

JEFFREY K. BARTON  
Clerk to the Board



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**OF BOARD OF COUNTY COMMISSIONERS**  
**ON SEPTEMBER 15, 2010**

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**JEFFREY K. BARTON**  
Clerk to the Board



**September 15, 2010**

**FINAL BUDGET HEARING OF THE BOARD OF COUNTY**  
**COMMISSIONERS**

The Board of County Commissioners of Indian River County, Florida, met at the County Commission Chambers, 1801 27<sup>th</sup> Street, Vero Beach, Florida, on Wednesday, September 15, 2010, to conduct the Final Budget Hearing. Present were Chairman Peter D. O'Bryan, Vice Chairman Bob Solari, Commissioners Wesley S. Davis, Joseph E. Flescher, and Gary C. Wheeler. Also present were County Administrator Joseph A. Baird, County Attorney Alan S. Polackwich, Sr., and Deputy Clerk Leona Adair Allen.

**1. CALL TO ORDER**

Chairman O'Bryan called the meeting to order at 5:01 p.m.

**2. INVOCATION**

Chief Deputy Clerk of Circuit Court Jeffrey R. Smith delivered the Invocation.

**3. PLEDGE OF ALLEGIANCE**

County Attorney Alan S. Polackwich, Sr. led the Pledge of Allegiance to the Flag.

#### **4. BUDGET OVERVIEW BY COUNTY ADMINISTRATOR JOSEPH A. BAIRD**

County Administrator Joseph Baird revealed that this budget is the result of four years of downturn in the economy, and that during those four years of challenges, the County lost \$26 million in Ad Valorem taxes, about 80% of the building permit revenue, and about 35% in sales tax revenue. He announced that the peak budget of four years ago was \$472 million, and today it is \$259,455,120, down from \$358 million from last year, a reduction of 27%.

Administrator Baird described the challenges and cost initiatives that the County has had to make. These include reorganizations, reductions in staff, decreased contract negotiations, small service reductions, and cutting non-profits.

Administrator Baird reported that this year's budget had few Ad Valorem tax increases (only in land acquisition); the millage rate was the same or reduced; there were no proposed rate increases; and even though Ad Valorem taxes were reduced, the County was still able to open an additional library and fire station. He stated that the reductions in services included cutting the library hours and eliminating lifeguards at Treasure Shores Beach Park.

#### **5. AD VALOREM FUNDS**

##### **5.A. AD VALOREM MILLAGE AND AD VALOREM BUDGET**

###### **GENERAL FUND**

Administrator Baird announced that the proposed millage for the General Fund is 3.0892, 11.39% below rollback, and the proposed budget is \$72,753,961, 13.6% less than last year. He recognized the sacrifices of the Constitutional officers and reported that their budget cuts account for a \$2.3 million reduction; the elimination of seven positions would save \$521,204, and the Teamsters' pay raises account for about \$437,000.

**Carole Jean Jordan**, Indian River County Tax Collector, spoke about cutting her budget by \$280,000 despite an increased workload, and the current challenges that her office is facing.

**Jeffrey R. Smith**, Chief Deputy Clerk of Circuit Court, reminded the Commissioners that the Board of County Commission funds the Finance Department and Clerk to the Board offices, but the Courthouse function is controlled by the State, and funded with the fees that are paid for court cases. He disclosed that his staff has been diligently looking for ways to cut the budget, while seeking technology for efficiency. He commended the Management and Budget office for the assistance they continue to provide.

Commissioner Davis complimented the Clerk for implementing the user-friendly website that cross-references the Clerk of the Circuit Court and the Property Appraiser websites.

The Commissioners commended the Sheriff for reducing his budget without eliminating personnel, and they also extended kudos to the other Constitutional Officers for the effort and sacrifices they made in reducing their budgets.

Chairman O'Bryan opened the floor to public comments.

**John Blair**, 4268 56<sup>th</sup> Lane, former employee of the Supervisor of Elections office, provided handouts (on file) and voiced concerns over the Supervisor of Election's budget.

There were no additional speakers and the Chairman closed the public comment session.

ON MOTION by Vic Chairman Solari, SECONDED by Commissioner Flescher, the Board unanimously approved the millage rate of 3.0892, and approved **Resolution 2010-073**, establishing the tax millage rate to be levied upon all real and personal taxable property in Indian River County, Florida, for Fiscal Year 2010/2011 for the General Fund.

ON MOTION by Commissioner Flescher, SECONDED by Chairman O'Bryan, the Board unanimously approved the dollar amount of \$72,753,961, and approved **Resolution 2010-074**, amending the County Budget Officer's estimates of receipts other than taxes and of balances to be brought forward for Fiscal Year 2010/2011 and adopting a final budget for the General Fund.

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

Administrator Baird explained that this is an Ad Valorem tax budget paid by anyone residing in the unincorporated area, and listed some of the departments that fall under this fund. He reported that the proposed millage as 1.0733, 14.45% below rollback, and the proposed budget is \$25,590,018, a decrease of \$4,797,098 from last year. He summarized the reasons for the decrease to the budget, pointing out that Treasure Shores Beach Park would become an unguarded beach for a reduction of \$119,215, eliminating nine positions would save about \$530,430, and reducing transfers would account for a savings of \$772,000.

Chairman O'Bryan opened the floor to public comments.

**Mayor Richard Gilmore**, Sebastian, read the City of Sebastian's Resolution R-10-27 into the record, which urges the Board to maintain funding for lifeguard services at Treasure Shores Beach Park for the Fiscal Year 2010/2011 Budget. He thereafter requested the Board reconsider eliminating the lifeguard positions.

Discussion ensued regarding the MSTU budget, the City of Vero Beach paying for their own lifeguards, a newspaper article indicating that the budget was predetermined, and the Board never increasing the millage rate during the Final Budget Hearing.

Attorney Polackwich explained the law as it applies to increasing the millage rate. He recalled that the Board had approved a tentative millage rate on July 14, 2010, and if the Board desired to increase the millage rate at the first Budget Hearing (September 8, 2010), then a notice to all taxpayers would have been required. He said that at this time, the Board cannot increase the millage rate from last week's determination.

The following individuals spoke in opposition to the elimination of the lifeguard positions at Treasure Shores Beach Park:

- (1) **Fred Mensing**, 7580 129<sup>th</sup> Street, Sebastian
- (2) **Dale Carter**, 13155 88<sup>th</sup> Street, Fellsmere
- (3) **Donna Barone**, 122 North Pine Street, Fellsmere, past President of Sebastian River High School Rowing Club
- (4) **Dr. Peter Wernicki**, Orthopedic Surgeon and Medical Advisor for the U.S. Lifesavings Association, Board Member of the International Lifesaving Federation, and Advisory Board Aquatic Director for the National Red Cross
- (5) **Gayl Nye**, 9410 Frangipani Drive, sought and received clarification regarding the process for transferring money between funds, such as the Windsor Properties gift.

- (6) **Joe McManus, Jr.**
- (7) **Debbie McManus**, 13450 77<sup>th</sup> Street, requested the Board transfer funds into the MSTU Fund to retain the lifeguards.
- (8) **Frank Bilotta**, 994 S. Easy Street, Sebastian, provided additional signed petitions (on file) that were not given at the September 8, 2010 Preliminary Budget Hearing that requested lifeguards to be stationed at Treasure Shores Beach Park and all other currently guarded beaches (totaling about 3,200 signatures). He also suggested implementing paid parking machines at the beach in order to keep lifeguards in place.

Seeing no further speakers, the Chairman closed the public comment session.

**Jeff Smith**, Chief Deputy Clerk, clarified that the money from Windsor (a gift) was transferred from the General Fund to an Escrow Fund to ensure the money would not be used in a General Fund capacity for general expenses, and to preserve it until such time that the Board could make a decision as to how it should be spent, in accordance with the purpose of the gift.

Commissioner Flescher wanted to restore Treasure Shores Beach Park with lifeguards, and to take the funding from the Contingency Fund to pay for them. He did not want to change the MSTU budget, nor raise the millage rate.

MOTION WAS MADE by Commissioner Flescher,  
SECONDED by Chairman O'Bryan, to restore the  
lifeguard positions at Treasure Shores Beach Park by  
using the funds from the Contingency Reserve or the  
Windsor Fund.

Each Commissioner provided his reason(s) for supporting or opposing the motion.



The Chairman CALLED THE QUESTION, and by a vote of 2-3 (Commissioners Davis, Solari, and Wheeler opposed), the MOTION FAILED.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Wheeler, the Board approved the millage rate of 1.0733, and approved **Resolution 2010-075**, establishing the tax millage rate to be levied upon all real and personal taxable property in Indian River County, Florida, for Fiscal Year 2010/2011 for the Indian River County General Purpose Municipal Service Taxing Unit.

ON MOTION by Commissioner Wheeler, SECONDED by Vice Chairman Solari, the Board approved the dollar amount of \$25,590,018 and approved **Resolution 2010-076**, amending the County Budget Officer's estimates of receipts other than taxes and of balances to be brought forward for Fiscal Year 2010/2011 and adopting a Final Budget for the Indian River County General Purpose Municipal Service Taxing Unit.

*The Chairman called a break at 6:32 p.m. and reconvened the meeting at 6:43 p.m., with all members present.*

## **TRANSPORTATION FUND**

Administrator Baird stated that this fund is not a taxing fund; however, it derives about 59.7% of its revenue from taxing funds. He reported that the proposed budget is \$13,315,401, a \$2,417,305 decrease, or 15.4%. He relayed that the elimination of twelve positions accounted for a savings of \$600,373.

Chairman O'Bryan opened the floor to public comments. There were no speakers and the Chairman closed the public comment session.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Wheeler, the Board unanimously approved the dollar amount of \$13,315,401, and approved **Resolution 2010-077**, amending the County Budget Officer's estimates of receipts other than taxes and of balances to be brought forward for Fiscal Year 2010/2011 and adopting a Final Budget for the Transportation Fund.

## **EMERGENCY SERVICES DISTRICT**

Administrator Baird said that excepting those in Indian River Shores, all residents pay this Ad Valorem tax, which is for fire and ALS services in the County. He reported that the proposed millage is 1.7148, the same as last year, and 13.42% below rollback, and the proposed budget is \$26,493,200, a decrease of \$1,990,318. He noted that two positions were being eliminated, and that \$2 million would be utilized from the reserves to balance this budget.

Chairman O'Bryan opened the floor to public comments. There were no speakers and the Chairman closed the public comment session.

ON MOTION by Commissioner Wheeler, SECONDED by Chairman O'Bryan, the Board unanimously approved the millage rate of 1.7148, and approved **Resolution 2010-078**, establishing the tax millage rate to be levied upon all real and personal taxable property in Indian River County, Florida, for Fiscal Year 2010/2011 for the Indian River County Emergency Services District.

ON MOTION by Vice Chairman Solari, SECONDED by Chairman O'Bryan, the Board unanimously approved the dollar amount of \$26,493,200, and approved **Resolution 2010-079**, amending the County Budget Officer's estimates of receipts other than taxes and of balances to be brought forward for fiscal year 2010/2011 and adopting a Final Budget for the Emergency Services District.

### **ENVIRONMENTALLY SENSITIVE LAND ACQUISITION**

Administrator Baird stated that the proposed millage is 0.0681, a decrease of 6.1% from last year, and covers the debt service on the bonds. He informed the Board that the proposed budget is \$1,058,713, and rollback does not apply. He mentioned that the \$15 million bond issue was paid off this year, and that this \$11 million bond issue would be paid off in three years.

Chairman O'Bryan opened the floor to public comments. There were no speakers and the Chairman closed the public comment session.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the millage rate of 0.0681, and approved **Resolution 2010-080**, establishing the tax millage rate to be levied upon all real and personal taxable property in Indian River County, Florida, for Fiscal Year 2010/2011 for the General Obligation Land Acquisition Bond Issue.

ON MOTION by Commissioner Davis, SECONDED by Commissioner Flescher, the Board unanimously approved the dollar amount of \$1,058,713, and approved **Resolution 2010-081**, amending the County Budget Officer's estimates of receipts other than taxes and of balances to be brought forward for Fiscal Year 2010/2011 and adopting a Final Budget for the General Obligation Land Acquisition Bond Issue.

### **LAND ACQUISITION BONDS– 2004 REFERENDUM**

Administrator Baird advised that this is the debt service for the \$50 million voter approved bond issue for environmentally sensitive land. The proposed millage is 0.3406, an increase of about .0252, or 8% above the current level (rollback rate does not apply), and the proposed budget is \$4,751,963.

Chairman O'Bryan opened the floor to public comments. There were no speakers and the Chairman closed the public comment session.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Wheeler, the Board unanimously approved the millage rate of 0.3406, and approved **Resolution 2010-082**, establishing the tax millage rate to be levied upon all real and personal taxable property in Indian River County, Florida, for Fiscal Year 2010/2011 for the General Obligation Land Acquisition Bond Issue – 2004 Referendum.

ON MOTION by Vice Chairman Solari, SECONDED by Commissioner Wheeler, the Board unanimously approved the dollar amount of \$4,751,963, and approved **Resolution 2010-083**, amending the County Budget Officer's estimates of receipts other than taxes and of balances to be brought forward for Fiscal Year 2010/2011 and adopting a Final Budget for the General Obligation Land Acquisition Bond Issue – 2004 Referendum.

**AGGREGATE**

Administrator Baird reported that the Aggregate Millage is 5.0933, and is 12.41% below the rollback rate.

No vote was required.

**6. INDIAN RIVER COUNTY BOARD OF COUNTY COMMISSIONERS SITTING  
AS SOLID WASTE DISPOSAL DISTRICT BOARD**

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

**A. ANNOUNCE 2010/2011 PROPOSED CHARGE AND BUDGET**

Administrator Baird presented the 2010/2011 proposed charges as follows:

- (1) \$40.38 per Residential Waste Generation Unit (\$64.61 per house), a 0.00% decrease from the current year
- (2) \$28.09 per Commercial Waste Generation Unit, a 0.14% decrease from current year
- (3) \$17.10 per Readiness-to-Use Fee, a 0.00% decrease from current year.

Administrator Baird announced that the proposed budget is \$10,713,852, which is a \$155,652 reduction, or 1.4%. He relayed that the elimination of two positions will be a savings of \$74,464.

**B. RECEIVE COMMENTS FROM THE PUBLIC**

Chairman O'Bryan opened the floor to public comment. There were no speakers and the Chairman closed the public comment session.

**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 Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved the non-Ad Valorem Residential and Commercial Waste Generation Unit Charges and Readiness-to-use Fee, and **Resolution 2010-084**, establishing the Assessment Rate to be levied upon all real taxable property in Indian River County, Florida, for Fiscal Year 2010/2011 for the Solid Waste Disposal District.

**E. MAKE A MOTION TO ADOPT BUDGET RESOLUTION**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved the dollar amount of \$10,713,852, and approved **Resolution 2010-085**, amending the County Budget Officer's estimates of receipts other than taxes and of balances to be brought forward for Fiscal Year 2010/2011 and adopting a Final Budget for the Solid Waste Disposal District.

**7. ADOPTION OF NON-AD VALOREM ASSESSMENT CHARGES**

**A. ANNOUNCE 2010/2011 PROPOSED CHARGE FOR EACH NON-AD VALOREM ASSESSMENT DISTRICT**

Administrator Baird presented the 2010/2011 proposed charge for each Non-Ad Valorem Assessment District as follows:

1.	Vero Lake Estates M.S.B.U.	\$19.00
2.	East Gifford Stormwater M.S.B.U.	\$10.00
3.	Gifford Street Lighting District	\$25.00
4.	Laurelwood Street Lighting District	\$18.00
5.	Rockridge Street Lighting District	\$ 8.00
6.	Vero Highlands Street Lighting District	\$23.00
7.	Porpoise Point Street Lighting District	\$11.00
8.	Laurel Court Street Lighting District	\$27.00
9.	Tierra Linda Street Lighting District	\$21.00
10.	Vero Shores Street Lighting District	\$19.00
11.	Ixora Park Street Lighting District	\$17.00
12.	Royal Poinciana Street Lighting District	\$28.00
13.	Roseland Road Street Lighting District	\$ 1.00
14.	Whispering Pines Street Lighting District	\$16.00
15.	Moorings Street Lighting District	\$10.00
16.	Walker's Glen Street Lighting District	\$22.00
17.	Glendale Lakes Street Lighting District	\$40.00
18.	Floralton Beach Street Lighting District	\$38.00
19.	West Wabasso	\$21.00



**B. RECEIVE COMMENTS FROM THE PUBLIC**

Chairman O’Bryan opened the floor to public comment. There were no speakers and the Chairman closed the public comment session.

**C. CONSIDER ANY PROPOSED AMENDMENTS AND CALCULATE REVISED CHARGE**

There were no proposed amendments.

**D. MAKE A MOTION TO ADOPT A RESOLUTION TO APPROVE THE NON-AD VALOREM ASSESSMENT CHARGES**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously adopted the Non-Ad Valorem assessment charges, and approved **Resolution 2010-086**, establishing the assessment rates to be levied upon certain real property in Indian River County for Fiscal Year 2010/2011 for all the Non-Ad Valorem assessments.

**8. APPROVE NON-AD VALOREM DOLLAR BUDGETS**

**A. ANNOUNCE 2010/2011 PROPOSED BUDGET**

Administrator Baird announced the proposed charges and budget for the remaining Non-Ad Valorem budgets as follows:

- |    |                       |               |
|----|-----------------------|---------------|
| 1. | Housing Authority     | \$ 144,997    |
| 2. | Special Revenue Funds | \$ 21,458,866 |

3.	Other Debt Service Funds	\$ 1,238,833
4.	Capital Projects	\$ 14,942,711
5.	Enterprise Funds	\$ 43,807,370
6.	Internal Service Funds	\$ 23,185,235

**B. RECEIVE COMMENTS FROM THE PUBLIC**

Chairman O’Bryan opened the floor to public comment. There were no speakers and the Chairman closed the public comment session.

**C. CONSIDER ANY PROPOSED AMENDMENTS**

There were no proposed amendments.

**D. MAKE A MOTION TO ADOPT BUDGET RESOLUTION**

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Davis, the Board unanimously approved **Resolution 2010-087**, adopting a Final Budget for Fiscal Year 2010/2011 for certain non-taxing funds of Indian River County.

Chairman O’Bryan acknowledged the challenges of this budget, and he recognized staff, Union Local 769 Representative Steve Myers, and the Teamsters for their outstanding efforts and cooperation.

**9. ADJOURN**

There being no further business, the Chairman declared the Final Budget Hearing adjourned at 6:57 p.m.

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

ATTEST:

\_\_\_\_\_  
Jeffrey K. Barton, Clerk

\_\_\_\_\_  
Peter D. O'Bryan, Chairman

Minutes Approved: \_\_\_\_\_