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ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 18-08

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY; PROVIDING FOR THE CREATION OF A COUNTYWIDE INDEPENDENT SPECIAL DISTRICT TO PROVIDE CHILDREN'S SERVICES THROUGHOUT ALACHUA COUNTY; PROVIDING FOR A GOVERNING BOARD TO BE KNOWN AS THE CHILDREN'S TRUST OF ALACHUA COUNTY; PROVIDING FOR THE MEMBERSHIP POWERS AND DUTIES OF THE COUNCIL; PROVIDING FINANCIAL REQUIREMENTS AND BUDGET PROCEDURES; PROVIDING FOR AUTHORIZATION OF THE LEVY OF AD VALOREM TAXES NOT TO EXCEED ONE-HALF MILL; PROVIDING FOR A REFERENDUM AND A BALLOT QUESTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE.

26 **WHEREAS**, the Alachua County Board of County Commissioners established a
27 Children's Services Advisory Board on August 24, 2016, appointed members with advanced
28 expertise in early childhood development, and appropriated funds for innovative and collaborative
29 programs; and

30 **WHEREAS**, during its meeting of April 12, 2017, the Children's Services Advisory Board
31 took action to formally recommend to the Alachua County Board of County Commissioners to
32 establish an independent Children's Trust and to hold a referendum on the creation of an
33 independent special district; and

34 **WHEREAS**, the Children's Services Advisory Board has worked to implement a Healthy
35 Baby Nurse Home Visit Program, a Transform Professional Development for Early Care and

1 Education Providers program, and has worked to address the social and emotional needs of young
2 children and family supports; and

3 **WHEREAS**, the Children’s Services Advisory Board has determined these innovative
4 initiatives will assure all Alachua County children are ready for success when entering
5 kindergarten; and

6 **WHEREAS**, section 125.901, Florida Statutes, authorizes the County to create an
7 independent special district to provide children's services for all children, from 0 to 18 years of
8 age; and

9 **WHEREAS**, in 2016 the Board of County Commissioners contracted with the WellFlorida
10 Council Inc., to conduct an assessment of Alachua County children’s needs; and

11 **WHEREAS**, the Children’s Services Advisory Board analyzed the needs assessment in
12 detail and discussed its findings; and

13 **WHEREAS**, the Children’s Services Advisory Board concluded that the community can
14 benefit from increased awareness of recognizing the typical stages of growth and development in
15 children birth to age five; and

16 **WHEREAS**, the very early years of a newborn’s brain development is critical to success
17 later in adult life; and

18 **WHEREAS**, there is a need to help Alachua County residents cope with the stress of
19 parenting to assure positive relationships between parents and children, which can reduce the
20 prevalence of child abuse and neglect; and

21 **WHEREAS**, the needs assessment identified that parents can benefit from knowing what
22 to look for in quality early learning and care services and understanding developmentally
23 appropriate early childhood education including what makes a child “ready for school”; and

1 **WHEREAS**, a recent study on Racial Inequity in Alachua County identified significant
2 disparity in educational opportunities and concluded that providing a high quality educational
3 experience will lead to a successfully educated resident who will have a higher lifetime income,
4 better employment opportunities, and less likelihood to become involved in the criminal justice
5 system; and

6 **WHEREAS**, it is the intent of the Board of County Commissioners to create an
7 independent special district with taxing authority if approved by a majority vote of the qualified
8 electors of Alachua County voting in a November 6, 2018 referendum; and

9 **WHEREAS**, the Board of County Commissioners has determined that it would serve the
10 public interest to establish said independent special district within Alachua County.

11
12 **NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
13 **COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:**

14 **SECTION 1.** Chapter 26, Children’s Services Independent Special District, is created:

15 **Chapter 26. Children’s Trust, Independent Special District.**

16 **Section 26.01. Creation of an Independent Special District; Creation of Children’s Trust.**

17 Subject to the approval of a majority of the qualified electors of Alachua County voting in
18 a November 6, 2018, referendum, there is hereby created an independent special district to provide
19 children's services throughout Alachua County. The boundaries of the District shall be
20 coterminous with the boundaries of Alachua County. The governing body of the District shall be
21 a board of directors to be known as the Children’s Trust of Alachua County.

22

1 **Section 26.02. Membership.**

2 The Children’s Trust shall consist of 10 members, selected as follows:

3 a. The superintendent of schools; a local school board member, chosen by a majority
4 of the School Board of Alachua County; the district administrator from District III of the
5 Department of Children and Family Services, or his or her designee who is a member of the Senior
6 Management Service or of the Selected Exempt Service; one member of the County Commission,
7 chosen by a majority of the Alachua County Board of County Commissioners; and a judge
8 assigned to juvenile cases who shall sit as a voting member of the board, except that said judge
9 shall not vote or participate in the setting of ad valorem taxes under this section. If there is more
10 than one judge assigned to juvenile cases in Alachua County, the chief judge of the 8th Judicial
11 Circuit shall designate which judge shall serve on the board. All of the proceeding members shall
12 serve 4-year terms effective January 1, 2019.

13 b. The remaining five members shall be appointed by the Governor, and shall, to the
14 extent possible, represent the demographic diversity of the population of Alachua County. After
15 soliciting recommendations from the public, the Alachua County Board of County Commissioners
16 shall submit to the Governor the names of at least three persons for each vacancy occurring among
17 the five members to be appointed by the Governor, and the Governor shall appoint members to the
18 council from the candidates nominated. The Governor shall make a selection within a 45-day
19 period or request a new list of candidates. All members appointed by the Governor shall have been
20 residents of the Alachua County for the previous 24-month period. Such members shall be
21 appointed for 4-year terms, except that the length of the terms of the initial appointees shall be for
22 2 years. The Governor may remove a member for cause or upon the written petition of a majority
23 of the County Commission plus one. If any of the members of the council required to be appointed

1 by the Governor under the provisions of this subsection shall resign, die, or be removed from
2 office, the vacancy thereby created shall, as soon as practicable, be filled by appointment by the
3 Governor, using the same method as the original appointment, and such appointment to fill a
4 vacancy shall be for the unexpired term of the person who resigns, dies, or is removed from office.

5

6 **Section 26.03. Powers and Duties.**

7 a. The Children’s Trust of Alachua County shall have the following powers and
8 duties:

9 1. To provide and maintain in the County such preventive, developmental,
10 treatment, and rehabilitative services for children as the council determines are
11 needed for the general welfare of the County.

12 2. To provide such other services for all children as the council determines are
13 needed for the general welfare of the County.

14 3. To allocate and provide funds for other agencies in the County which are
15 operated for the benefit of children, provided they are not under the exclusive
16 jurisdiction of the public school system.

17 4. To collect information and statistical data which will be helpful to the council
18 in deciding the needs of children in the County.

19 5. To consult with other agencies dedicated to the welfare of children to the end
20 that the overlapping of services will be prevented.

21 6. To lease or buy such real estate, equipment, and personal property and to
22 construct such buildings as are needed to execute the foregoing powers and
23 functions, provided that no such purchases shall be made or building done

1 except for cash with funds on hand or secured by funds deposited in financial
2 institutions. Nothing in this Chapter shall be construed to authorize the issuance
3 of bonds of any nature.

4 7. To employ and pay, on a part-time or full-time basis, personnel needed to
5 execute the foregoing powers and functions.

6 8. To enter into agreements with government agencies to provide administrative
7 services.

8 9. All powers, functions, and duties specified in Section 125.901, Florida Statutes.

9 b. The Children’s Trust of Alachua County shall:

10 1. Immediately after the members are appointed, elect a chair and vice chair
11 from among its members, and elect other officers as deemed necessary by the
12 council.

13 2. Immediately after the members are appointed and officers are elected, identify
14 and assess the needs of the children in Alachua County and submit to the
15 County Commission of Alachua County a written description of:

16 i. The activities, services, and opportunities that will be provided to
17 children.

18 ii. The anticipated schedule for providing those activities, services, and
19 opportunities.

20 iii. The manner in which children will be served, including a description
21 of arrangements and agreements which will be made with community
22 organizations, state and local educational agencies, federal agencies,

1 public assistance agencies, the juvenile courts, foster care agencies,
2 and other applicable public and private agencies.

3 iv. The special outreach efforts that will be undertaken to provide services
4 to at-risk, abused, or neglected children.

5 v. The manner in which the council will seek and provide funding for
6 unmet needs.

7 vi. The strategy which will be used for interagency coordination to
8 maximize existing human and fiscal resources.

9 3. Provide training and orientation to all new members sufficient to allow them
10 to perform their duties.

11 4. Make and adopt bylaws and rules for the council's guidance, operation,
12 governance, and maintenance, provided such rules are not inconsistent with
13 federal or state laws or county ordinances.

14 5. Provide an annual written report, to be presented no later than January 1, to
15 the County Commission of Alachua County. The annual report shall contain,
16 but not be limited to the following information:

17 i. Information on the effectiveness of activities, services, and programs
18 offered by the council, including cost-effectiveness.

19 ii. A detailed anticipated budget for continuation of activities, services,
20 and programs offered by the council, and a list of all sources of
21 requested funding, both public and private.

- 1 iii. Procedures used for early identification of at-risk children who need
2 additional or continued services and methods for ensuring that the
3 additional or continued services are received.
- 4 iv. A description of the degree to which the council's objectives and
5 activities are consistent with the goals of this section.
- 6 v. Detailed information on the various programs, services, and activities
7 available to participants and the degree to which the programs,
8 services, and activities have been successfully used by children.
- 9 vi. Information on programs, services, and activities that should be
10 eliminated; programs, services, and activities that should be continued;
11 and programs, services, and activities that should be added to the basic
12 format of the Children's Trust.
- 13 c. The council shall maintain minutes of each meeting, including a record of all votes
14 cast, and shall make such minutes available to any interested person.
- 15 d. Members of the council shall serve without compensation, but shall be entitled to
16 receive reimbursement for per diem and travel expenses consistent with the
17 provisions of section 112.061, Florida Statutes.
- 18 e. All financial records and accounts relating to the district shall be available for audit
19 by state auditors as they are assigned from time to time to audit the affairs of the
20 County officials. If no annual audit of the District is conducted by the State, the
21 council shall cause an independent audit of the District to be conducted.
- 22 f. Within 10 days, exclusive of weekends and legal holidays, after the expiration of each
23 quarter annual period, the Children's Trust shall cause to be prepared and filed with

1 the County Commission of Alachua County a financial report which shall include the
2 following:

- 3 1. The total expenditures of the council for the quarter annual period.
- 4 2. The total receipts of the council during the quarter annual period.
- 5 3. A statement of the funds the council has on hand, has invested, or has deposited
6 with qualified public depositories at the end of the quarter annual period.
- 7 4. The total administrative costs of the council for the quarter annual period.

8
9 **Section 26.04. Fiscal Year.**

10 a. The fiscal year of the District shall be the same as that of Alachua County.

11 b. On or before July 1 of each year, the Children’s Trust of Alachua County shall prepare and
12 adopt an annual written budget of its expected income and expenditures, including a contingency
13 fund. The written budget shall be certified and delivered to the Board of County Commissioners
14 on or before July 1 of each year. Included in each certified budget shall be an estimate of the
15 millage rate necessary to be applied to raise the funds budgeted for expenditures, which millage
16 rate shall not exceed a maximum of 0.5 mills of assessed valuation of all properties within the
17 County which are subject to County taxes.

18 c. The budget of the Children’s Trust so certified and delivered to the Board of County
19 Commissioners shall not be subject to change or modification by the Board of County
20 Commissioners or any other authority.

1 **Section 26.05. Levying of Ad Valorem Taxes.**

2 In order to provide funds for the Children’s Trust of Alachua County, the council may levy
3 ad valorem taxes annually on all taxable property in the County in an amount not to exceed
4 one-half mill, provided that the authority to levy such taxes has been approved by a majority vote
5 of the electors of the District voting in the Countywide Election to be held in accordance with the
6 requirements of the constitution and the laws of Florida and as set forth in this chapter. The tax
7 shall be assessed, levied, and collected in the same manner and at the same time as is provided by
8 law for the levy, collection, and enforcement of collection of County taxes. All tax money
9 collected under this Chapter, as soon after the collection thereof as is reasonably practicable, shall
10 be paid directly to the Children’s Trust by the Tax Collector of the County and all other applicable
11 County officials. The moneys so received by the Children’s Trust shall be deposited in qualified
12 public depositories, as defined in section 280.02, Florida Statutes, in accounts specifically for the
13 council and shall be withdrawn only by checks signed by the chair of the council and countersigned
14 by one other member of the council or by a chief executive officer who shall be so authorized by
15 the council. The chair and the other member of the council who signs the council’s checks shall
16 each give a surety bond in the amount of \$1,000 for each \$1 million or portion thereof of the
17 council’s annual budget, which bond shall be conditioned that each shall faithfully discharge the
18 duties of their office. The premium on such bond may be paid by the District as part of the expense
19 by the council. No other member of the council shall be required to give bond or other security.
20 No funds of the council shall be expended except by check as aforesaid, except expenditures of
21 petty cash account which shall not at any time exceed \$100. All expenditures from petty cash shall
22 be recorded on the books and records of the Children’s Trust. No funds of the council, except the

1 expenditure of petty cash, shall be expended without prior approval of the council, in addition to
2 the budgeting thereof.

3

4 **Section 26.06. Referendum.**

5 The authority of the Children’s Trust Special District to levy up to 0.5 mill to carry out the purposes
6 and intent of this ordinance and to do all things necessary to fund the Children’s Trust and the
7 independent district created hereby shall be presented to the County electorate by placing a
8 question on the November 2018 general election ballot. The Supervisor of Elections of Alachua
9 County shall place the following question on the November 6, 2018, general election ballot:

10 **CHILDREN’S TRUST OF ALACHUA COUNTY - AUTHORITY TO LEVY**
11 **ONE-HALF MILL AD VALOREM TAXES**

12
13 IN ORDER TO PROVIDE DEVELOPMENTAL, PREVENTIVE, AND
14 SUPPORTIVE SERVICES FOR CHILDREN, SUCH AS EARLY LEARNING
15 SUPPORTS AND OUT OF SCHOOL ENRICHMENT PROGRAMMING,
16 SHOULD AN INDEPENDENT SPECIAL DISTRICT TITLED “THE
17 CHILDREN’S TRUST OF ALACHUA COUNTY” BE CREATED AND BE
18 AUTHORIZED TO LEVY AN ANNUAL AD VALOREM TAX NOT TO
19 EXCEED ONE-HALF (½) MILL FOR 12 YEARS?

20
21 _____ YES

22
23 _____ NO

24

25 SECTION 2. Inclusion in the Code, Scrivener’s Error. It is the intention of the Board of
26 County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions
27 of this ordinance shall become and be made a part of the Code of Laws and Ordinances of
28 Alachua County, Florida; that the sections of this ordinance may be renumbered or relettered to
29 accomplish such intention; and that the word “ordinance” may be changed to “section,” “article,”
30 or other appropriate designation. The correction of typographical errors which do not affect the

1 intent of the ordinance may be authorized by the County Manager or designee without public
2 hearing, by filing a corrected or recodified copy of the same with the Clerk of the Circuit Court.

3 SECTION 3. Ordinance to be Liberally Construed. This ordinance shall be liberally
4 construed in order to effectively carry out the purposes hereof which are deemed not to adversely
5 affect public health, safety, or welfare.

6 SECTION 4. Modification. It is the intent of the Board of County Commissioners that
7 the provisions of this ordinance may be modified as a result of considerations that may arise
8 during public hearings. Such modifications shall be incorporated into the final version of the
9 ordinance adopted by the Board and filed by the Clerk to the Board.

10 SECTION 5. Severability. It is the declared intent of the Board of County
11 Commissioners that, if any section, subsection, sentence, clause, phrase, or provision of this
12 ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity
13 or unconstitutionality shall not be so construed as to render invalid or unconstitutional the
14 remaining provisions of this ordinance.

15 SECTION 6. Repealing Clause. All Alachua County ordinances and resolutions, or
16 portions thereof, in conflict with this ordinance are, to the extent of such conflict, repealed.

17 SECTION 7. Effective Date. A certified copy of this ordinance shall be filed with the
18 Department of State by the Clerk of the Board of County Commissioners within ten (10) days
19 after enactment by the Board of County Commissioners. This ordinance shall become effective
20 only if approved by a “yes” vote of the majority of those voting on the question posed in a
21 November 6, 2018, referendum. If the majority of those voting do not vote “yes” to the question

1 posed, the District shall not be created and this ordinance shall be of no force and effect. The
2 effective date of the creation of the special district, if approved by referendum, shall be
3 December 1, 2018.

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DULY ADOPTED in regular session, this ___ day of _____, 2018 A.D.

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BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

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By: _____
Lee Pinkoson, Chair

15 ATTEST:

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Jesse K. Irby, II
Clerk of Court
(SEAL)

APPROVED AS TO FORM

Alachua County Attorney