



Agenda Item Summary

File #: 24-00990

Agenda Date: [Publish Date]

Agenda Item Name:

Mill Creek Watershed Matter and Commissioner At Large Voting Referendum Appeal - Use of General Fund Reserves

Presenter:

Sylvia Torres, County Attorney
Tommy Crosby, Assistant County Manager

Description:

Request the allocation of One Million One Hundred Thousand Dollars from the General Fund Reserves for unanticipated costs related to the Mill Creek Watershed matter and costs related to appeal related to Commissioner At Large Voting Referendum

Recommended Action:

Declare the attached evaluation sufficient to use General Reserves, approve the use \$1,100,000 General Fund Reserves for unanticipated pre-litigation and appeal expenses, and approve the budget amendment:

Excerpt from the Board Adopted Budget Policy:

a. Reserve for contingency requests in the General Fund, Municipal Service Taxing Unit (MSTU) Law Enforcement and Municipal Services Benefit Unit (MSBU) Fire Funds must be approved by the Board of County Commissioners. The Board will use the procedures and evaluation criteria set forth in this, and other policies.

Such requests will be evaluated as to the:

- i. Urgency of the request.
- ii. Scope of services to be provided.
- iii. Short and long-term fiscal impact of the request.
- iv. Potential for alternative methods of funding or providing the service(s).
- v. Review for duplication of service(s) with other agencies.
- vi. Review of efforts to secure non-County funding.
- vii. Discussion of why funding was not sought during the normal budget cycle.
- viii. Review of the impact of not funding or delaying funding to the next fiscal year.

Item #1 - \$1,000,000.00 Mill Creek Watershed

- i. The BoCC has asked the County attorney to review the Mill Creek watershed due to its potential environmental impacts. Further review and evaluation are required by the County.
- ii. Professional consultant services and legal costs may arise from research and possible litigation.
- iii. These are preliminary cost estimates; additional funds may be necessary depending on future

- BoCC decisions.
- iv. N/A
- v. The Environmental Protection Department (EPD) will handle as much of the work
- vi. N/A
- vii. The item was presented to the Board after budget adoption
- viii. The Mill Creek Watershed is currently under review.

Item #2 - \$100,000 At Large Voting Referendum

- i. Board authorized appeal of a temporary restraining order, circuit court decision regarding At Large Voting Referendum
- ii. Professional consultant services and legal costs may arise from research and possible litigation.
- iii. These are preliminary cost estimates; additional funds may be necessary depending on future Board decisions.
- iv. N/A
- v. The County Attorney will handle as much of the work as possible internally.
- vi. N/A
- vii. This appeal resulted after the FY25 Budget was adopted.
- viii. Court hearing will determine due dates related to filing of legal response.

Prior Board Motions:

October 1, 2024 The Board asked to set aside funds from the County Reserves.

Fiscal Note:

Move \$1,100,000 from 001.04.0440.590.99.20 General Fund Reserves to 001.040.0490.XX Special Expense to cover associated costs related to contractual services and documentation collection and filing fees and potential legal fees. \$1 Million Dollars will be set aside for Mill Creek Watershed and \$100,000 will be set aside for the appeal related to At Large Voting Referendum. Reserve Explanation and Budget Amendment Attached. This action will place General Fund Reserves below policy.

Strategic Guide:

Environment, and All Other Mandatory and Discretionary Services

Background:

Mill Creek Watershed: Recent developments related to the Mill Creek development will lead to unanticipated expenses that were not included in the FY25 budget. These expenses may include research and public record fees, forensic expert reports and consultations, and other legal costs. On October 1, the Board of County Commissioners requested staff to obtain consultants and experts to support review of the various development projects related to the Mill Creek Watershed. In addition, funds will be moved from the County General Fund Reserves moved into Special Expense account to ensure funds are available as needed. \$1 Million dollars is being allocated for this purpose from the General Fund Reserves.

Board Litigation regarding Commissioner At Large Voting Referendum:

On April 9, 2024, Commissioner Prizzia moved to refer to staff the ballot initiative to return to at large districts. The motion carried 4-0 with Commissioner Wheeler absent.

On May 14, 2024. Agenda Item 24-00377, Commissioner Cornell moved to authorize staff to authorize advertisement of the included ordinance for public hearing to consider the placement of a referendum question on the November 2024 ballot which would, if approved by the majority of qualified electors of

Alachua County voting in the referendum, amend the charter to return to at-large voting for all county commission members. The motion carried 4-0 with Commissioner Chestnut absent.

On October 8, 2024, the Board authorized appeal of a temporary restraining order, circuit court decision regarding At Large Voting Referendum. \$100,000 is being allocated from County General Fund reserves to Legal Special Expense to engage professional services related to appeals, filing fees and research.