



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

H.1.

10/22/2024

### Subject:

Ordinance, Re: Modifications to the Structure of the Save Our Indian River Lagoon Citizen Oversight Committee

### Fiscal Impact:

None

### Dept/Office:

Natural Resources Management

### Requested Action:

It is requested that the Board of County Commissioners Adopt an Ordinance to Modify the Structure of the Save Our Indian River Lagoon Citizen Oversight Committee

### Summary Explanation and Background:

The current structure of the Save Our Indian River Lagoon (SOIRL) Citizen Oversight Committee (COC) includes seven fields of expertise, with a voting member and alternate selected to represent each field. To ensure future representation on the COC of residents whose incomes are tied to the health of the lagoon and who experience changing lagoon conditions daily, the committee recommends changing one field of expertise to "Lagoon Commerce." This can be accomplished with no net change in the size of the COC by combining the Education and Outreach field of expertise with the Lagoon Advocacy field of expertise.

In addition, due to impending term limits that will result in large turnover on the COC and the desire to have voices at the table who have heard all County Commission direction to date and public comment since inception of the SOIRL program, the COC recommends adding 2 non-voting, emeritus members to provide readily available, historical context for the large number of new members anticipated in the next term. The League of Cities and the County Commission would each select one emeritus member.

In industry, an emeritus board member is a former board member who may have reached their term limit but is invited to continue to serve on the board in an advisory capacity. This honorary title is given to recognize the benefit of a former member's relevant experience and knowledge, their significant contributions to the organization, and their long-term participation. While emeritus board members participate in meetings, they have no voting rights. As appointees to the COC, they would be subject to Florida Sunshine Law.

Revisions to the current policy to incorporate both of these recommendations is attached for Board consideration. The revisions also update the policy to reflect current terminology and to transition the initial 2016 COC appointment process to the ongoing appointment process.

**Background:**

On May 3, 2022, the County Commission adopted changes to the County's Uniform Advisory Board Policy including the application of term limits to all advisory board appointees. At the end of the current 2-year term, 5 of 7 COC voting members and 2 of 7 COC alternates will reach their term limits. For reference, the current Board policy is as follows:

Term limits. Appointees to advisory boards shall serve no more than eight consecutive years, or ten years in 16-year period, on the same advisory board for which there is not an interlocal agreement or memorandum of understanding or other contractual commitment precluding imposition of a term limit. A commissioner may request the board of county commissioners waive the aforementioned term limits should the commissioner have difficulty filling an advisory board appointee position. A waiver of the term limits will only be granted if the board votes in favor of the waiver by a supermajority vote.

On August 27th, the County Commission approved legislative intent and permission to advertise ordinance modifications to enact the following changes to the COC structure, as recommended by the COC:

**Existing Fields of Expertise**

1. science,
2. technology,
3. economics/finance,
4. real estate,
5. lagoon advocacy
6. education/outreach and
7. tourism

**Recommended Fields of Expertise**

1. science,
2. technology,
3. economics/finance,
4. real estate,
5. lagoon commerce,
6. lagoon education/outreach/advocacy
7. tourism, and
8. 2 non-voting, emeritus members

**Clerk to the Board Instructions:**

File certified copies of the ordinance with the Florida Department of State upon adoption by the Board and copy the Natural Resources Management Department.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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October 23, 2024

**M E M O R A N D U M**

**TO:** Virginia Barker, Natural Resources Management Director

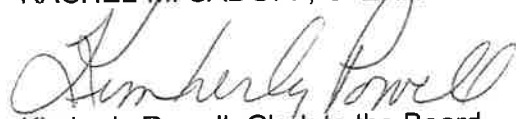
**RE:** Item H.1., Ordinance for Modifications to the Structure of the Save Our Indian River Lagoon (SOIRL) Citizen Oversight Committee

The Board of County Commissioners, in regular session on October 22, 2024, adopted Ordinance No. 24-27, modifying the structure of the SOIRL Citizen Oversight Committee. Enclosed is the fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

cc: County Manager



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

October 24, 2024

Honorable Rachel M. Sadoff  
County Clerk  
Brevard County  
Post Office Box 999  
Titusville, FL 32781-0999

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2024-27, which was filed in this office on October 24, 2024.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

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**ORDINANCE 2024-27**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, REGARDING THE SAVE OUR INDIAN RIVER LAGOON CITIZEN OVERSIGHT COMMITTEE; AMENDING CHAPTER 46, ARTICLE X, BREVARD COUNTY CODE; AMENDING SECTION 46-400. – SAVE OUR INDIAN RIVER LAGOON CITIZEN OVERSIGHT COMMITTEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE BREVARD COUNTY CODE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR EFFECTIVE DATES AND FILING.**

**WHEREAS**, in January through March 2016, Brevard County residents endured the most extensive and intensive algal bloom ever recorded in the Indian River system during winter to spring months; and

**WHEREAS** the collapse of this bloom in March resulted in one of the most extensive fish kills ever recorded in the county; and

**WHEREAS** the 2016 bloom and fish kill followed a 2011 algae super bloom, brown tides in 2012, 2013 and 2015, and unusual mortality events for dolphins, manatees and pelicans; and

**WHEREAS**, on August 9, 2016, the Board of County Commissioners heard extensive testimony on the need for and economic benefits anticipated from establishing a trust fund dedicated to restoring health to the Indian River Lagoon, considered multiple funding options, and voted unanimously to approve a Save Our Indian River Lagoon Project Plan, advertise an ordinance for a half-cent infrastructure sales tax for this purpose, approved ballot language, and authorized staff to negotiate an interlocal sales tax use and distribution agreement with cities representing a majority of the county's municipal population; and

**WHEREAS**, on August 23, 2016, the Board of County Commissioners adopted Ordinance No. 2016-15 (the "Original Save Our Indian River Lagoon Surtax Ordinance") for a half-cent infrastructure sales tax to fund the implementation of the Save Our Indian River Lagoon Project Plan and to place a Referendum on the November 8, 2016, ballot for a half-cent infrastructure sales tax and authorized the Chair to execute an interlocal sales tax use and distribution agreement with cities representing a majority of the County's municipal population; and

**WHEREAS**, on November 8, 2016, the half-cent infrastructure sales tax was approved by a majority vote of the electors of Brevard County to be levied for the period of January 1, 2017, to December 31, 2026; and

**WHEREAS** an interlocal sales tax use and distribution agreement was executed between the County and every city and town in the County, thus representing the entire County population; and

Officially filed with the Secretary of State on October 24, 2024.

**WHEREAS** the Save Our Indian River Lagoon Project Plan has been updated annually with changes recommended by a Citizen Oversight Committee and adopted by the County Commission to reduce sources of pollution, remove accumulations of pollution, restore naturally filtering ecosystems, and respond to new information and opportunities; and

**WHEREAS** the enabling ordinance for the Save Our Indian River Lagoon Program established the structure, appointment process and responsibilities of the Citizen Oversight Committee; and

**WHEREAS** the Board of County Commissioners of Brevard County finds that updates to the Save Our Indian River Lagoon Citizen Oversight Committee are prudent, best serve the public interest, and serve both a county purpose and a public purpose;

**NOW THEREFORE, BE IT ORDAINED** BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

**SECTION 1. AMENDMENTS TO SECTION 46-400. – SAVE OUR INDIAN RIVER LAGOON CITIZEN OVERSIGHT COMMITTEE.** Effective March 1, 2025, Chapter 46, Article X. – Save Our Indian River Lagoon Sales Surtax, Section 46-400 of the Brevard County Code, is hereby amended to read as follows (additions are indicated by underline text; deletions are indicated by ~~strikethrough~~ text):

**Sec. 46-400. - Save Our Indian River Lagoon citizen oversight committee.**

~~The~~ There is hereby created a Save Our Indian River Lagoon citizen oversight committee shall consist of seven voting members, seven alternates and two non-voting, emeritus members. The intent of this volunteer oversight committee of diversely skilled citizens ~~would be~~ is to recommend updates of the Save Our Lagoon Project Plan to the board of county commissioners annually and to provide public oversight and a transparent process that not only allows, but fosters, development and implementation of better, less costly and/or more timely tools and techniques for restoration of the Indian River Lagoon.

- (1) *Structure.* Membership shall consist of seven representatives, ~~and seven alternates, and two non-voting, emeritus members~~. Committee members shall represent a diversity of demonstrated expertise and experience to annually update and improve the Save Our Lagoon Project Plan. Each member and alternate shall represent at least one of the following fields of expertise: science, technology, economics/finance, real estate, lagoon commerce, ~~education/outreach~~, tourism, and lagoon education/outreach/advocacy. A

good working knowledge of lagoon water quality issues and sources of pollution is highly desirable. A chair and co-chair shall be elected by a majority vote of the citizen oversight committee members.

- (2) *Appointment process.* The county commissioners shall call for interested volunteers to submit their qualifications to the Natural Resources Management Department (NRM), ~~as needed prior to October 1, 2016.~~ ~~ONRM~~ Department staff will review the applications and provide a qualified list of applicants to the league of cities and to the county commission to ensure that municipal and county interests are represented. The league will nominate members for three fields of expertise, ~~and~~ nominate alternates for the remaining four fields of expertise, and nominate one non-voting, emeritus member. The role of non-voting, emeritus members is to contribute historical context to committee discussions, therefore they are exempt from term limits. The county commission will confirm appointments of the league of cities' nominees to the citizen oversight committee.

The county commission will select members for four fields of expertise, alternates for the remaining three fields of expertise, and one non-voting, emeritus member. Each commissioner will review and rank the qualifications of the ~~remaining applicants for the commission's seats and score them from one to three.~~ Department staff will tabulate the ranking scores and provide the results to the county commission to appoint the highest ranked candidates to ~~select members for the remaining four fields of expertise and alternates for the remaining three fields of expertise.~~ ~~The county commission will appoint the league of city nominees to the oversight committee and fill the remaining seats with candidates with the highest county commission ranking.~~

Appointments will be for two-year terms, after which time members and alternates may be considered for reappointment or replacement. As if replacement members or alternates are required, the entity who selected the appointee for that seat ~~that member~~ can upgrade the alternate to the member seat, choose a replacement from the an existing pool of applicants, or request a new call for qualified citizen volunteers.

- (3) *Responsibilities.* ~~The Although~~ Save Our Indian River Lagoon Project Plan shall be updated annually ~~was developed~~ with the best information available, ~~in 2016,~~ ✓ Verifying the sources of water quality pollution and keeping up with

technological advancements is important for maximizing timely and cost-effective solutions. In order to review and adapt to better information and opportunities through time, monitoring is necessary. As projects from this plan are implemented, the actual costs and nutrient reduction benefits will be tracked.

County staff will provide project monitoring reports to the citizen oversight committee and will work with them to recommend adjusting the planned projects, as needed. An adaptive management process shall be utilized to allow alternative projects to be submitted by municipalities and other community or lagoon focused partners for review by the oversight committee for inclusion in the next annual update to ~~this~~ the project plan.

The role of the citizen oversight committee will be to review monitoring data on timeliness of project delivery, actual and updated project costs, and actual nutrient removal effectiveness, review new literature and local studies on the types of projects included in the plan and potential alternative project types, evaluate alternative project proposals received from the community, and recommend annual adjustments to the plan including allocation of funds to a project list and ~~table 46,~~ the Timeline for Funding Needs Table.

The committee's recommendations will be presented annually by the committee chair, working with department staff, to the board of county commissioners for their inclusion; modification and inclusion; or non-inclusion in the Save Our Indian River Lagoon Project Plan. The Board shall not take action on the plan recommendations any sooner than 15 days after receipt and posting of the plan on the county's ~~or Save Our Indian River Lagoon Project Plan~~ ~~committee's~~ websites.

Upon county commission approval, a project or projects that deliver comparable nutrient removal benefits may be added to ~~listed~~ the Save Our Indian River Lagoon Projects Plan or substituted for the funding allocated to one or more other funded Save Our Indian River Lagoon projects in the same sub-lagoon. Unless otherwise agreed to by the county commission, if a substituted project costs more than the previously funded project listed in the Save Our Indian River Lagoon Project Plan, the requesting partner must provide the balance of the costs.



**SECTION 15. SEVERABILITY.** If any section, subsection, sentence, clause or provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalid or unconstitutional portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the other portions of this ordinance, provided the remaining portions effectuate the purpose and intent of this ordinance.

**SECTION 16. INCLUSION IN BREVARD COUNTY CODE.** It is intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida, and that the sections of this ordinances may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 17. CONFLICTING PROVISIONS.** In the case of a direct conflict between any provisions of this ordinance and a portion or provision of any other appropriate federal, state, or county law, rule, code or regulation, the more restrictive shall apply.

**SECTION 18. REPEALING CLAUSE.** All ordinances or other actions of the County which are in conflict herewith are hereby repealed to the extent of such conflict or inconsistency.

**SECTION 19. EFFECTIVE DATES AND FILING.** This Ordinance shall be effective upon adoption by the board of county commissioners and filing with the Florida Department of State. Immediately upon passage, the Clerk is directed to so file this Ordinance. This Ordinance shall apply to citizen oversight committee terms commencing on or after March 1, 2025.

**ENACTED** this 22nd day of October, 2024

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

  
\_\_\_\_\_  
Rachel M. Sadoff, Clerk

By:   
\_\_\_\_\_  
Jason Steele, Chair

As approved by the Board on October 22, 2024