



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

1/12/2021

Subject:

An Ordinance to Revise the Membership of the Art in Public Places Advisory Committee and the Term of the Appointments.

Fiscal Impact:

There is no fiscal impact to this request.

Dept/Office:

County Manager

Requested Action:

It is requested that the Board of County Commissioners authorize the revision to the Arts in Public Places Advisory Committee Membership and the term of the appointments.

Summary Explanation and Background:

The Ordinance revises the Arts and Public Places membership by removing the representative from the Board of County Commissioners or designee serving on the committee and changes the committee appointments from a one-year term to a two-year term. These revisions are consistent with other County advisory committees.

Clerk to the Board Instructions:



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS

Governor

LAUREL M. LEE

Secretary of State

January 15, 2021

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2021-01, which was filed in this office on January 14, 2021.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

January 13, 2021

M E M O R A N D U M

TO: Frank Abbate, County Manager

RE: Item H.1., Ordinance to Revise the Membership of the Art in Public Places Advisory Committee and the Term of the Appointments

The Board of County Commissioners, in regular session on January 12, 2021, adopted Ordinance No. 21-01, amending Chapter 34, Article 11, Code of Ordinances for Brevard County, Florida, titled Art in Public Places, specifically amending Section 34-41(b) and (c), establishing the membership and qualifications and terms of appointment of members of the Art in Public Places Advisory Committee; deleting the Board of County Commissioners representative from membership; changing the term of members from one year to two years; grammatical changes regarding County Facilities member; providing for no term limit for the County Facilities member; and providing for severability and an effective date. Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

Encl. (1)

ORDINANCE NO. 2021-01

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE 11, CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA, TITLED ART IN PUBLIC PLACES, SPECIFICALLY AMENDING SECTION 34-41 (b) AND (c), ESTABLISHING THE MEMBERSHIP AND QUALIFICATIONS AND TERMS OF APPOINTMENT OF MEMBERS OF THE ART IN PUBLIC PLACES ADVISORY COMMITTEE; DELETING THE BOARD OF COUNTY COMMISSIONERS REPRESENTATIVE FROM MEMBERSHIP; CHANGING THE TERM OF MEMBERS FROM ONE YEAR TO TWO YEARS; GRAMMATICAL CHANGES REGARDING COUNTY FACILITIES MEMBER; PROVIDING FOR NO TERM LIMIT FOR THE COUNTY FACILITIES MEMBER; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners desires to change the term of the Board's appointees to the Arts in Public Places Advisory Committee from a one-year term to a two-year term; and

WHEREAS, the Board of County Commissioners desires to delete the representative or designee of the Board from the membership on the Arts in Public Places Advisory Committee (APPAC) and make grammatical changes regarding County Facilities director/designee member of the APPAC;

WHEREAS, there shall be no term limit for the County facilities director or designee as a member of the APPAC.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA THAT:

Section 1: Section 34-41 (b) and (c) of the Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

(b) Membership and Qualifications: The Art in Public Places Advisory Committee (APPAC) shall consist of nine members appointed by the Board of County Commissioners to as follows: each county commissioner will appoint one member who must be a representative of one of the following professional fields: art, architecture, landscape architecture, art history or architecture history; three members who are representatives from the Brevard Cultural Alliance; and the county facilities director or designee.

(c) Terms of Appointment: Each member of the APPAC shall serve a two-year term. Notwithstanding Sec. 2-213 of the Brevard County Code of Ordinances, there shall be no term limit for the county facilities director, or designee, member.

Section 2: Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

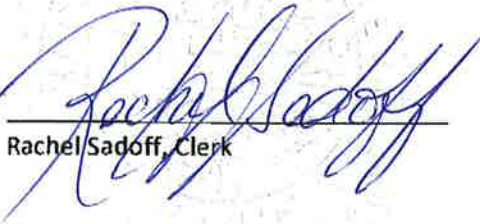
OFFICIALLY FILED WITH THE SECRETARY OF STATE ON JANUARY 14, 2021.

Section 3: Conflicting Provisions. In the case of a direct conflict between any provision 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 4: Effective Date. This ordinance shall take effect upon the adoption and filing, as required by law. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ORDERED in a regular meeting of the Board of County Commissioners, Brevard County, Florida, this 12 day of January, 2021.

ATTEST:



Rachel Sadoff, Clerk

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA



Rita Pritchett, Chair

As approved by the Board on: 1/12/21

Strike
Thru

ORDINANCE NO. 2020 -

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE 11, CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA, TITLED ART IN PUBLIC PLACES, SPECIFICALLY AMENDING SECTION 34-41 (b) AND (c), ESTABLISHING THE MEMBERSHIP AND QUALIFICATIONS AND TERMS OF APPOINTMENT OF MEMBERS OF THE ART IN PUBLIC PLACES ADVISORY COMMITTEE; DELETING THE BOARD OF COUNTY COMMISSIONERS REPRESENTATIVE FROM MEMBERSHIP; CHANGING THE TERM OF MEMBERS FROM ONE YEAR TO TWO YEARS; GRAMMATICAL CHANGES REGARDING COUNTY FACILITIES MEMBER; PROVIDING FOR NO TERM LIMIT FOR THE COUNTY FACILITIES MEMBER; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners desires to change the term of the Board's appointees to the Arts in Public Places Advisory Committee from a one-year term to a two-year term; and

WHEREAS, the Board of County Commissioners desires to ~~change the membership~~ delete the representative or designee of the Board from the membership on of the Arts in Public Places Advisory Committee (APPAC) and make grammatical changes regarding County Facilities director/designee member of the APPAC;

WHEREAS, there shall be no term limit for the County facilities director or designee as a member of the APPAC.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA THAT:

Section 1: Section 34-41 (b) and (c) of the Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

(b) Membership and Qualifications: ~~There shall be ten members appointed by~~ The Art in Public Places Advisory Committee (APPAC) shall consist of nine members appointed by the Board of County Commissioners to the Art in Public Places Advisory Committee (APPAC), as follows: ~~The APPAC shall be comprised of one representative appointed by each county commissioner will appoint one member who and must be a representative in of one of the following professional fields: art, architecture, landscape architecture, art history or architecture history; three members who are representatives from the Brevard Cultural Alliance; a representative from the Board of County Commissioners or designee, and the county facilities director or designee.~~

(c) Terms of Appointment: Each member of the APPAC shall serve a ~~one~~ two year term. ~~The representative or designee for the board of county commissioners shall serve a one year term.~~ Notwithstanding Sec. 2-213 of the Brevard County Code of Ordinances, there shall be no term time limit for service imposed on the county facilities director, or designee, member.

Section 2: Severability. If any provision of this ordinance or the application thereof to

any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 3: Conflicting Provisions. In the case of a direct conflict between any provision 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 4: Effective Date. This ordinance shall take effect upon the adoption and filing, as required by law. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ORDERED in a regular meeting of the Board of County Commissioners, Brevard County, Florida, this ____ day of _____, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA

Rachel Sadoff, Clerk

Rita Pritchett, Chair

As approved by the Board on: _____