

ORDINANCE NO. 90-41

AN ORDINANCE PROVIDING FOR THE CREATION OF A COUNTYWIDE INDEPENDENT SPECIAL DISTRICT TO PROVIDE CHILDREN'S SERVICES THROUGHOUT BREVARD COUNTY; PROVIDING FOR A GOVERNING BOARD TO BE KNOWN AS THE CHILDREN'S SERVICES COUNCIL OF BREVARD COUNTY; PROVIDING FOR MEMBERSHIP; PROVIDING FOR POWERS AND FUNCTIONS OF THE COUNCIL; PROVIDING A FISCAL YEAR; PROVIDING FOR FUNDING THROUGH AUTHORIZATION OF THE LEVY OF AD VALOREM TAXES SUBJECT TO A REFERENDUM; PROVIDING FOR A QUARTERLY FINANCIAL REPORT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECEIVED
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HUMAN SERVICES DEPARTMENT

WHEREAS, Section 125.901, Florida Statutes, authorizes each county of the state to create an independent special district to provide funding for children's services throughout the County in accordance with said Section; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, recognizes that the general health, safety and welfare of the children of Brevard County would be enhanced by the creation of a Children's Services Council to provide prevention, development, treatment and rehabilitative services for children; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, have determined that it would serve the public interest to establish said independent special district.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

Section 1. Title.

This Ordinance shall be known as the "Children's Services Ordinance."

Section 2. Creation of an Independent Special District.

(1) There is hereby created, an independent Special District to provide children's services throughout Brevard County.

(2) The governing body of the District shall be a board of juvenile welfare to be known as the Children's Services Council of Brevard County.

Section 3. Membership.

(1) The Children's Services Council of Brevard County shall consist of ten (10) members, including:

(a) the Superintendent of Schools;

(b) a local School Board Member (as selected by the School Board);

(c) the District Administrator from District VII from the Florida Department of Health and Rehabilitative Services, or his designee;

(d) a member of the Board of County Commissioners (as selected by the Board of County Commissioners);

(e) the Judge assigned to juvenile cases; and

(f) five members appointed by the Governor who shall serve for terms of four (4) years each.

(2) If any of the members of the Council, required to be appointed by the Governor under the provisions of this Ordinance shall resign, die, or be removed from office, the vacancy thereby created shall as soon as practicable, be filled by appointment by the Governor, and such appointment to fill a vacancy shall be for the unexpired term of the person who resigns, dies, or is removed from office.

Section 4. Powers and Functions.

(1) The Children's Services Council of Brevard County shall have the following powers and functions:

(a) To collect information and statistical data and to conduct research which will be helpful to the Council and the County in deciding the needs of children in the County; and

(b) To consult and coordinate with other agencies dedicated to the welfare of children to the end that the overlapping of services will be prevented.

(2) The Children's Services Council of Brevard County shall have the following powers and functions, provided however, that such functions and powers shall not be implemented unless and until a funding source is established through the passage of a referendum in accordance with the provisions of Section 6 of this Ordinance:

(a) To provide and maintain in the County such preventive, developmental, treatment and rehabilitative services for children as the Council determines are needed for the general welfare of the County;

(b) To provide such other services for all children as the Council determines are needed for the general welfare of the County;

(c) To allocate and provide funds for other agencies in the County which are operated for the benefit of children, provided they are not under the exclusive jurisdiction of the public school system;

(d) To lease or buy such real estate, equipment, and personal property and to construct such buildings as are needed to execute the foregoing powers and functions, provided that no such purchases shall be made or building done unless paid for with cash on hand or secured by funds deposited in financial institutions; and

(e) To employ, pay, and provide benefits for any part-time or full-time personnel needed to execute the foregoing powers and functions.

(3) Immediately after the members are appointed, the Council shall elect a Chairman and a Vice-Chairman from among its members, and elect other officers as deemed necessary by the Council. After the officers are elected, the Council shall identify and assess the needs of the children in Brevard County and submit to the Board of County Commissioners a written description of:

(a) The activities, services and opportunities that will be provided to children;

(b) The anticipated schedule for providing those activities, services and opportunities;

(c) The manner in which children will be served, including a description of arrangements and

agreements which 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;

(d) The special outreach efforts that will be undertaken to provide services to at-risk, abused, or neglected children;

(e) The manner in which the Council will seek and provide funding for unmet needs; and

(f) The strategy which will be used for interagency coordination to maximize existing human and fiscal resources.

(4) The Council shall provide training and orientation to all new members sufficient to allow them to perform their duties. They shall make by-laws, rules and regulations for their guidance, operation, governance and maintenance, provided such rules and regulations are not inconsistent with federal or state laws or county ordinances.

(5) The Council shall provide an annual written report, to be presented no later than January 1, to the Board of County Commissioners. The annual report shall contain, but not be limited to, the following:

(a) Information on the effectiveness of activities, services and programs offered by the Council, including cost effectiveness;

(b) A detailed anticipated budget for continuation of activities, services and programs offered by the Council, and list of all sources of requested funding, both public and private;

(c) Procedures used for early identification of at-risk children who need additional or continued services and methods for ensuring that the additional or continued services are received;

(d) A description of the degree to which the Council's objectives and activities are consistent with the goals of this section;

(e) Detailed information on the various programs, services and activities available to participants and the degree to which the programs, services, and activities have been successfully used by children;

(f) Information on programs, services and activities that should be eliminated; programs, services and activities that should be continued; and programs, services, and activities that should be added to the basic format of the Children's Services Council.

(6) The Council shall maintain minutes of each meeting, including a record of all votes cast, and shall make such minutes available to any interested person.

(7) Members of the Council shall serve without compensation, but shall be entitled to receive reimbursement for per diem and traveling expenses consistent with the provisions of Section 112.061, Florida Statutes.

(8) All financial records and accounts relating to the district shall be available for audit by state auditors as are assigned from time to time to audit the affairs of the County officials. If no annual audit of the district is conducted by the state, the Council shall cause an independent audit of the district to be conducted.

Section 5. Fiscal Year.

(1) The fiscal year of the district shall be the same as that of Brevard County.

(2) On or before July 1 of each year, the Children's Services Council of Brevard County shall prepare a tentative annual written budget of the district's expected income and expenditures, including a contingency fund. The adopted budget and millage rate shall be certified and delivered to the Board of County Commissioners as soon as possible following the Council's adoption of the final budget and millage rate pursuant to Chapter 200, Florida Statutes. Included in each certified budget shall be the millage rate adopted by Resolution of the Council necessary to be applied to raise the funds budgeted for district operations and expenditures.

(3) The budget of the District so certified and delivered to the Brevard County Board of County Commissioners shall not be subject to change or modification by the Board of County Commissioners or any other authority.

Section 6. Funding/Ad Valorem Tax Levy.

(1) Funding for the Children's Services Council may be provided through the annual levy of an ad valorem tax on all taxable property in the County, which shall not exceed one-half mill, as authorized by Section 125.901, Florida Statutes, provided that, the authority to levy such taxes has been approved by a majority vote of those electors voting on the question in an election called by the Board of County Commissioners for such purpose.

(2) All tax money collected under this Ordinance, as soon after the collection thereof as is reasonably practicable, shall be paid directly to the Children's Services Council by the Brevard County Tax Collector, or the Clerk of the Circuit Court, if he collects delinquent taxes.

(3) All monies received by the Children's Services Council, shall be deposited in qualified public depositories as defined in Section 280.02, Florida Statutes, with separate and distinguishable accounts established especially for the Council, and shall be withdrawn only by checks signed by the Chair of the Council and

countersigned by either one other member of the Council, or by a chief executive officer who shall be so authorized by the Council.

(4) The Chair and other members of the Council, or chief executive officer who signs its checks shall each give a surety bond in the sum of at least one thousand (\$1,000.00) dollars for each one (\$1,000,000.00) million dollars or portion thereof of the Council's annual budget, which bond shall be conditioned that each shall faithfully discharge the duties of their office. The premium on such bond may be paid by the District as part of the expense of the Council. No other member of the Council shall be required to give bond or other security.

(5) No funds of the District shall be expended except by check as aforesaid, except expenditures of a petty cash account which shall not at anytime exceed one hundred (\$100.00) dollars. All expenditures from petty cash shall be recorded on the books and records of the Children's Services Council. No funds of the Council, except the expenditure of petty cash, shall be expended without prior approval of the Council, in addition to the budgeting thereof.

Section 7. Financial Report.

Within ten (10) days, exclusive of weekends and legal holidays, after the expiration of each quarter annual period, the Children's Services Council shall cause to be prepared and filed with the Board of County Commissioners a financial report which shall include the following:

- (a) The total expenditures of the Council for the quarter annual period;
- (b) The total receipts of the Council for the quarter annual period;
- (c) A statement of the funds the Council has on hand, has invested, or has deposited with qualified public depositories at the end of the quarter annual period; and

(d) The total administrative costs of the Council for the quarter annual period.

Section 8. Severability.

If any section, subsection, sentence, clause or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause or provision, and shall not be affected by such holding.

Section 9. Effective Date.

This Ordinance shall take effect upon adoption and filing pursuant to law.

DONE AND ADOPTED in regular session, this 13th day of November, 1990.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA


R. C. Wingstead, Jr., Clerk

By: 
Carol Senne, Chairman

