

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

June 20, 2024

The Marion County Board of County Commissioners (MCBCC) met in a special session at 10:21 a.m. on Thursday, June 20, 2024 at the Rainbow Lakes Estates Community Center located at 4030 SW Deepwater Court in Dunnellon, Florida.

INTRODUCTION BY CHAIRMAN MICHELLE STONE

Chairman Stone noted the purpose of the public hearing is to consider the tentative budget for Rainbow Lakes Estates (RLE).

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 Michelle Stone, District 5; Commissioner Matt McClain, District 3; and Commissioner Carl Zalak, III, District 4. Commissioner Craig Curry, District 1, and Commissioner Kathy Bryant, District 2, were absent due to prior commitments. Also present were Chief Assistant County Attorney Dana Olesky, County Administrator Mounir Bouyounes and Assistant County Administrator (ACA) Amanda Tart.

PROOF OF PUBLICATION

Deputy Clerk Mills-McAllister presented Proof of Publication No. 10259366 entitled, "Notice of Public Hearing", published in the Star Banner newspaper on June 16, 2024. The Notice states the Board will consider adopting the tentative budget for fiscal year (FY) 2024-25 for the RLE Municipal Service District (RLE MSD), RLE Municipal Service Benefit Unit (RLE MSBU) for Fire Protection and Community Resource Facilities, the RLE Municipal Service Taxing Unit (RLE MSTU) for Road Improvements and the RLE MSTU for Recreation Services and Facilities.

STAFF PRESENTATION

1. Present Rainbow Lakes Estates Proposed Fiscal Year 2024-25 Budgets - Audrey Fowler, Budget Director

Budget Director Audrey Fowler presented a 30 page Agenda packet and read into the record a one page cover letter, dated June 20, 2024, from Clerk Harrell, submitting the FY 2024-25 budgets. Presented today are the proposed FY 2024-25 budgets for the RLE MSD, RLE MSTU for Recreation Services and Facilities, the RLE MSTU for Road Improvements and the RLE MSBU for Fire Protection and Community Resource Facilities in the aggregate amount of \$3,451,405.00.

The proposed budget of the RLE MSD includes a 1.2500 mill property tax millage rate. The proposed District millage rate is the same as that of the current 2023-24 FY. The RLE MSTU for Recreation Services and Facilities includes a 0.8500 mill property tax millage rate. The proposed MSTU millage rate is the same as that of the current 2023-24 FY. Estimated property values have been used for the purpose of budget preparation. As presented, the total proposed budgets represent a decrease of \$586,266.00 or (14.52%),

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from \$4,037,671.00 for adopted FY 2023-24 to the proposed budget of \$3,451,405.00 for FY 2024-25.

Final adoption of the tentative millage rates and budgets will take place at duly advertised public hearings to be held during the month of September. Adjustments made necessary by changes in final property values, per parcel assessment rolls, or Fund Balance Carry Forward, will be made prior to final adoption of the budget.

Ms. Fowler advised that a summary of the revenues for the RLE MSD can be found on page 3, noting the taxable property value estimate was an increase of 17.9% over the prior FY. The actual estimated fund balance for FY 2024 was \$1,074,344.00, noting an increase going into this current FY that is being utilized for Capital Improvements. Interest income has rebounded and is reflected in the Fund Balance anticipated for 2024, as well as for FY 2025.

Ms. Fowler advised that on page 4 there are 2 Cost Centers: Rainbow Lakes Estates General Government (500) and Road and Street RLE MSD (502). She stated Road and Street is supposed to be going to zero this year. Page 5 contains a summary of the actual cost expenditures, noting the expenditures are not fluctuating very much. Ms. Fowler advised that she is deferring to MSTU Director Chad Wicker for questions relating to operating expenditures. She stated line item 549140, Other Current Charges Property Appraiser, and line item 549185, Charges Central Services Cost Allocation, have a little bit of a shift due to the Property Appraiser's budget being based on the taxable value collected as a percentage of the total; however, administrative costs have an 8% cap. In prior years the cost allocation has been understated because the Property Appraiser's and the Tax Collector's shares are deducted first, then whatever is left of the 8% can be charged to cost allocation. She clarified that the 3 combined cannot exceed the 8%. This year there is a shift, the Property Appraiser's portion went down, therefore the Cost Allocation portion has come up and the County is still not recovering 100% because the costs exceed what is allowed to be recovered.

Ms. Fowler referred to page 6 and advised that there is Capital Improvement funding, which is one-time Capital into the future. Line item 599199, Reserve for Cash Carry Forward, is just under 20% of the Fund Balance. She advised that this is a good spot, and staff want to maintain this percentage with this fund. Ms. Fowler stated there are still funds available for line item 599101, Reserves for Contingencies, for choices the Department makes during the year if needed or excesses in expenses.

Page 7 contains the personnel detail.

Ms. Fowler advised that there are no significant changes to the distribution of the full time employees (FTEs) in this proposed budget.

Ms. Fowler stated page 8 reflects Capital Improvement (line item 563901). She advised that Future Capital is fund balance excess and noted a request for a sport utility vehicle (SUV) under Machinery and Equipment (line item 564101).

Ms. Fowler advised that page 9 includes an oversight relating to the Insurance Premiums (line item 545101), that should have been charged to fund 1302 where the remaining Road Maintenance was moved from the MSD to the MSTU. She requested the Board's consent to move the funds into Future Capital, noting she will need to add this expenditure into fund 1302 and make an adjustment in that fund accordingly. It was the general consensus of the Board to agree.

Ms. Fowler advised that page 10 reflects the personnel that was moved out of this fund last year.

In response to Mr. Bouyounes, Ms. Fowler stated the Reserve for Cash Carry Forward (page 6) is just under the 20% mark.

Ms. Fowler advised that page 11 contains the RLE MSTU for Recreation Services (Cost Center 504) and Facilities revenues, noting there is an 18% increase in the taxable property value. There is an increase in the fund balance due to a one-time fund transfer of \$138,604.00 in fees that were collected for recreation, but previously recorded in RLE MSD. Finance worked with MSTU to go back and identify those transactions and a transfer was performed in the current FY. Page 13 shows the bulk of that \$138,604.00 in Capital Improvement Funding (line item 563901). She stated there were no significant changes in positions relating to this fund. On page 16, the Capital Improvements are unspecified and there is an allocation for gym equipment upgrades in Machinery and Equipment for the forthcoming year.

Ms. Fowler advised that page 17 reflects Fund 1302, RLE MSTU for Road Improvements. She stated this is a special assessment fund (per parcel rate), noting any change was due to an increase in the number of properties on the tax rolls. The balance forward does not include any Capital committed in FY 24 at this time. Cost Center 505, Contracted Road Construction RLE MSTU, is where the funds were moved to perform any of the road improvements. Ms. Fowler noted page 19 reflects salaries and wages where all personnel were moved from RLE MSD to this fund in FY 24. She advised that this is where line item 545101, Insurance Premiums, will be added along with the \$20,119.00. Line item 563220, Improvements Road and Bridge, will be reduced by the same amount to keep the fund in balance.

Commissioner Zalak questioned what is in the Repairs and Maintenance Buildings and Grounds in this fund. MSTU Director Chad Wicker stated there are shop gate openers for repair and replace, garage door repairs, 3 garage door safety sensors, and the entrance and median of RLE are going to be redone.

Ms. Fowler advised that page 20 shows the FTEs are unchanged from the current year. Page 21 includes the detail on the Machinery and equipment for 2 replacement pickup trucks.

Ms. Fowler stated page 22 relates to RLE MSBU for Fire Protection and Community Resource Facilities. This is the 3rd and final year of phasing this fund out prior to transferring it to Marion County Fire Rescue (MCFR). She referred to page 24, noting the total amount of any revenue increases would be transferred to MCFR or cost allocation for the final year. A supplemental budget may be required if there is interest income that has not been captured.

Ms. Fowler provided an overview of the long-term financial estimates, noting page 25 contains a history of the Property Tax. She advised that the new construction for FY 2024-25 is 52% of the taxable property increase. Ms. Fowler clarified that more than half of the increase in taxable value is due to new construction, and not increases of assessments on existing property owners. She noted Levy County does not provide their estimate of new construction values.

Ms. Fowler referred to page 26 and stated it looks like the fund will be in a good position moving forward. There will be some expenditures of fund balance going down. She advised that staff want to see the fund balance come down more, but they want to see it used on Capital one-time purchases. Ms. Fowler addressed the importance of ensuring recurring revenue and recurring expenditures are comparable.

Ms. Fowler commented on page 27, the RLE MSTU for Recreation Services and Facilities, noting the millage was raised in FY 2023-24 and is being kept flat in FY 2024-

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25 due to the increases in new construction. Page 28 provides the financial forecast for that fund. The expenditures are slightly exceeding the revenues over time and will be monitored until there is sufficient data to project where the fund is going.

PUBLIC COMMENT

Chairman Stone opened the floor to public comment.

Vice-Chairman George McKay, RLE Advisory Board, SW Bluegill Road, Dunnellon, expressed concern relating to the ability to provide input into the running and operations of RLE. He addressed the change in MSTU Directors particularly during the COVID-19 pandemic. Mr. McKay advised that he was hesitant to vote for the last budget and expressed his reluctance at the time. He requested the Board direct MSTU staff to engage with the RLE Advisory Board or discuss actions at meetings prior to budgeting and/or implementing anything of consequence impacting RLE residences.

Mr. McKay advised that RLE had a crime watch administered by a Marion County Sheriff for over 25 years. They patrolled the entirety of RLE including Levy County. In 2003 a minor accident occurred in the Levy County portion and within 2 days all patrols in Levy County were stopped. He commented on a previous agreement from 1999, and questioned if the Board can assist in obtaining coverage for the Levy County residents.

Chairman Stone questioned what improvements Mr. McKay would like to see relating to interactions with MSTU staff. Mr. McKay stated more discussion on planning is needed during meetings by RLE residents. He advised that there are monthly meetings and MSTU staff and a representative from the Marion County Sheriff's Office (MCSO) are usually in attendance. Mr. McKay advised that engagement is an issue, noting there were things included in the budget that the RLE Advisory Board did not hear about until after they were planned. He stated the RLE Advisory Board cannot advise of things they know nothing about. Mr. McKay advised that things have been brought to the attention of the County without resolution such as road issues. He commented on growth and the impact to roads.

Commissioner Zalak questioned if the RLE Advisory Board participates in a workshop prior to this meeting to review what is included in its budget. Mr. McKay stated there was not a budget workshop previous to today.

Commissioner Zalak advised that the budget is typically the same as the previous year with some tweaks. He stated there is no reason why the RLE Advisory Board cannot have a budget workshop prior to this meeting.

Dan Wilshusen, RLE Advisory Board, SE 126th Terrace, Dunnellon, advised that there was a workshop to review and discuss the budget with MSTU and the Department's liaisons. He stated the budget was sent back and then presented again with the changes. Mr. Wilshusen commented on the replacement vehicle, noting there was a request for a vehicle, but it was not entertained or discussed much with the MSTU Department. He advised that the Board brought the matter up and it was shot down. Mr. Wilshusen stated the RLE Advisory Board was then asked to approve a budget with 3 new vehicles. He noted he now understands that older vehicles need to come off the books, they are not passing annual inspections and need to be replaced. Mr. Wilshusen advised that these are the types of things the RLE Advisory Board is talking about. He advised that he voted for the budget but there are items of concern. He commented on paying a portion of the MSTU Manager salary for an employee that is not onsite and does not support Levy County residents of RLE. Mr. Wilshusen addressed last year's budget, which was to include a part-time Recreation Staff member to allow for increased recreational hours and

get more return on investments (ROI) on capital improvements like the purchase of kayaks. He stated recreational items sit dormant over the weekend because there is no staff available to rent these items. Mr. Wilshusen stated the RLE Advisory Board would like to increase the hours at the Youth Center but are unable to due to a lack of staffing. He commented on Levy County residents paying into an assessment but feeling they are not receiving any services in Levy County or representation from Marion County. He stated Chad Wicker and other MSTU staff have done an amazing job, but the RLE Advisory Board continues to react rather than acting as a combined unit.

Chairman Stone clarified that Mr. Wilshusen is questioning why RLE is paying a third of the salary for the MSTU Manager who is not present onsite, the 2 part-time positions for the recreation activities and the youth center, and only receiving benefit relating to roads and maintenance.

In response to Chairman Stone, Mr. Wilshusen advised that there is a long range plan for RLE and questioned if it can be shared with the RLE Advisory Board.

Chairman Stone stated she is unaware of any long range plan for this District.

Commissioner Zalak stated Commissioner Bryant is a great liaison and the Commissioner for this District. He advised that she and the District Representative for Levy County will communicate.

Mr. Wilshusen stated he reached out to the Levy County Sheriff's Office (LCSO) and was advised that they do not do neighborhood patrols and have not done so in more than 5 years.

Commissioner Zalak advised that if LCSO does not wish to patrol or have a citizen patrol unit, he is unsure what can be done; however, there are Interlocal Agreements (ILAs) that allow for cross-deputization.

Mr. Wilshusen commented on the charter that was set by the Legislature, noting it stipulates that the district resides in 2 Counties while clearly putting the responsibility on the MCBCC to provide the services.

Chief Assistant County Attorney Dana Olesky advised that she was recently brought into this issue and reached out to the Sheriff's Office and spoke to the Liaison for this District. She stated there was an agreement in place for many years where there was essentially a neighborhood watch that allowed patrols in both the Levy County and the Marion County portions of RLE. There was an issue involving a Sheriff's vehicle being involved in an accident, at that time the Sheriff made a determination that his patrol vehicles and those vehicles under the Sheriff would no longer be able to patrol the Levy County side. The Special Act allows Marion County the authority to provide law enforcement services, traditionally that has been done with Levy County making arrests or performing other duties on the Levy County side and the same is true for Marion County on its side. Ms. Olesky advised that at the last few RLE Advisory Board meetings Lieutenant Mike Mongeluzzo, MCSO, has indicated that the Dunnellon Citizens Observer Patrol (COP) program is patrolling the Marion County side. She stated during her conversations with the Sheriff it was made known they would not patrol into the Levy County side and traditionally it is that Levy County does not patrol within subdivisions or neighborhoods, while Marion County does. Ms. Olesky advised that it really lies with speaking to Levy County regarding what additional law enforcement services they can provide on their side. She stated Marion County residents pay into the MSTU for Law Enforcement, and if the Board wants to explore that, Levy County must agree to allow those residents to be assessed for the service.

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Commissioner Zalak requested staff reach out to the LCSO and bring recommendations back to the Board.

In response to Commissioner Zalak, Ms. Olesky stated the previous issue related to the vehicle being on private property, getting stuck and incurring significant damage. She stated she questioned if MCSO allows Deputies to take vehicles home, and they do. She advised that they are not allowed to enforce any law enforcement services, so, if they cross over the line, they have to call the other County (Levy, Citrus or Alachua). Ms. Olesky advised that MCSO and LCSO will be contacted, and she will bring back recommendations for the Board.

Commissioner Zalak requested Ms. Olesky review documentation to determine whether the County has governmental mandated jurisdiction. Ms. Olesky advised that the Special Act empowers/authorizes the MCBCC to take action but does not mandate the Board.

In response to Commissioner Zalak, Ms. Olesky stated the Special Act allows the Board to enter into ILAs with Levy County, the Sheriff, etc. Ms. Olesky reiterated that she would contact both agencies and bring back recommendations, in addition to information relating to what the Special Act requires the Board to do and how the County is providing each of those services for the Levy and Marion County residents. She commented on legal concerns regarding what is authorized by Statute relating to neighborhood watches, noting they have to be under the purview of a Sheriff.

Mr. Bouyounes advised that the Board has never put in place a long range plan for the RLE MSD; however, staff can work on it and hold meetings with the RLE Advisory Board and staff. He stated the Special Act authorized several different services that the Board decided years ago not to provide. Mr. Bouyounes advised that the Sheriff does not receive any funding from the MSD and questioned where the funding will come from for him to be able to patrol and enforce laws in Levy County. He stated the Special Act authorizes the MSD to provide zoning regulation and that service has not been enacted and it is not funded. There were zoning issues between the RLE portions in Marion and Levy Counties. The Marion County zoning regulation does not govern the Levy County portion of RLE.

In response to Chairman Stone, Mr. Bouyounes advised that the County does cost allocation for MSTU management, and it is capped at a certain level. There were changes made last year. The position that was discussed was allocated outside of the cost allocation and serves the MSD and the 2 MSTUs in place today (RLE, Marion Oaks and Silver Springs Shores (SSS)). That position is specifically for those 3 locations and that FTE is focused on coordination, planning, etc. for those locations only. Mr. Bouyounes advised that the individual is Katy Burton, and she attends the monthly meetings at RLE. Chairman Stone questioned if the part-time positions are staffed. Mr. Wicker stated there is a part-time recreation position that is currently being advertised, noting there was a candidate who backed out. He advised that the position includes the youth center.

Commissioner Zalak commented on the long-range plan for the County that includes Empowering Marion County for Success. He requested Ms. Burton share that with the RLE Advisory Board members, and work to figure what the MSD wants to do and how to coordinate with staff to ensure it is on the Capital Improvement Plan (CIP).

Chairman Stone advised that public comment is now closed.

CONSIDERATION OF ADOPTION OF THE TENTATIVE BUDGETS OF RAINBOW LAKES ESTATES

A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to adopt the tentative budgets as presented today. The motion was unanimously approved by the Board (3-0).

Ms. Fowler advised that the tentative hearing is Thursday, September 5, 2024 at 5:50 p.m. for RLE, and the final hearing is scheduled for Monday, September 23, 2024 at 5:50 p.m. Both will be held at the McPherson Complex.

CLOSING COMMENTS: NONE

There being no further business to come before the Board, the meeting thereupon adjourned at 11:04 a.m.

Michelle Stone, Chairman

Attest:

Gregory C. Harrell, Clerk

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