 members. Members may serve no more than three (3) two (2) year terms. A one (1) year absence shall be required before members may re-apply to serve on the sub-committee. In coordination with the executive office director, review and revise requests for proposal (RFP) based on need determination and set priorities. Submit to children's services advisory committee for approval. Review and recommend letters of intent submitted by agencies requesting funding. Through executive office director, notify selected grant applicant of second step process. Review final RFPs and make recommendations for funding to children's services advisory committee, who will then recommend to the board of county commissioners for funding. Receive, review and present to children's services advisory committee members' quarterly (at a minimum) reports from funded agencies. Conduct program evaluations throughout the funding period, schedule and attend site visits to funded program.

cd) Other sub-committees deemed necessary to fulfill the duties of the children's services advisory committee may be established by the children's services advisory committee chair, with the expressed consent of the board of county commissioners. A minimum of three people will serve on such sub-committees.

Section 103.25. - Meetings.

- (1) The children's services advisory committee will meet at least quarterly or as called by the chair.
 - a) All members are expected to attend all meetings. If a member's annual attendance drops below the seventy-five (75) percent mark the executive office director shall submit a report to the board of county of commissioners for their consideration of possible removal from the children's services advisory committee.
 - b) Members of the children's services advisory committee shall serve without compensation.
- (2) The fiscal year of the children's services advisory committee will be the same as the Indian River County Board of County Commissioners.

Section 103.26. - Funding.

The board of county commissioners shall provide an assigned millage of up to ~~0.125~~ 0.25 to the children's services advisory committee.

Section 103.27. Distribution Use of funds.

- ~~1) The application process will be in the form of a request for proposal. Each completed application shall contain expected results stated in required measurable terms for review by the children's services advisory committee and a copy of the most recent financial audit. Governmental agencies are excluded from the financial audit requirement.~~
- ~~2) Prior to budget hearings, the children's services advisory committee shall submit a line item request, by program, to the board of county commissioners for funding consideration. This total request will be within the boundaries of the aggregate funding allocated for children's services by the board of county commissioners.~~

It is the intent of this part that the funds provided per section 103.26 shall be used for the development and authorization of continuing programs to improve the quality of life for all children in Indian River County. Funds will be expended for children's services to promote the health and well-being of children, which encompasses socioeconomic, physical, mental, social, emotional, environmental and educational health. Such programs and services may include, but shall not be limited to the following purposes:

- 1) To allocate and provide funds for agencies in Indian River County which are operated for the benefit of children.

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- 2) To support programs and services which will enhance academic achievement and assist all children to achieve literacy and perform at grade level in core areas such as reading, math and science.
- 3) To provide and maintain in Indian River County such guidance, psychological, or psychiatric programs and services as the county determines are needed for the general welfare of the children and families of Indian River County.
- 4) To support programs and services which promote and improve the physical health and well-being of all children, including physical and recreational activities.
- 5) To support programs and services designed to stop child abuse before it starts.
- 6) To provide funds to programs and services that keep our children off the streets and away from drugs, alcohol and other risky behaviors.
- 7) To provide prenatal care programs where such programs will improve birth outcomes for all children.
- 8) To provide for such other services for all children as the county determines are needed for the general welfare of Indian River County.
- 9) To collect information and statistical data which will be helpful to the county in deciding the needs of children and to develop techniques for monitoring the efficacy of funded programs and services including, but not limited to the gathering of data, measuring outcomes, goal effectiveness, research.
- 10) To provide or coordinate training, professional development and other support to children's services advisory committee funded agencies which will ultimately improve service delivery and desired outcomes for children.
- 11) To consult, coordinate and collaborate with local, state and national entities which promote best practices, professional standards and advocacy focusing on the health, well-being and education of children and families.
- 12) To lease or purchase such equipment and personal property, up to \$5,000, as are needed to execute the foregoing programs and services.
- 13) To employ and pay, on a part-time or full-time basis, personnel needed to execute the foregoing programs and services.
- 14) To provide for administrative expenses limited to Indian River County staff implementing this chapter and operating supplies, directly related to tasks necessary to fulfill the scope and purposes of this chapter, in an amount not to

exceed eight (8) per cent of the annual millage for that fiscal year, to be determined at the time of budget adoption.

Such children's services may be provided in accordance with the provisions of this Chapter and such rules, policies and procedures as may be established by resolution of the county, which may include, but shall not be limited to programs providing for grants to not-for-profit agencies for the reimbursement of expenditures for operational and overhead expenses for the creation, development and implementation of programs, grants to not-for-profit agencies or children based upon funding all or a portion of the cost of services rendered, the purchase of services or, where children's services can most economically and efficiently be provided by county, through the establishment of county-run programs. Funding will not be used to pay for or reimburse services provided by other governmental entities or their employees.

Section 103.28. - ~~Cooperative agreements.~~ Process for distribution of funds.

~~The children's services advisory committee, through the board of county commissioners, may enter into agreements with approved agencies to facilitate the achievements of the children's services advisory committee objective.~~

- 1) The application process will be in the form of a request for proposal. Each completed application shall contain expected results stated in required evidence based measurable terms for review by the children's services advisory committee and a copy of the most recent financial audit. Governmental agencies are excluded from the financial audit requirement.
- 2) Announcement of plan. As soon as reasonably possible after submission of the children's services advisory committee's annual report and initial funding plan for children's programs and services, the county shall approve or modify the plan and announce the availability of funding for the upcoming fiscal year. The announcement will include a description of services and programs recommended for funding. The announcement will include information pertaining to funding applications, rules and procedures pertaining to the award of funds and applicable dates for submission of applications and all details pertinent thereto.
- 3) Funding request evaluation. Evaluations of agencies submitting funding applications shall include, but not be limited to, site visits, interviews, and application review. Applications received will be assessed on the basis of specified criteria and will include, but not be limited to, the following items:
 - a. Organization's capability. The qualifications and experience of the applicant in providing quality human services and the agency's financial capability.
 - b. Evidence based outcomes from prior years.

- c. Need for service. Appropriate goals and objectives in response to the advertisement of funding availability.
 - d. Soundness of methodology. The goal and objectives, description of services with timeline and documented coordination with other service providers.
 - e. Evaluation. The program's process and outcome objectives, data collection system and evaluation design.
 - f. Cost effectiveness. The proportion of budget applied to direct services, funds from other sources, funds requested, current and projected long range efficiency.
 - g. Children and families served. The extent to which the application addresses services to meet identified needs of the target population.
 - h. Neighborhood-based initiatives. The extent and degree to which the application focuses on a local area or neighborhood.
 - i. Response to a specified strategy. The applicant's identification of and appropriate response to a specified primary strategy.
 - j. Application. The relative completeness, clarity and conciseness of the response to all required items in the funding announcement and application.
- 4) Prior to budget hearings, the children's services advisory committee shall submit a line item request, by program, to the board of county commissioners for funding consideration. This total request will be within the boundaries of the funding set forth for children's services by the board of county commissioners under section 103.26.

Section 103.29. - Bookkeeping and audit.

Any agency funded through the process set forth in Part II of this chapter shall be required to keep adequate records reflecting the use of funds and services provided. These records shall be made available to the children's services advisory committee or board of county commissioners upon reasonable demand. The executive office director shall, at a minimum; review ~~and~~ records quarterly and prepare written reports for the children's services advisory committee. All agencies must provide the children's services advisory committee with an audit based upon standard accounting procedures.

Section 103.30. - Function of executive office director.

The executive office director of the county, under the purview of the County Administrator, will provide all services needed to support the services set forth in this part, including, but

not limited to, complete ~~completing~~ reports and activities required to meet the objectives of the children's services advisory committee. These activities will include, but are not limited to, ~~secretarial~~ administrative support for the children's services advisory committee meetings and be the official record repository for said records, keeping other records, monitoring agencies receiving funds, writing appropriate grants, producing written materials, reviewing applications for funding, reporting to the children's services advisory committee, preparing annual budgets, writing and presenting annual reports. The office of the executive office director shall consist of a director or manager and adequate staff to perform all duties ~~assigned by the children's services advisory committee~~ provided for under this part.

Section 103.31. - Procedures handbook.

The procedure handbook shall be adopted by the board of county commissioners by resolution, which sets out the operating procedures of the children's services advisory committee.

Section 4. Codification. It is the intention of the Board of County Commissioners that the provision of this ordinance shall become and be made part of the Indian River County Code, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or such other appropriate word or phrase in order to accomplish such intention.

Section 5. Severability. If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall remain in full force and effect.

Section 6. Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 9. Effective Date.

This ordinance was advertised in the Indian River Press Journal on the 29 day of April, 2022, for a public hearing to be held on the 10th day of May, 2022, which was continued until the 17th of May, 2022, at which time it was moved for adoption by Commissioner Adams, seconded by Commissioner O'Bryan, and adopted by the following vote:

Chairman Peter D. O'Bryan	<u>AYE</u>
Vice Chairman Joseph H. Earman	<u>AYE</u>
Commissioner Susan Adams	<u>AYE</u>
Commissioner Joseph E. Flescher	<u>AYE</u>
Commissioner Laura Moss	<u>AYE</u>

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The Chairman thereupon declared the ordinance duly passed and adopted this 17 day of May, 2022.

BOARD OF COUNTY
COMMISSIONERS OF INDIAN RIVER
COUNTY, FLORIDA



By: Peter D. O'Bryan
Peter D. O'Bryan, Chairman

ATTEST: Jeffrey R. Smith, Clerk
and Comptroller

By: Maura James
Deputy Clerk

This Ordinance was filed with the Department of State on the 19th day of May, 2022.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY Dylan Reingold
DYLAN REINGOLD
COUNTY ATTORNEY