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OF THE BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA
ON SEPTEMBER 10, 2008

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September 10, 2008

MEETING OF THE BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

The Board of County Commissioners of Indian River County, Florida, met in the County Commission Chambers, 1801 27th Street, Vero Beach, Florida, on Wednesday, September 10, 2008, to conduct the Final Budget Hearing for 2008/2009. Present were Chairman Sandra L. Bowden, Vice Chairman Wesley S. Davis, and Commissioners Joseph E. Flescher, Peter D. O'Bryan, and Gary C. Wheeler. Also present were County Administrator Joseph A. Baird, Management and Budget Director Jason E. Brown, County Attorney William G. Collins II, and Deputy Clerk Leona Adair Allen.

1. CALL TO ORDER

Chairman Bowden called the meeting to order at 5:01 p.m.

2. INVOCATION – JAMES DAVIS, PUBLIC WORKS DIRECTOR

Public Works Director James Davis delivered the Invocation.

3. PLEDGE OF ALLEGIANCE – WESLEY S. DAVIS, COMMISSION
VICE-CHAIRMAN

Vice Chairman Wesley Davis led the Pledge of Allegiance to the Flag.

4. BUDGET OVERVIEW BY COUNTY ADMINISTRATOR, JOSEPH A. BAIRD

County Administrator Joseph Baird revealed that this year's budget was very challenging due to the current local and national economic environments. He presented an overview of the fiscal year 2008/2009 Budget totaling \$289,650,399, a decrease of approximately \$175 million, about 37% from the prior year.

Administrator Baird listed the reasons for the budget decrease which included a reduction in ad valorem tax revenues by \$5.2 million; a decrease in the tax roll by 5.6%; decreased sales tax by 4.9%; decreased interest income; decreased state revenue sharing by 5.5%; the elimination of 85 full-time positions which accounted for \$4.7 million; and increased fuel costs by about \$170,000. He divulged that after the millage rate was set in July, a notice was received from the State that they were reducing sales tax and state revenue sharing by \$600,000.

Administrator Baird pointed out that the new County requirement for health insurance had increased budget expenses by \$2.7 million; Solid Waste fees were down 5% - 7%; all ad valorem tax rates were at rollback; and there were no proposed rate increases.

5. AD VALOREM FUNDS

A. AD VALOREM MILLAGE AND AD VALOREM BUDGET

GENERAL FUND

Administrator Baird announced that the proposed budget for the General Fund is \$82,016,250, about \$2.8 million less than the prior year. The proposed millage is 3.0689, which is

6.68% below rollback; the elimination of 26 full-time positions accounted for a reduction of about \$1,368,000; and the ad valorem tax revenue is down about \$2.3 million. He emphasized that Amendment I contributed to a loss of about \$2.6 million in revenue.

Chairman Bowden opened the floor to public comments. There were no speakers and the Chairman closed the public comment period.

There were no proposed changes to the budget.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the millage rate of 3.0689, and approved **Resolution 2008-124**, establishing the tax millage rate to be levied upon all real and personal taxable property in Indian River County, Florida, for fiscal year 2008-2009 for the General Fund.

ON MOTION by Commissioner Flescher, SECONDED by Vice Chairman Davis, the Board unanimously approved the dollar amount of \$82,016,250, and approved **Resolution 2008-125**, amending the County Budget Officer's estimates of receipts other than taxes and of balances to be brought forward for fiscal year 2008-2009 and adopting a final budget for the General Fund.

M.S.T.U. – (MUNICIPAL SERVICE TAXING UNIT)

Administrator Baird reported that the proposed millage is 1.0804, which is 9.03% below rollback, and the proposed budget is \$29,125,672, a 3.46% reduction from the prior year. He indicated that the majority of the decrease was due to the elimination of Road and Bridge positions. There was also a decrease in the ½-cent sales tax revenue of about \$680,000, 14%; and state revenue sharing by \$290,000, 16%.

Administrator Baird proposed that the Gifford Aquatic Center pool be open only “partial year” (April through September) as a cost cutting measure.

Chairman Bowden opened the floor to public comments.

The following individuals supported keeping the Gifford pool open for more than six months out of the year:

Rene Renzi, Waverly Place

Joe Paladin, Vero Beach

Fred Mensing, 7580 129th Street

Tom Johnson, 1700 Waterford Drive

Reverend Doctor Crystal Bujol, Gifford Community Activist

Freddie Woolfork, 4590 57th Avenue (provided the Board with a letter from Nancy Johnson and Joan Woodhouse, requesting the pool remain open six to eight months)

Godfrey Gipson, 4136 57th Court

Pastor Henry Burson, 4545 38th

There were no opponents.

Administrator Baird clarified that he, not the Recreation Director Cliff Crawford, had made the decision to close the pool for part of the year. He pointed out that Brevard and St. Lucie Counties leave their pools open only during the summer months, and he did not feel it was unusual to close them during the winter months. He said that during the off-season there were about eight people a day visiting the pool, costing the County \$84,000, about \$138.00 per visit.

Commissioner Flescher, liaison to the Parks and Recreation Advisory Committee, felt that the numbers were incorrect and believed the attendance would have been higher if the pool had been heated.

Administrator Baird disclosed that the North County pool is different from the Gifford pool because it is regulation size, it can host regional swimming events, and it gets more use than the Gifford pool. He indicated that if the Board wanted to open the Gifford pool for eight months, even though the millage had been set, he could reduce the Contingency in MSTU.

Budget Director Jason Brown clarified that prior to this year there had only been one Recreation Department budget, not separate budgets for the Gifford Pool, North County Pool, or Ocean Rescue. Due to requests from the Taxpayer's Association and various residents, separating them was just accomplished this year. He said that staff divided the budget and had to guesstimate allocations from the prior year's budget. He acknowledged that adjustments had to be made due to over/under allocations, and he believed that since there is now a history, future numbers will be more accurate.

Pastor Burson told the Board how Children's Services and his church had provided the necessary funds to start the Hope Academy. He listed the services and benefits that the Academy provides to its students, and voiced concerns over the loss of funds.

Reverend Bujol wanted clarification regarding the North County pool revenues and budgeted amounts. Director Brown explained the revenue expectations from the pool, how staff budgeted conservatively, and how the budgeted amounts were exceeded.

Commissioner Flescher deemed it necessary that the pool be utilized for a longer season, and be “partially open,” 20 hours per week, from Tuesday through Saturday, 1:30 p.m. to 5:30 p.m. He believed that Mr. Staley, the Gifford Center’s manager and qualified lifeguard, was creative enough, given the proper tools and environment, to raise pool attendance.

MOTION WAS MADE by Commissioner Flescher,
SECONDED by Vice Chairman Davis, to adjust the budget
by reducing the M.S.T.U. Fund by \$21,038.00, and adding
it to the Gifford Aquatic Center operation.

Commissioner Wheeler gave the details of the nearly \$4 million that is spent community-wide on recreation. He felt the appropriate time for this to have been addressed would have been during a workshop, not at the Final Budget Hearing. He believed that bringing this issue to the Board now was not only inappropriate, but not fair to the other people and programs within the County who had attended the workshops and pleaded their case for exceptions. Instead of taking money out of the Contingency Fund, Commissioner Wheeler felt it was only fair to cut the North County Aquatic Center by the same percentage as the Gifford pool. He suggested this be brought up for consideration at next year’s workshop.

Commissioner Flescher related that he had made several requests on what could be done with the pool at the committee level, and said he had even discussed it with staff. He emphasized that neither he nor the general public had any direction to appeal this.

Commissioner O'Bryan wanted to know the details of the failed pool heater and the operating costs. He viewed the pool as a "want more than a need" and felt the dollars in question could be better used to benefit the youth within the community. He specified that if the money is going to be put back into the budget, he would prefer it be put into necessary programs at the Health Department or various youth services. He expressed that opening the pool during the weekdays from 1:30 p.m. to 5:30 p.m. would not address school children, since they would either be in school or in after school programs. He felt that adding money back into the budget to run a pool with questionable attendance would not be the best use of limited tax dollars in today's current economic climate. He suggested the community return with a plan that shows they can cover the expenses through private donations and other programs.

Director Brown informed Commissioner O'Bryan that there was currently a purchase order in the amount of \$7,700 to repair the pool's heater and well; and Recreation Director Cliff Crawford detailed the operating costs for the facility.

Chairman Bowden felt it would be difficult to change this, since millage had already been set and the budget was now in its final hearing. She did not feel that the County could afford to make this change and was sorry that the process had been misunderstood. She gave assurance that the North County pool and the Gifford pool were looked at equally.

Discussion ensued regarding the equity between the two pools, and cutting the entire Recreation budget, not just the Gifford pool.

Director Brown emphasized the rationale for closing the Gifford pool, saying that instead of keeping Mr. Staley there year around, and being tied-up with 2 kids in the pool, it would be more cost effective for the County to have him running a recreation program with 32 kids. He reasoned that this was not about taking something away, but redirecting the efforts into something that would be a little more effective.

Commissioner Flescher concluded that \$21,038 would make a difference for the community, and acknowledged that Mr. Staley would volunteer to be one of the lifeguards, which would cut the cost by about \$7,327, between salary and benefits. He stressed that for under \$15,000 the pool could remain open for four hours, Tuesday through Saturday, and that he would be willing to negotiate with anyone having an objection.

Reverend Bujol felt that for reasons of fairness and equity, the Board should consider Commissioner Wheeler's suggestion to cut the North County Aquatic Center by the same percentage as the Gifford pool.

There was a brief discussion regarding qualified lifeguards donating their time toward opening the pool

THE CHAIRMAN CALLED THE QUESTION and by a vote of 2-3 (Chairman Bowden, Commissioners O'Bryan and Wheeler opposed), the MOTION FAILED.

Commissioner Flescher appealed to his fellow Commissioners, wanting to try another motion. He reiterated that if Mr. Staley (providing he was not moved to another location) is permitted to volunteer his time as one of the two required life guards at the Gifford pool, that it would reduce the cost factor of one lifeguard by \$7,327.00.

MOTION WAS MADE by Commissioner Flescher, SECONDED by Vice Chairman Davis, for discussion, to adjust the budget by reducing the M.S.T.U. Fund by \$15,711, so the pool could remain open for the next eight months.

Chairman Bowden requested a caveat be added to specify a certain attendance be met.

Commissioner O'Bryan did not think this would be an appropriate use of Mr. Staley's time. He rationalized that no other programs could be scheduled for the children because if one person should visit the pool, Mr. Staley would not be able to conduct any other programs, he would have to stay poolside.

Commissioner Wheeler said that Mr. Staley does an outstanding job and is very busy with other programs. He did not think it was good to take him away from his other duties to stay poolside for 20 hours a week. He reiterated that this should have been addressed at the workshop.

Commissioner Flescher explained that this issue could not be brought up during the workshop because alternatives, options, nor numbers were available at that time.

The Chairman CALLED THE QUESTION and the MOTION FAILED by a vote of 2-3, (Chairman Bowden, Commissioners O'Bryan and Wheeler opposed).

There were no other speakers and the Chairman closed the public comment period.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner O'Bryan, by a 3-2 vote (Vice Chairman Davis and Commissioner Flescher opposed), the Board approved the millage rate of 1.0804, and approved **Resolution No. 2008- 126**, establishing the tax millage rate to be levied upon all real and personal taxable property in Indian River County, Florida, for fiscal year 2008/2009 for the Indian River County General Purpose Municipal Service Taxing Unit.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner O'Bryan, by a 3-2 vote (Vice Chairman Davis and Commissioner Flescher opposed), the Board approved the dollar amount of \$29,125,672, and approved **Resolution No. 2008-127**, amending the County Budget Officer's estimates of receipts other than taxes and of balances to be brought forward for fiscal year 2008/2009 and adopting a final budget for the Indian River County General Purpose Municipal Service Taxing Unit.

TRANSPORTATION FUND

Administrator Baird explained that this is not a taxing fund even though it receives 70% of its revenues from transfers from the taxing funds. He reported that the proposed budget is \$16,306,066, about \$1,245,841 less than the current year, and that it had no millage. He said that the reduction of 12 positions resulted in a decrease of \$1.4 million.

Chairman Bowden opened the floor to public comments. There were no speakers and the Chairman closed the public comment period.

There were no changes proposed.

ON MOTION by Commissioner O'Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved the dollar amount of \$16,306,066, and approved **Resolution No. 2008-128**, amending the County Budget Officer's estimates of receipts other than taxes and of balances to be brought forward for fiscal year 2008/2009, and adopting a final budget for the Transportation Fund.

EMERGENCY SERVICES DISTRICT

Administrator Baird relayed that this is for the fire and advanced life support (ALS) services, which everyone in the County pays, except Indian River Shores. The proposed millage is 1.7148, which is 9.69% below rollback, and the proposed budget amount is \$28,501,218, a decrease of \$5,872,499 from the current year. He explained that \$4 million of the reduction was due to the repairs, replacements, and upgrades of the Fire Stations, and also, the annualized cost of manning Stations 6 and 11. He reported that one vacant delivery position was eliminated.

Chairman Bowden opened the floor to public comments. There were no speakers and the Chairman closed the public comment period.

There were no changes proposed.

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved the millage rate of 1.7148, and approved **Resolution No. 2008-129**, establishing the tax millage rate to be levied upon all real and personal taxable property in Indian River County, Florida, for fiscal year 2008/2009 for the Indian River County Emergency Services District.

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved the dollar amount of \$28,501,218, and approved **Resolution No. 2008-130**, amending the County Budget Officer’s estimates of receipts other than taxes and of balances to be brought forward for fiscal year 2008/2009 and adopting a final budget for the Emergency Services District.

ENVIRONMENTALLY SENSITIVE LAND ACQUISITION

Administrator Baird explained that this is the debt service for the environmentally sensitive land acquisition bonds that were voted on by the public for the \$26 million bond issues. The proposed millage is 0.1357 (rollback does not apply) and the proposed budget amount is \$2,428,658.

Chairman Bowden opened the floor to public comments. There were no speakers and the Chairman closed the public comment period.

There were no changes proposed.

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved the millage rate of 0.1357, and approved **Resolution No. 2008-131**, establishing the tax millage rate to be levied upon all real and personal taxable property in Indian River County, Florida, for fiscal year 2008/2009 for the General Obligation Land Acquisition Bond Issue.

ON MOTION by Commissioner O’Bryan, SECONDED by Commissioner Wheeler, the Board unanimously approved the dollar amount of \$2,428,658, and approved **Resolution No. 2008-132**, amending the County Budget Officer’s estimates of receipts other than taxes and of balances to be brought forward for fiscal year 2008/2009 and adopting a final budget for the General Obligation Land Acquisition Bond Issue.

LAND ACQUISITION BONDS – 2004 REFERENDUM

Administrator Baird relayed that this is the debt service for the \$50 million voter approved bond issue, which is basically principal and interest. The proposed millage of 0.2863 (rollback rate does not apply) and the proposed budget amount is \$4,797,340.

Chairman Bowden opened the floor to public comments. There were no speakers and the Chairman closed the public comment period.

There were no changes proposed.

ON MOTION by Commissioner Flescher, SECONDED by Chairman Davis, the Board unanimously approved the millage rate of 0.2863, and approved **Resolution No. 2008-133**, establishing the tax millage rate to be levied upon all real and personal taxable property in Indian River County, Florida, for fiscal year 2008/2009 for the General Obligation Land Acquisition Bond Issue – 2004 Referendum.

ON MOTION by Commissioner Flescher, SECONDED by Chairman O’Bryan, the Board unanimously approved the dollar amount of \$4,797,340, and approved **Resolution No. 2008-134**, amending the County Budget Officer’s estimates of receipts other than taxes and of balances to be brought forward for fiscal year 2008/2009 and adopting a final budget for the General Obligation Land Acquisition Bond Issue – 2004 Referendum.

AGGREGATE

Administrator Baird reported the proposed aggregate millage to be 5.1628, 7.97% below rollback.

No vote was required.

6. SOLID WASTE DISPOSAL DISTRICT BUDGET (NON-AD VALOREM SPECIAL DISTRICT)

A. ANNOUNCE 2007/2008 2008/2009 PROPOSED CHARGE AND BUDGET

Administrator Baird announced the proposed charges and budget as follows:
(1) Residential Waste Generation at \$40.94 per unit, a 7.04% decrease from the current year;
(2) Commercial Waste Generation at \$28.32 per unit, a 5.16 % decrease from the current year; and
(3) Readiness-to-Use Fee at \$17.41, a 7.74% decrease from current year. The proposed budget amount is \$11,621,986, down about 2% from last year.

B. RECEIVE COMMENTS FROM THE PUBLIC

Chairman Bowden opened the floor to public comment. There were no speakers and the Chairman closed the public comment period.

C. CONSIDER ANY PROPOSED AMENDMENTS

There were no proposed amendments.

D. MAKE A MOTION TO ADOPT A RESOLUTION TO APPROVE NON-AD VALOREM RESIDENTIAL AND COMMERCIAL WASTE GENERATION UNIT CHARGES AND READINESS-TO-USE FEE

ON MOTION by Chairman Davis, SECONDED by Commissioner Wheeler, the Board unanimously approved the non-ad valorem Residential and Commercial Waste Generation Unit charges and Readiness-to-use fee, and **Resolution 2008-135**, establishing the Assessment Rate to

be levied upon all real taxable property in Indian River County, Florida, for fiscal year 2008/2009 for the Solid Waste Disposal District.

E. MAKE A MOTION TO ADOPT BUDGET RESOLUTION

ON MOTION by Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the dollar amount of \$11,621,986, and approved **Resolution 2008-136**, amending the County Budget Officer's estimates of receipts other than taxes and of balances to be brought forward for fiscal year 2008/2009 and adopting a final budget for the Solid Waste Disposal District.

7. ADOPTION OF NON-AD VALOREM ASSESSMENT CHARGES

A. ANNOUNCE 2008/2009 PROPOSED CHARGE FOR EACH NON-AD VALOREM ASSESSMENT DISTRICT

Administrator Baird read the 2008/2009 proposed rates for each Non-Ad Valorem Assessment District into the record as follows:

- | | |
|--|---------|
| 1. Vero Lake Estates M.S.B.U. | \$19.00 |
| 2. East Gifford Stormwater M.S.B.U. | \$15.00 |
| 3. Gifford Street Lighting District | \$25.00 |
| 4. Laurelwood Street Lighting District | \$18.00 |

5. Rockridge Street Lighting District	\$10.00
6. Vero Highlands Street Lighting District	\$23.00
7. Porpoise Point Street Lighting District	\$13.00
8. Laurel Court Street Lighting District	\$27.00
9. Tierra Linda Street Lighting District	\$23.00
10. Vero Shores Street Lighting District	\$21.00
11. Ixora Park Street Lighting District	\$19.00
12. Royal Poinciana Street Lighting District	\$28.00
13. Roseland Road Street Lighting District	\$ 1.50
14. Whispering Pines Street Lighting District	\$18.00
15. Moorings Street Lighting District	\$12.00
16. Walker's Glen Street Lighting District	\$24.00
17. Glendale Lakes Street Lighting District	\$40.00
18. Floralton Beach Street Lighting District	\$38.00
19. West Wabasso Street Lighting District	\$21.00

B. RECEIVE COMMENTS FROM THE PUBLIC

Chairman Bowden opened the floor to public comments. There were no speakers and the Chairman closed the public comment period.

C. CONSIDER ANY PROPOSED AMENDMENTS AND CALCULATE REVISED CHARGE

There were no proposed amendments.

D. MAKE A MOTION TO ADOPT BUDGET RESOLUTION

ON MOTION by Commissioner Flescher, SECONDED by Chairman Davis, the Board unanimously adopted the Non - Ad Valorem assessment charges, and approved **Resolution 2008-137**, establishing the assessment rates to be levied upon certain real property in Indian River County for fiscal year 2008/2009 for all the Non-Ad Valorem assessments.

8. APPROVE NON-AD VALOREM DOLLAR BUDGETS

A. ANNOUNCE 2008/2009 PROPOSED BUDGET

Administrator Baird announced the 2008/2009 proposed budget as follows:

1.	Housing Authority	\$ 141,470
2.	Special Revenue Funds	\$ 24,808,453
3.	Other Debt Service Fund	\$ 1,239,633
4.	Capital Projects	\$ 12,973,749
5.	Enterprise Funds	\$ 49,451,188
6.	Internal Service Funds	\$ 26,238,716

B. RECEIVE COMMENTS FROM THE PUBLIC

Chairman Bowden opened the floor to public comments. There were no speakers and the Chairman closed the public comment period.

C. CONSIDER ANY PROPOSED AMENDMENTS

There were no proposed amendments.

D. MAKE A MOTION TO ADOPT BUDGET RESOLUTION

ON MOTION by Chairman Davis, SECONDED by Commissioner Flescher, the Board unanimously approved **Resolution 2008-138**, adopting a final budget for fiscal year 2008/2009 for certain non-taxing funds of Indian River County.

Commissioner O'Bryan conveyed that the deadline for appealing property assessments with the Property Appraiser's Office is September 15, 2008 at 5:00 p.m. He reported that the forms are available on line, or at the Clerk to the Board office, and clarified that the assessment is based on the property value as of January 1st, 2008.

9. ADJOURN

There being no further business, on Motion duly made, seconded and carried, the Board adjourned at 5:54 p.m.

ALL BACKUP DOCUMENTATION IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD IN THE OFFICE OF THE CLERK TO THE BOARD AND IS HEREBY MADE A PART OF THESE MINUTES

ATTEST:

Jeffrey K. Barton, Clerk

Sandra L. Bowden, Chairman

Minutes Approved: _____

LA