

PART II – INDIAN RIVER COUNTY CODE OF ORDINANCES

Chapter ??? ADMINISTRATION

ARTICLE ?? - CHILDREN'S TRUST OF INDIAN RIVER COUNTY

Sec. ? ? ? ? ? - Short title.

This article shall be known and may be cited as the Children's Trust Ordinance.

Sec. ? ? ? ? ? Objective

The objective of the Children's Trust is to improve the quality of life for all children in Indian River County by providing a coordinated system of planning and delivery within which children and families' needs can be identified, evaluated and addressed.

Se Sec. ? ? ? ? ? - Scope and purpose.

The scope and purposes of this article are:

- (1) To implement the provisions of Indian River County Resolution ? ? ? ? ? and provide for the dedicated millage for children's services through the Children's Trust of Indian River County.
 - (2) To establish the general terms and conditions under which Indian River County shall fund, develop and provide for the establishment and operation of the Children's Trust of Indian River County and the support of programs which shall include the enhancement and expansion of existing programs as well as new and innovative programs to improve the quality of life for all children in Indian River County.
 - (3) To establish the Children's Trust of Indian River County Advisory Board, to establish the terms and conditions of membership on the advisory board, to establish the scope of authority of the advisory board and other terms and conditions related thereto.
 - (4) To provide a clear source of lawful authority for the grant of funds derived from a dedicated millage for the development and authorization of continuing programs to improve the quality of life for all children in Indian River County.
-

Sec. ? ? ? ? ? - Definitions.

The following words, when used herein, shall have the meaning indicated unless the context clearly indicates otherwise:

Advisory board shall mean the Children's Trust of Indian River County Advisory Board as established herein.

Agency shall mean any partnership, association, corporation or individual as well as any governmental body or unit.

Children shall refer to Indian River County's children under the age of eighteen (18).

Child advocate shall mean a member of the general public with a demonstrated concern for the well-being of children.

Children's Trust shall mean the Children's Trust of Indian River County.

Clerk shall mean the clerk of the circuit court and clerk to the board of county commissioners of Indian River County.

County shall mean Indian River County acting by and through its board of county commissioners.

CTIRC shall mean the Children's Trust of Indian River County.

Dedicated millage shall mean the ad valorem property taxes as provided for in Resolution ? ? ? ? of this article.

Department shall mean the Children's Trust of Indian River County or such other department or division within county's jurisdiction, having cognizance over the furnishing of children's services and matters relating thereto.

Director shall mean the Executive Director of the Children's Trust of Indian River County or his designee.

Exclusive jurisdiction of the school board shall mean matters pertaining to the obligations and duties of the school board pursuant to the Constitution and Laws of Florida and shall not apply to discretionary programs that may be implemented by the school board where such programs may be qualified for funding under this article and the school board held accountable to the county for the development of the program and the provision of services to children.

Fiscal year shall mean the county's fiscal year beginning on October 1 and ending on September 30 of each year.

Juvenile shall mean children as defined above.

Supplant or replace shall mean to take the place of.

Words of the masculine gender shall be deemed and construed to include correlative words of the feminine gender. Words importing the singular number shall include the plural number and vice-versa unless the context shall otherwise indicate. The word "person" shall include corporations, associations, natural persons and public bodies unless the context shall otherwise indicate. Reference to a person other than a natural person shall include its successors.

Sec. ? ? ? ? ? - Millage dedicated.

- (a) There is hereby dedicated to fund improvements in quality children's development, physical and mental health, and other services for children residing in Indian River County by the levying each year of an ad valorem tax of one-quarter of a mill in 2021, increasing to one-third of a mill in 2023 and increasing to one-half of a mill in 2025 and thereafter which shall be based upon the taxable value of all land in Indian River County.
- (b) The amount of revenue to be generated by the dedicated millage shall be reported to the advisory board by the director as soon as reasonably possible after the property appraiser certifies the tax roll and shall be accounted for by the clerk separate and apart from all other county funds.
- (c) Effective in FY22-23 the Children's Trust dedicated millage shall replace existing funding provided by the county's Children's Services Advisory Committee and may be expended only for funding programs and services for children in accordance with the provisions of this article.
- (d) Any funds derived from the dedicated millage not used during any fiscal year and all interest earned on such funds shall be accounted for and used only for the purposes established in this article for the dedicated millage.

Sec. ? ? ? ? ? - Expenditures authorized.

It is the intent of this article that the funds generated by the dedicated millage shall be used for the development and authorization of continuing programs to improve the quality of life for all children in Indian River County, as provided in Resolution ? ? ? ? ?, this article and as more specifically determined by subsequent proceedings of the county.

The dedicated millage may be expended to fund improvements in quality children's development, physical and mental health, and other services for children. 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, provided they are not under the exclusive jurisdiction of the public school system.
- (2) To support programs and services which will enhance academic achievement and assist all children to 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 & improve the physical health and well-being of all children.
- (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 Trust 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 such real estate and lease or purchase such equipment and personal property 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 Children's Trust of Indian River County staff and operating supplies, directly related to tasks necessary to fulfill the scope and purposes of this article, in an amount not to exceed ten (10) per cent of the annual dedicated 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 article 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.

Sec. ? ? ? ? ? - Children's Trust advisory board.

(a) Advisory board established. There is hereby established the Children's Trust of Indian River County Advisory Board which shall be appointed by and serve at the pleasure of the county. The initial advisory board shall be established by April of 2021. To the extent possible the thirteen (13) member advisory board shall be comprised of:

- (1) A physician, preferably a pediatrician;
- (2) A licensed mental health professional;
- (3) An expert in education, preferably from Indian River State College;
- (4) A representative of NAACP;
- (5) three (3) child advocates who are not affiliated with any agency receiving Children's Trust funds;
- (6) one (1) criminal justice representative;
- (7) The superintendent of School District of Indian River County;
- (8) One (1) representative from the Department of Health;
- (9) One (1) representative from United Way of Indian River County;
- (10) One (1) representative from the Department of Children and Families; and
- (11) One (1) judge of the family law division.

The Children's Trust Advisory Board shall have the power and duty to make recommendations to the Board of County Commissioners regarding the expenditure of the dedicated millage; to consult with agencies dedicated to the welfare of juveniles to the end that the overlapping of services will be prevented; and such other duties as may from time to time be assigned by the Board of County Commissioners.

(b) Terms.

- (1) Except as provided herein all terms shall be for a period of three (3) years and continue until a successor has been appointed, which term shall be deemed to commence on October 1 of each respective year.
- (2) To achieve staggered terms, the first term of four (4) initial members, including one child advocate, shall expire at the end of FY22-23; the first term of four (4) initial members, including one child advocate, shall expire at the end of FY23-24; the first term of five (5) initial members shall expire at the end of FY24-25.
- (3) All members of the advisory board shall be residents of Indian River County meeting the qualifications of an elector, except that the judicial position may be filled by the family law judge serving in Indian River County without regard to residency.
- (4) Members shall be eligible for reappointment for three successive terms without limitation. After one year's absence, a former member can rejoin the advisory board.

- (5) The county may remove any member who, without reasonable excuse, fails to attend three (3) consecutive meetings.
 - (6) Members may be removed without cause by a majority plus one vote of the board of county commissioners when it is determined that it is necessary and in the best interest of the county and the efficient functioning of the advisory committee to remove such members. The advisory board may recommend removal of a member to the county based upon an affirmative vote of eight (8) members of the advisory board.
 - (7) Any member who has been selected based upon serving in a representative capacity for an entity or agency who resigns or is no longer affiliated with such entity or agency shall provide notice to the Director of a change in the member's status. Taking into consideration the work of the advisory board and the activities and proceedings schedule by the advisory board, the county may ask such representative to continue until an orderly transition may be arranged and at such time as the county deems to be in the best interest of the advisory board or the county may declare the position vacant and fill the vacancy by appointment as soon as reasonably possible. Such appointment shall be for the unexpired term of the vacated office.
 - (8) If any member of the advisory board is removed, dies or becomes disqualified, the position shall be deemed vacant and such vacancy shall be filled by appointment of the county. Any such appointment shall be for the unexpired term of the vacated position.
- (c) Rules and procedures.
- (1) The advisory board shall hold meetings as needed to fulfill its duties, but the advisory board shall hold at least four (4) meetings each year.
 - (2) A majority of the active members of the advisory board shall constitute a quorum.
 - (3) All meetings shall be open to the public.
 - (4) Formal recommendations of the advisory board to the county commissioners shall be based upon the vote of not less than a majority of a quorum present and voting.
 - (5) The advisory board shall have the authority to elect such officers, including a chairperson and a vice-chairperson, and promulgate such internal procedures and rules as may be necessary to conduct the business and affairs of the advisory board, which shall not be in conflict with the general law, this article or procedures and policies established by the board of county commissioners.
 - (6) Every member of the advisory board shall be required to disclose any affiliations (such as employment or position as an officer or director) or other conflicts of the member or the member's immediate family with any entity applying for or receiving funds from the millage dedicated to the Children's Trust.
 - (7) No member of the advisory board shall incur any expenditures chargeable to the county without the prior written approval of the director.
- (d) Powers and duties. The advisory board shall have the power and duty to make recommendations to the county regarding the expenditure of the dedicated millage, to consult with agencies dedicated to the welfare of children to the end that the overlapping of services will be prevented; and such other duties as may from time to time be assigned by ordinance or resolution of the board of county commissioners.

In order to accomplish those purposes, subject to policies and procedures established by the county, the children's services advisory board shall have in addition to the powers, duties and authority assigned elsewhere in this article, the authority to:

- (1) Make independent investigations and gather data pertaining to the needs of children and families and ways of meeting those needs.

- (2) Consider and recommend innovative and creative programs required to effectuate the intent of the children's services referendum.
- (3) Make recommendations to the board of county commissioners with respect to modification of programs.
- (4) Develop and recommend monitoring and evaluation procedures and methods for providing accountability and guidelines to assure that the dedicated millage is appropriately used.
- (5) Make recommendations and investigations to assure that the dedicated millage is allocated wisely and used effectively.
- (6) Collect data pertaining to other sources of funding available for children's services.
- (7) Identify and make recommendations to the county to clarify and define services for children as contemplated by Resolution?? ? ? ?.

Sec. ? ? ? ? ? - Needs assessment; establishment of funding priorities.

- (a) The advisory board shall submit to the board of county commissioners by January 30 of each year an annual report which will be made available to the public. This report should provide an update on Children's Trust activities, a financial statement, agency and program investments, and outcomes achieved in the prior year.

The annual report shall include a needs assessment which identifies and quantifies the needs of Indian River County's children and families. In developing the report the advisory board shall utilize data and materials from local, state or national agencies, both public and private; tools such as asset mapping, a focus on the county's "pockets of poverty", an examination of service gaps and capacity gaps; or other appropriate methodologies such as hearings and investigations including but not limited to surveys and interviews of experts, professionals, agencies and individuals, including children and parents, as may be necessary and practical to develop the assessment.

The assessment will prioritize the identified needs, service and capacity gaps, and include the advisory board's preliminary determination of the nature and types of programs and services that should receive funding in the upcoming investment cycle.

Sec. ? ? ? ? ? - Procedures for allocation of funds.

- (a) Announcement of plan. As soon as reasonably possible after submission of the advisory board'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 from the dedicated millage. 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.
- (b) 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:

- (1) Organization's capability. The qualifications and experience of the applicant in providing quality human services and the agency's financial capability.

- (2) Need for service. Appropriate goals and objectives in response to the advertisement of funding availability.
 - (3) Soundness of methodology. The goal and objectives, description of services with timeline and documented coordination with other service providers.
 - (4) Evaluation. The program's process and outcome objectives, data collection system and evaluation design.
 - (5) Cost effectiveness. The proportion of budget applied to direct services, funds from other sources, funds requested, current and projected long range efficiency.
 - (6) Children and families served. The extent to which the application addresses services to meet identified needs of the target population.
 - (7) Neighborhood-based initiatives. The extent and degree to which the application focuses on a local area or neighborhood.
 - (8) Response to a specified strategy. The applicant's identification of and appropriate response to a specified primary strategy.
 - (9) Application. The relative completeness, clarity and conciseness of the response to all required items in the funding announcement and application.
- (c) Funding recommendation. Recommendations for funding, once approved by the children's services advisory board, will be presented to the board of county commissioners by the chairman of the children's services advisory board or his/her designee. This report shall be written or verbal, as requested by the board of county commissioners, presented no later than September 30 of each year, which date or dates shall be established in the announcement provided for in subsection (a) above.

The recommendation will include a description of current children's services in Indian River County; an assessment of how current services are fulfilling the needs of the children in Indian River County; the advisory board's analysis and conclusions with respect to compliance with the requirement that the dedicated millage be used to fund additional services and programs and not to replace or supplant existing funding; and a recommended budget and funding levels for children's services for the next fiscal year.

- (d) Program follow-up. The Children's Trust advisory board or its designee shall review and make recommendations pertaining to the funding application, and request for proposals, the funding agreements and the development of the monitoring and evaluation procedure which shall be prepared by the department.

The children's services advisory board shall be apprised of all reports as a result of monitoring programs implemented by the department pursuant to this article.

Sec. 2-2-259. - Final recommendations and final determinations.

The commission shall, during the hearings and proceedings required for adoption of the county's annual budget, make final determinations with respect to the allocation of the dedicated millage. Any additional programs funded after adoption of the county's budget shall be approved only after notice and public hearing conducted in the manner required for the adoption of county's ordinances.

The specific allocation of funds authorized by inclusion in the county's official budget adopted prior to the commencement of each fiscal year or any subsequent amendment to the budget shall not establish a right, entitlement or benefit to any individual or agency. Disbursement of the dedicated millage shall be only in accordance with agreements, rules and procedures as may be adopted and otherwise authorized by the county.

If any portion of the dedicated millage is provided to an agency to reimburse the agency for all or a portion of the cost of providing a program or services then this article and any agreement with such agency shall provide that all financial, business and membership records pertaining to such agency, except such records which are confidential pursuant to the laws of Florida, shall be open and available to the county for audit and inspection and such agency may be required to provide audited financial statements pursuant to a grant or funding agreement with the county.

Draft