

ORDINANCE NO. 91-42

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, TO BE KNOWN AS THE MANATEE COUNTY CHILDREN'S SERVICES ORDINANCE; PROVIDING FOR THE PURPOSE OF THE ORDINANCE; SETTING FORTH CERTAIN FINDINGS OF FACT; PROVIDING DEFINITIONS; ESTABLISHING A DEDICATED MILLAGE FOR FUNDING CHILDREN'S SERVICES FOR ABUSED, NEGLECTED, AT-RISK AND ECONOMICALLY DISADVANTAGED CHILDREN; AUTHORIZING THE EXPENDITURE OF FUNDS FOR SERVICES FOR ABUSED, NEGLECTED, AT-RISK AND ECONOMICALLY DISADVANTAGED CHILDREN; ESTABLISHING THE CHILDREN'S SERVICES ADVISORY BOARD; PROVIDING FOR A NEEDS ASSESSMENT AND ESTABLISHMENT OF FUNDING PRIORITIES; ESTABLISHING PROCEDURES FOR ALLOCATION OF CHILDREN'S SERVICES FUNDS; PROVIDING FOR FINAL RECOMMENDATIONS AND FINAL DETERMINATIONS WITH RESPECT TO THE EXPENDITURE OF CHILDREN'S SERVICES FUNDS; PROVIDING FOR A REPEALER AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA
JUL 22 11 17 AM '91

WHEREAS, the Board of County Commissioners of Manatee County, Florida adopted Resolution R-90-169 on the 15th day of September, 1990 ordering and providing for the holding of a referendum in Manatee County, Florida on the question of the dedicated millage for funding children's services for abused, neglected, at-risk and economically disadvantaged children; and

WHEREAS, at a special referendum held in Manatee County, Florida, on November 6, 1990, a majority of the voters voted in support of a dedicated millage for children's services as defined herein of not less than one-twentieth (1/20) of a mill in 1991 and increasing annually to one-third (1/3) of a mill in 1995 and thereafter; and

(6/25/91)

FILED
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SECRETARY OF STATE

WHEREAS, pursuant to Resolution R-90-169, an eleven-member Children's Services Advisory Board has been appointed by the Board of County Commissioners and assigned the task of assisting in the development of this Ordinance No. 91-42.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. SHORT TITLE.

This Ordinance shall be known and may be cited as the Manatee County Children's Services Ordinance.

SECTION 2. SCOPE AND PURPOSE.

The scope and purposes of this Ordinance are:

A. To implement the provisions of Manatee County Resolution R-90-169 and provide for the dedicated millage for children's services.

B. To establish the general terms and conditions under which Manatee County shall fund, develop and provide for the operation of programs which shall include the enhancement and expansion of existing programs as well as new and innovative programs for the prevention and treatment of Manatee County's neglected, abused, at-risk or economically disadvantaged children and provide essential and necessary programs to serve such children.

C. To establish the Manatee County Children's Services Advisory Board, to establish the terms and conditions of

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membership on the Advisory Board, to establish the scope of authority of the Advisory Board and other terms and conditions related thereto.

D. To provide a clear source of lawful authority for the grant of funds derived from a dedicated millage for the development and authorization of continuing programs for the prevention and treatment of Manatee County's neglected, abused, or at-risk children and to fund programs to serve economically disadvantaged children.

SECTION 3. DEFINITIONS.

The following words, when used herein, shall have the meaning indicated unless the context clearly indicates otherwise:

"Advisory Board" shall mean the Manatee County Children's Services Advisory Board as established herein.

"Agency" shall mean any partnership, association, corporation or individual as well as any governmental body or unit.

"Children" shall refer to Manatee County's neglected, abused or at-risk children or economically disadvantaged children under the age of 18.

"Child Advocate" shall mean a member of the general public with a demonstrated concern for the well being of children.

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"Clerk" shall mean the Clerk of the Circuit Court and Clerk to the Board of County Commissioners of Manatee County.

"County" shall mean Manatee County acting by and through its Board of County Commissioners.

"Dedicated millage" shall mean the ad valorem property taxes as provided for in Resolution R-90-169 and Section 5.A. of this Ordinance.

"Department" shall mean the Community Services Department or such other department or division within County's jurisdiction, having cognizance over the furnishing of children's services and matters relating thereto.

"Director" shall mean the director of the department or his designee.

"Exclusive jurisdiction of the School Board" shall mean matters pertaining to the obligations and duties of the School Board pursuant to the Constitution and Laws of Florida and shall not apply to discretionary programs that may be implemented by the School Board where such programs may be qualified for funding under this Ordinance and the School Board held accountable to the County for the development of the program and the provision of services to children.

"Fiscal year" shall mean the County's fiscal year beginning on October 1 and ending on September 30 of each year.

"Juvenile" shall mean children as defined above.

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"Supplant" or "Replace" shall mean to take the place of.

Words of the masculine gender shall be deemed and construed to include correlative words of the feminine gender. Words importing the singular number shall include the plural number and vice-versa unless the context shall otherwise indicate. The word "person" shall include corporations, associations, natural persons and public bodies unless the context shall otherwise indicate. Reference to a person other than a natural person shall include its successors.

SECTION 4. MILLAGE DEDICATED.

A. There is hereby dedicated to fund additional services and programs for abused, neglected, economically disadvantaged or at-risk children an amount equal to not less than one-twentieth (1/20) of a mill in 1991 which amount shall increase annually to one-third (1/3) of a mill in 1995 and thereafter, which shall be based upon the taxable value of all land in Manatee County.

B. The amount of revenue to be generated by the dedicated millage shall be reported to the Advisory Board by the Director as soon as reasonably possible after the Property Appraiser certifies the Tax Roll and shall be accounted for by the Clerk separate and apart from all other County funds.

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C. The annual increase between 1991 and 1995 shall be based upon approximately equal incremental increases as finally determined by the County after considering the recommendations of the Advisory Board.

D. The dedicated millage shall not replace or supplant existing funding and may be expended only for funding additional programs and services for children, and in particular, early childhood intervention programs in accordance with the provisions of this Ordinance.

E. Any funds derived from the dedicated millage not used during any fiscal year and all interest earned on such funds shall be accounted for and used only for the purposes established in this Ordinance for the dedicated millage.

SECTION 5. EXPENDITURES AUTHORIZED.

It is the intent of this Ordinance that the funds generated by the dedicated millage shall be used to fund additional services and programs for abused, neglected, economically disadvantaged and at-risk children as provided in Resolution R-90-169, this Ordinance and as more specifically determined by subsequent proceedings of the County.

The dedicated millage may be expended for programs and services which may include but shall not be limited to the following purposes:

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A. To provide and maintain in Manatee County such guidance, psychological, or psychiatric clinics for juveniles as the County determines are needed for the general welfare of Manatee County.

B. To provide for the care of dependent juveniles and to provide such other services for all juveniles as the County determines are needed for the general welfare of Manatee County.

C. To allocate and provide funds for agencies in Manatee County which are operated for the benefit of juveniles, provided they are not under the exclusive jurisdiction of the public school system.

D. To collect information and statistical data which will be helpful to the County in deciding the needs of juveniles and to develop techniques for monitoring the efficacy of funded programs and services including but not limited to the gathering of data, measuring outcomes, goal effectiveness, research.

E. To lease such real estate and lease or purchase such equipment and personal property as are needed to execute the foregoing programs and services.

F. To provide and maintain in Manatee County such programs and services directed toward developing, maintaining and restoring the integrity of the family where such programs and services are consistent with the scope and purpose of this Ordinance and Resolution R-90-169.

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G. To provide prenatal care programs where such programs will serve to reduce the problems of potentially at-risk children.

H. To employ and pay, on a part-time or full-time basis, personnel needed to execute the foregoing programs and services.

I. To provide for administrative expenses limited to a Children's Services Coordinator, Children's Services Coordinator clerical support staff and operating supplies, directly related to tasks necessary to fulfill the scope and purpose of Children's Services Ordinance No. 91-42, in an amount not to exceed the lesser of \$200,000 or 15% of the annual dedicated millage for that fiscal year, to be determined at the time of budget adoption.

Such children's services may be provided in accordance with the provisions of this Ordinance and such rules, policies and procedures as may be established by resolution of the County, which may include but shall not be limited to programs providing for grants to not-for-profit agencies for the reimbursement of expenditures for operational and overhead expenses for the creation, development and implementation of programs, grants to not-for-profit agencies or children based upon funding all or a portion of the cost of services rendered, the purchase of services or, where children's services can most economically and efficiently be provided by County, through the establishment of County-run programs.

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SECTION 6. CHILDREN'S SERVICES ADVISORY BOARD.

A. Advisory Board Established.

There is hereby established the Manatee County Children's Services Advisory Board which shall be appointed by and serve at the pleasure of the County. To the extent possible the Advisory Board shall be comprised of (a) a physician, preferably a pediatrician; (b) a licensed mental health professional; (c) a member of the NAACP; (d) three (3) child advocates who are not affiliated with any agency receiving County funds; (e) one (1) criminal justice representative; (f) one (1) school board member; (g) one (1) representative from Health and Rehabilitative Services; (h) one (1) representative from United Way of Manatee County; and (i) judge of the Family Law Division.

B. Terms:

1. Except as provided herein all terms shall be for a period of three (3) years and continue until a successor has been appointed, which term shall be deemed to commence on the effective date of this Ordinance.

2. To achieve staggered terms, the terms of three (3) members, including one child advocate, shall expire at the end of an initial two-year period; the terms of four (4) members, including one child advocate, shall expire at the end of an initial three-year period; and

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the terms of four (4) members, including one child advocate, shall expire at the end of an initial four-year period.

3. All members of the Advisory Board shall be residents of Manatee County meeting the qualifications of an elector, except that the judicial position may be filled by the family law judge serving in Manatee County without regard to residency.

4. Members shall be eligible for reappointment for successive terms without limitation.

5. The County may remove any member who, without reasonable excuse, fails to attend three (3) consecutive meetings.

6. Members may be removed without cause by a majority plus one vote of the Board of County Commissioners when it is determined that it is necessary and in the best interest of the County and the efficient functioning of the Advisory Committee to remove such members. The Advisory Board may recommend removal of a member to the County based upon an affirmative vote of eight (8) members of the Advisory Board, .

7. Any member who has been selected based upon serving in a representative capacity for an entity or agency who resigns or is no longer affiliated with such entity

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or agency shall provide notice to the Board of County Commissioners of a change in the member's status. Taking into consideration the work of the Advisory Board and the activities and proceedings scheduled by the Advisory Board, the Commission may ask such representative to continue until an orderly transition may be arranged and at such time as the County deems to be in the best interest of the Advisory Board and the County, may declare the position vacant and fill the vacancy by appointment as soon as reasonably possible. Such appointment shall be for the unexpired term of the vacated office.

8. If any member of the Advisory Board is removed, dies or becomes disqualified, the position shall be deemed vacant and such vacancy shall be filled by appointment of the County. Any such appointment shall be for the unexpired term of the vacated position.

C. Rules and Procedures

1. The Advisory Board shall hold meetings as needed to fulfill its duties, but the Advisory Board shall hold at least four (4) meetings each year.

2. A majority of the active members of the Advisory Board shall constitute a quorum.

3. All meetings shall be open to the public.

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4. Formal recommendations of the Advisory Board to the County Commissioners shall be based upon the vote of not less than a majority of a quorum present and voting.

5. The Advisory Board shall have the authority to elect such officers, including a chairperson and a vice-chairperson, and promulgate such internal procedures and rules as may be necessary to conduct the business and affairs of the Advisory Board, which shall not be in conflict with the general law, this Ordinance or procedures and policies established by the Board of County Commissioners.

6. No member of the Advisory Board shall maintain employment with or serve as an officer or director on any other Board which provides children's services funded by the dedicated millage or applies for funding from the dedicated millage. Any such members shall resign either from the Advisory Board or from such employment, other Board or office. This section shall not prohibit a School Board member from being a member of the Advisory Board.

7. Members of the Advisory Board will disclose, in the manner provided by Section 112.3143, Florida Statutes, the affiliation of the member or the member's spouse

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with any organization applying through the Advisory Board for funding, which shall be limited to any membership or affiliation within the last calendar year.

8. No member of the Advisory Board shall incur any expenditures chargeable to the County without the prior written approval of the Director.

D. Powers and Duties.

The Advisory Board shall have the power and duty to make recommendations to the County regarding the expenditure of the dedicated millage, to consult with agencies dedicated to the welfare of children to the end that the overlapping of services will be prevented; and such other duties as may from time to time be assigned by ordinance or resolution of the Board of County Commissioners.

In order to accomplish those purposes, subject to policies and procedures established by the County, the Children's Services Advisory Board shall have in addition to the powers, duties and authority assigned elsewhere in this Ordinance, the authority to:

1. Make independent investigations and gather data pertaining to the needs of children and ways of meeting those needs including those services designed to preserve the unity and integrity of the family and parental relationships.

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2. Consider and recommend innovative and creative programs required to effectuate the intent of the Children's Services referendum.
3. Make recommendations to the Board of County Commissioners with respect to modification of programs.
4. Develop and recommend monitoring and evaluation procedures and methods for providing accountability and guidelines to assure that the dedicated millage is appropriately used.
5. Make recommendations and investigations to assure that the dedicated millage is allocated wisely and used effectively.
6. Collect data pertaining to other sources of funding available for children's services.
7. Identify and make recommendations to the County to clarify and define services for children as contemplated by Resolution R-90-169.

SECTION 7. NEEDS ASSESSMENT;

ESTABLISHMENT OF FUNDING PRIORITIES.

A. The Advisory Board shall submit to the Board of County Commissioners by January 30 of each year an annual report which will be made available to the public and include a plan for children's services. For fiscal year 1991-92, the plan shall be submitted as soon as reasonably possible. The plan shall include

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a needs assessment indicating the Advisory Board's determination of the needs of children indicating the most serious problems affecting or with a high degree of potential for harm to individual children as well as Manatee County's most serious problems by apparent number of children affected. The plan will also identify the Advisory Board's preliminary determination of the nature and types of programs and services that should receive funding from the dedicated millage.

In developing the plan for children's services the Advisory Board shall solicit such reports, data and materials from local, state or national agencies, both public and private, in an effort to avoid duplication of work, expedite the work of the Advisory Board and confirm or rebut the findings of such agencies. The Advisory Board may conduct such hearings and provide for investigations including but not limited to surveys and interviews of experts, professionals, agencies and individuals, including children and parents, as may be necessary and practical to develop the plan for children's services.

The Advisory Board shall include in its investigations the collection of information and data pertinent to the problems of families in need of services and the methods and procedures for implementing plans of services designed to preserve to the highest extent appropriate and feasible the integrity of the family unit including those procedures and strategies that

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distinguish the problems of truants, run-aways and children beyond the control of their parents from programs and services designed to meet the needs of abandoned, abused and neglected children.

SECTION 8. PROCEDURES FOR ALLOCATION OF FUNDS.

A. Announcement of Plan.

As soon as reasonably possible after submission of the Advisory Board's report and plan for children's services, the County shall approve or modify the plan and announce the availability of funding for the upcoming fiscal year. The announcement will include a description of services and programs recommended for funding from the dedicated millage. The announcement will include information pertaining to funding applications, rules and procedures pertaining to the award of funds and applicable dates for submission of applications and all details pertinent thereto.

B. Funding Request Evaluation.

Evaluations of agencies submitting funding applications shall include, but not be limited to, site visits, interviews, and application review.

Applications received will be assessed on the basis of specified criteria and will include, but not be limited to, the following items:

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1. Organization's Capability - The qualifications and experience of the applicant in providing quality human services and the agency's financial capability.
2. Need for Service - Appropriate goals and objectives in response to the advertisement of funding availability.
3. Soundness of Methodology - The goal and objectives, description of services with timeline and documented coordination with other service providers.
4. Evaluation - The program's process and outcome objectives, data collection system and evaluation design.
5. Cost Effectiveness - The proportion of budget applied to direct services, funds from other sources, funds requested, current and projected long-range efficiency.
6. Children and Families Served - The extent to which the application addresses services to meet identified needs of the target population.
7. Neighborhood-Based Initiatives - The extent and degree to which the application focuses on a local area or neighborhood.
8. Response to a Specified Strategy - The applicant's identification of and appropriate response to a specified primary strategy.

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9. Application - The relative completeness, clarity and conciseness of the response to all required items in the funding announcement and application.

10. Applications shall address the level of service provided in 1990-91 by the Agency or any other Agency for the specific program or service. If the application is for the purpose of expanding or providing additional services, the sources and amount of funding provided in 1990-91 and subsequent years shall be identified. If the application is for the purpose of establishing new programs or services, detailed information pertaining to the manner in which such new programs or services may be distinguished shall be included.

C. Funding Recommendation.

Recommendations for funding, once approved by the Children's Services Advisory Board, will be presented to the Board of County Commissioners by the Chairman of the Children's Services Advisory Board or his/her designee. This report shall be written or verbal, as requested by the Board of County Commissioners, presented no later than September 30 of each year except that for fiscal year 1991-92 - as soon as reasonably possible, which date or dates shall be established in the announcement provided for in Section 8.A. of this Ordinance.

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The recommendation will include a description of current children's services in Manatee County; an assessment of how current services are fulfilling the needs of the children in Manatee County; the Advisory Board's analysis and conclusions with respect to compliance with the requirement that the dedicated millage be used to fund additional services and programs and not to replace or supplant existing funding; and a recommended budget and funding levels for children's services for the next fiscal year.

D. Program Follow-Up.

The Children's Services Advisory Board or its designee shall review and make recommendations pertaining to the funding application, and request for proposals, the funding agreements and the development of the monitoring and evaluation procedure which shall be prepared by the Department.

The Children's Services Advisory Board shall be apprised of all reports as a result of monitoring programs implemented by the Department pursuant to this Ordinance.

SECTION 9. FINAL RECOMMENDATIONS AND
FINAL DETERMINATIONS.

The Commission shall, during the hearings and proceedings required for adoption of the County's annual budget, make final determinations with respect to the allocation of the dedicated millage. Any additional programs funded after adoption

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of the County's budget shall be approved only after notice and public hearing conducted in the manner required for the adoption of County's ordinances.

The specific allocation of funds authorized by inclusion in the County's official budget adopted prior to the commencement of each fiscal year or any subsequent amendment to the budget shall not establish a right, entitlement or benefit to any individual or agency. Disbursement of the dedicated millage shall be only in accordance with agreements, rules and procedures as may be adopted and otherwise authorized by the County.

If any portion of the dedicated millage is provided to an agency to reimburse the agency for all or a portion of the cost of providing a program or services then this Ordinance and any agreement with such agency shall provide that all financial, business and membership records pertaining to such agency, except such records which are confidential pursuant to the Laws of Florida, shall be open and available to the County for audit and inspection and such agency may be required to provide audited financial statements pursuant to a grant or funding agreement with the County.

SECTION 10. SEVERABILITY OF PROVISIONS.

That if any section, clause, sentence or provision of

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this Ordinance, or the application of such section, clause, sentence or provision to any persons, bodies or circumstances, shall be held to be inoperative, invalid or unconstitutional, the invalidity of such section, clause, sentence or provision shall not be held, deemed or taken to affect the application of the provision of this Ordinance to persons, bodies or circumstances other than those as to which it, or any parts thereof, shall have been held inoperative, invalid or unconstitutional, and the remaining portions hereof shall not be affected and shall remain in full force and effect.

SECTION 11. REPEALER.

That all ordinances and resolutions, or parts thereof, in conflict with this Ordinance are to the extent of such conflict hereby repealed.

SECTION 12. ADDITIONAL AUTHORIZATION.

That the County is hereby authorized to adopt such resolution or resolutions and take such actions or cause such actions to be taken which it deems necessary or proper for carrying out the purposes and transaction contemplated by this Ordinance.

SECTION 13. EFFECTIVE DATE.

That this Ordinance shall take effect upon receipt of acknowledgment from the Department of State that a certified copy

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of this Ordinance has been filed with that office.

PASSED AND ADOPTED in regular session this the 9th day
of July , 1991.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Patricia Glass*
Chairman 7/9/91

Attest: R.B. Shore

[Signature]
Clerk of the Board of County
Commissioners of Manatee
County, Florida

(6/25/91)

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true
copy of ORDINANCE NO. 91-42 adopted by the
Board of County Commissioners of said County on
the 9th day of July, 1991, this 17th day
of July, 1991, in Bradenton, Florida.

R. B. Shore
Clerk of Circuit Court
By: *Robert D. Roberts* D.C.

Copies to:

Barb. Tjuri - BCC

7/22/91

RLU



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

Room 2002, DIVISION OF ELECTIONS

Room 2002, The Capitol, Tallahassee, Florida 32399-0250
(904) 488-8427

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA
JUL 22 11 26 AM '91

July 18, 1991

Honorable Richard B. "Chips" Shore
Clerk of the Circuit Court
Manatee County Courthouse
Post Office Box 1000
Bradenton, Florida 34206

Attention: Deputy Clerk, County Ordinance Records Division

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of July 16, 1991 and certified copy of Manatee County Ordinance Number 91-42, which was filed in this office on July 18, 1991.

The duplicate copy showing the filing date is being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

Enclosure (1)

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