

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: February 4, 2014

Consent Regular
 Public Hearing

Department

Submitted By: COUNTY ATTORNEY

Submitted For: CHILDREN'S SERVICES COUNCIL

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: adopt a Resolution of the Board of County Commissioners of Palm Beach County, Florida, providing for a countywide referendum to be held in the General Election on November 4, 2014, for the purpose of determining whether the Children's Services Council of Palm Beach County shall be reauthorized to continue in existence as a district with voter-approved taxing authority within Palm Beach County; providing for referendum, ballot language and notice; providing for absentee and early voting; providing for referendum results; providing for severability; and providing for an effective date.

Summary: This Resolution would schedule a referendum at the November 4, 2014 General Election to determine whether the Children's Services Council of Palm Beach County shall be reauthorized to continue in existence providing early learning and reading skills, development, treatment, preventative and other children's services in Palm Beach County. Countywide (TKF)

Background and Policy Issues: Section 125.901(4)(b) Florida Statutes, requires a countywide referendum to determine whether the Children's Services Council of Palm Beach County shall be reauthorized to continue in existence as a district with voter-approved taxing authority. The Mayor received a request from the Children's Services Council to place this matter on the ballot by letter dated December 5, 2013.

Attachments:

- 1. Resolution
- 2. Letter from Children's Services Council

Recommended by:  _____ Date: 1/22/14

Approved by: _____ N/A _____ Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	* _____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No _____

Budget Account No.: Fund _____ Department _____ Unit _____ Object _____
 Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

* No fiscal impact.
C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

 _____ OFMB 1/9/14	 _____ Contract Development and Control 1/14/14
--	--

B. Legal Sufficiency:



 Assistant County Attorney
 1/9/14

C. Other Department Review:

 Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

RESOLUTION NO. R-2014-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR A COUNTYWIDE REFERENDUM TO BE HELD IN THE GENERAL ELECTION ON NOVEMBER 4, 2014, FOR THE PURPOSE OF DETERMINING WHETHER THE CHILDREN'S SERVICES COUNCIL OF PALM BEACH COUNTY SHALL BE REAUTHORIZED TO CONTINUE IN EXISTENCE AS A DISTRICT WITH VOTER-APPROVED TAXING AUTHORITY WITHIN PALM BEACH COUNTY; PROVIDING FOR REFERENDUM, BALLOT LANGUAGE AND NOTICE; PROVIDING FOR ABSENTEE AND EARLY VOTING; PROVIDING FOR REFERENDUM RESULTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 125.901(4)(b) Florida Statutes, requires a countywide referendum in a general election in or prior to 2016 to determine whether the Children's Services Council of Palm Beach County shall be reauthorized to continue in existence as a district with voter-approved taxing authority; and

WHEREAS, the Palm Beach County Board of County Commissioners (the "Board") desires to place the question of retention or dissolution of the Children's Services Council of Palm Beach County on the general election ballot in November 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. REFERENDUM, BALLOT LANGUAGE, AND NOTICE.

A referendum is hereby called and ordered to be held in Palm Beach County. Such referendum shall be held on November 4, 2014, when a general election is to be held, and in accordance with the requirements of the Constitution and the Laws of Florida, the following question shall be placed on the ballot by the Supervisor of Elections of the County, Susan Bucher:

**REAUTHORIZATION OF THE CHILDREN'S SERVICES COUNCIL OF
PALM BEACH COUNTY**

Shall the Children's Services Council of Palm Beach County, which provides early learning and reading skills, development, treatment, preventative and other children's services in Palm Beach County, be reauthorized to continue in existence as a district with voter-approved taxing authority, with independent oversight and accountability as required by law, unless and until it is dissolved as specified in s.125.901 (4)(a), Florida Statutes?"

YES _____

NO _____

All qualified electors residing in the County shall be entitled and permitted to vote on the referendum. The place for voting in the referendum shall be the same as the place for voting in general elections held in the County as determined by the Supervisor of Elections of the County. The polls shall be open at such voting places from 7:00 a.m. until 7:00 p.m. on the date of the referendum.

The Clerk & Comptroller, ex-officio Clerk of the Board (the "Clerk") shall prepare a notice of the referendum by causing a copy of the form of notice, attached hereto as Exhibit "A", to be published at least twice, once in the fifth (5th) week and once in the third (3rd) week prior to the week in which, the referendum is held in *The Palm Beach Post*, a newspaper of general circulation in the County. The first publication of such notice shall be at least thirty (30) calendar days prior to the date of the referendum. The Clerk shall secure from the publisher of said newspaper an appropriate affidavit of proof that such notice has been duly published as herein provided, and said affidavit of proof shall be filed in the minutes of the Board.

The Supervisor of Elections shall hold, administer and conduct the referendum election in the manner prescribed by law for holding elections in the County. Returns shall show the number of qualified electors who voted at such referendum election on the proposition and the number of votes cast respectively for and against approval of the proposition. The returns shall be canvassed in accordance with the law and the results shall be recorded in the minutes of the Board in the manner prescribed by law.

The form of the ballot to be used in the elections by absentee voters shall be in the form provided above. The Supervisor of Elections of the County is authorized to provide a sufficient number of absentee ballots, as required by law, to provide for voting of absent electors entitled to cast such ballots in said election.

Section 2. ABSENTEE VOTING; EARLY VOTING.

Absentee and early electors participating in said referendum shall be entitled to cast their ballots in accordance with the provisions of the laws of the State of Florida with respect to absentee and early voting, which shall have printed thereon the question hereinabove set forth, with proper place for voting either "YES" or "NO" following the statement of the question aforesaid.

Section 3. REFERENDUM RESULTS.

If a majority of the ballots cast at such elections shall be "YES," the Children's Services Council of Palm Beach County shall be re-authorized to continue in existence with voter-approved taxing authority, unless and until dissolved as specified in s. 125.901(4)(a), Florida Statutes. If a majority of the ballots cast at such elections shall be "NO," the Children's Services Council of Palm Beach County shall be dissolved, and the effective date of such dissolution shall be June 30, 2015.

Section 4. SEVERABILITY.

If any section, paragraph, sentence, clause, phrase, or word of this Resolution for any reason is held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Resolution.

Section 5. EFFECTIVE DATE:

This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

- Commissioner Priscilla A. Taylor, Mayor -
- Commissioner, Paulette Burdick, Vice Mayor -
- Commissioner Hal R. Valeche -
- Commissioner Shelley Vana -
- Commissioner Steven L. Abrams -
- Commissioner Mary Lou Berger -
- Commissioner Jess R. Santamaria -

The Mayor thereupon declared the Resolution duly passed and adopted this
_____ day of _____, 2014.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
SHARON R. BOCK, CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


By: 
County Attorney

EXHIBIT "A"

NOTICE OF REFERENDUM ELECTION IN PALM BEACH COUNTY, FLORIDA, ON
NOVEMBER 4, 2014

NOTICE IS HEREBY GIVEN THAT A REFERENDUM ELECTON has been called by the Board of County Commissioners of Palm Beach County, Florida, and will be held from 7:00 A.M. until 7:00 P.M. on November 4, 2014 in Palm Beach County, Florida, at which time there shall be submitted to the duly qualified electors of Palm Beach County, Florida, as more specifically described and provided for in a Resolution of the Board of County Commissioners of Palm Beach County, Florida, adopted February 4, 2014, the following question published below:

**REAUTHORIZATION OF THE CHILDREN'S SERVICES COUNCIL OF
PALM BEACH COUNTY**

Shall the Children's Services Council of Palm Beach County, which provides early learning and reading skills, development, treatment, preventative and other children's services in Palm Beach County, be reauthorized to continue in existence as a district with voter-approved taxing authority, with independent oversight and accountability as required by law, unless and until it is dissolved as specified in s.125.901 (4)(a), Florida Statutes?"

YES _____

NO _____



2300 High Ridge Road
Boynton Beach, FL 33426
Tel: 561.740.7000
Fax: 561.835.1956

December 5, 2013



RECEIVED

DEC 09 2013

DENISE M. NIEMAN
P.B. COUNTY ATTORNEY

Mayor Priscilla A. Taylor
Board of County Commissioners Palm Beach County
301 N. Olive Avenue, Suite 1201
West Palm Beach, FL 33401

Subject: *Reauthorization of Children's Services Council of Palm Beach County*

Dear Mayor Taylor:

As a result of legislation enacted in 2010, the Children's Services Council of Palm Beach County is required to be reauthorized by the voters. See, s. 125.901(4)(b), Florida Statutes. I am writing to inform the County Commission of the action the Council, by Resolution, took at this evening's meeting.

This letter will serve as notice, as statutorily required, that the Children's Services Council will be going to referendum for reauthorization to continue in existence with no reauthorizations in the future based on that statute. (The ability of the legislature or the County, with voter approval, to dissolve the Children's Services Council, as set forth in s. 125.901(4) (a), remains in effect.)

Additionally, on behalf of the Council, I am also requesting that the County Commission approve the reauthorization issue being placed on the ballot for the November 2014 general election and that the County Commission approves the following ballot language:

"Shall the Children's Services Council of Palm Beach County, which provides early learning and reading skills, development, treatment, preventative and other children's services in Palm Beach County, be reauthorized to continue in existence as a district with voter-approved taxing authority, with independent oversight and accountability as required by law, unless and until it is dissolved as specified in s.125.901 (4)(a), Florida Statutes?"

Your assistance and that of your fellow Commissioners in putting this issue on the 2014 general election ballot with the recommended ballot language is very much appreciated. I know that our organizations have worked well together in the past and, with a successful reauthorization vote, will continue to do so for many years to come to benefit the children and families of Palm Beach County.

Should you require any additional information on this matter, please do not hesitate to contact me or the Council's attorney, Thomas A. Sheehan III, at tom.sheehan@cscpbcc.org or at 561.740.7000, ext. 2196.

Sincerely Yours,


Dari Bowman, Board Chair

cc: Robert Weisman, County Administrator
Denise Nieman, County Attorney
Tammy K. Fields, Chief Assistant County Attorney

www.cscpbcc.org