

**Official Minutes of  
MARION COUNTY  
BOARD OF COUNTY COMMISSIONERS**

October 4, 2023

**CALL TO ORDER:**

The Marion County Board of County Commissioners (BCC) met in a workshop session in Commission Chambers at 10:05 a.m. on Wednesday, October 4, 2023 at the Marion County Governmental Complex located in Ocala, Florida.

**INTRODUCTION OF WORKSHOP BY CHAIRMAN CRAIG CURRY**

Chairman Curry advised that the workshop was scheduled this morning to discuss the Educational System Impact Fees Extraordinary Circumstances Need.

**PLEDGE OF ALLEGIANCE**

The meeting opened with the Pledge of Allegiance to the Flag of our Country.

**ROLL CALL**

Upon roll call the following members were present: Chairman Craig Curry, District 1; Vice-Chairman Michelle Stone, District 5; Commissioner Kathy Bryant, District 2; Commissioner Matthew McClain, District 3; and Commissioner Carl Zalak, III, District 4. Also present were County Attorney Matthew G. Minter; County Administrator Mounir Bouyounes and Assistant County Administrator (ACA) Tracy Straub.

Deputy Clerk Windberg presented Proof of Publication of legal ad No. 9342413 entitled, "Notice of Board of County Commissioners Workshop Related to Educational System Impact Fees" published in the Star Banner newspaper on October 3, 2023. The Notice states the Board will consider possible increases to the Marion County Educational System Impact Fee Ordinance.

It was noted for the record that the Deputy Clerk was in receipt of a 218 page Agenda packet to follow along with the PowerPoint presentation.

**WORKSHOP PRESENTATION**

**1. Extraordinary Circumstances Necessitating the Need to Exceed Phase-in Limitations for Marion County Educational System Impact Fees**

Description/Background: This workshop is the second of two workshops (the first workshop was held on September 20, 2023) being conducted pursuant to Section 163.31801(6)(g) 1. and 2., Florida Statutes. This workshop is part of the statutory process for consideration of possible increases to the Marion County Educational System Impact Fee ordinance. This workshop is specifically dedicated to the extraordinary circumstances necessitating a need to exceed certain fee phase-in limitation provided in subsection (6) of the statute.

It is anticipated that one or more members of the Marion County School Board, the Superintendent of Schools for Marion County, and other School Board staff and consultants may be present and provide input to the Board at this workshop.

**2. Marion County Public School - Timeline of Marion County Educational System Impact Fee Related Actions**

- 3. Marion County Public Schools Funding School Facilities and Maintenance Summary**
- 4. Supporting Document - Long Range School Planning Study**
- 5. Supporting Document - Marion County Public Schools Educational Facilities Update Study (Impact Fee Update)**
- 6. Supporting Document - School District Staff Facility Recommendations**

### **BOARD DISCUSSION AND CLOSING COMMENTS**

County Attorney Matthew Minter advised that this is the second workshop scheduled by the BCC as required by Florida Statute (FS) 163.31801 relating to Impact Fees. He stated that Subsection 6(g) of the Statute pertains to the specific issue of whether or not “extraordinary circumstances” exist necessitating the need to exceed phase-in limitations with respect to new school impact fees. Mr. Minter noted the Benesch Study identified the 5 categories of land use as follows: 1) single-family detached and mobile home on a lot; 2) single-family detached townhouse; 3) multi-family condominiums; 4) multi-family apartments; and 5) mobile home park. He advised that based on the recommendations in the Benesch Study as presented to the Marion County School Board (MCSB) regarding its revenue needs, certain fees were proposed or calculated by the consulting firm, noting the MCSB is evaluating imposing fees with a 40 percent (%) reduction of the currently suspended Impact Fee Ordinance. However, there is one category of fees (multi-family apartments) that indicates a 90% increase over the last existing School Board Impact Fee Rate for that category. Mr. Minter stated under the Statute, the County can only adopt that much of an increase if the Board makes a finding that there are extraordinary circumstances justifying the need for that much of an increase. He opined that it does not mean that the 90% increase is the final number the County would end up with in the Impact Fee Ordinance. Mr. Minter clarified that today’s workshop is not to evaluate the terms of an Impact Fee Ordinance, but rather to provide the public with an opportunity to address the Board and offer their opinions with respect to this issue of whether there is an extraordinary need for this type of rate increase, specifically as it relates to multi-family apartments. He advised that under Florida law, impact fees are designed to offset the cost to the public for public facilities necessitated by new growth, noting those impact fees have to satisfy the dual rational nexus test. The first requirement to satisfy a dual rational nexus test is that the County can demonstrate that there is an anticipated need for new Capital facilities that is justified by the new growth coming into the community as opposed to other circumstances. Mr. Minter stated the second requirement is that the County has to show that there is a reasonable connection between the expenditure of the revenues received and the benefits to the payors of those fees. He advised that at the first workshop held on September 20, 2023, he read into the record certain pages from the Benesch Study indicating how much the deficit would be and the funding requirements the School Board has if it does not receive the impact fee revenues (pages 48 and 49 of the Benesch Study included in the Agenda packet). Mr. Minter opined that the Study indicates there is a reasonable inference that there is an extraordinary need for funding, noting impact fees alone will not satisfy all of the funding needs of the MCSB going forward. He commented on the Joint Workshop held on August 11, 2023 between the BCC and the MCSB, noting

the School Board presented their case for the existence of an extraordinary need at that time. Mr. Minter reiterated that the Statute requires the BCC, as the local government, to conduct 2 workshops.

Chairman Curry opened the floor to public comment.

There being none, Chairman Curry advised that public comment is now closed.

Mr. Minter advised that he spoke to attorney Jeremy Powers, MCSB, who has been consulting with Nancy Stroud, an outside attorney, with respect to moving forward and developing their Impact Fee Ordinance. He noted it is his understanding that later this month the MCSB will be holding its own workshops relating to the issue of developing School Impact Districts, similar to the County's Impact Fee Districts for Transportation Impact Fees. Mr. Minter stated by creating those Districts, the Ordinance would provide that the revenues generated within a specific District can only be expended in that District. In response to Chairman Curry, Mr. Minter advised that he spoke with City Attorney William Sexton, City of Ocala, noting one of the issues that needs to be resolved is the breaking out into subcategories of the multi-family units. He commented on previous discussions relating to how granular is local government going to get as far as developing discreet categories (i.e., number of bedrooms in an apartment unit). Mr. Minter clarified that the Statute does not mandate how many levels of detail the County goes into, but opined that it is a legitimate issue for all concerned as it relates to how specific the Ordinance can get.

Commissioner Zalak opined that the MCSB is going to have to figure out many ways to try and find funding, noting there may be a need to hold another joint workshop to address sales tax funding. He noted the County will also be working on its Sales Tax for transportation and public safety.

Commissioner Bryant opined that the Board needs to focus on its own Sales Tax and moving it forward, noting the need to ensure that each Sales Tax request is clearly separated and defined for the public to understand that they are 2 separate Sales Tax requests.

General discussion ensued.

In response to Commissioner Zalak, Mr. Minter advised that the Statute requires that a School Board's request for a tax has to be placed on a general election ballot, but does not specify which one.

Chairman Curry opined that time is of the essence for the BCC and the MCSB to move forward the Impact Fee Ordinance, noting whatever the School Board determine to do in way of a sales tax is separate from this issue.

In response to Chairman Curry, Mr. Minter clarified that he is providing input to Attorney Powers; however, he cannot provide the BCC with a timeframe for when the Ordinance would be presented for consideration.

Commissioner Stone advised that the BCC is waiting on the School Board to make its request, noting it is not Mr. Minter's role to bring this forward.

Mr. Minter clarified that the BCC does not have to make any finding today, noting the finding of extraordinary circumstances would be incorporated into the finding in the Ordinance.

In response to Commissioner Zalak, Mr. Minter advised that he is working on an additional Memorandum of Understanding (MOU) with the City of Ocala to ensure that the County and the City are not responsible for paying back monies being passed through to the MCSB.

October 4, 2023

There being no further business to come before the Board, the meeting thereupon adjourned at 10:25 a.m.

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Craig Curry, Chairman

Attest:

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Gregory C. Harrell, Clerk

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