



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.2.

12/17/2019

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### **Subject:**

An Ordinance Amending the Library System Board Code of Ordinances of Brevard County, Florida to Change the Term of Appointees for the Brevard County Library System Board from a one year term to a two year term

### **Fiscal Impact:**

There is no fiscal impact to this Ordinance which amends the Brevard County Library System Board from a one year term to a two year term. However, the amended Ordinance will provide greater administrative efficiencies within County government.

### **Dept/Office:**

County Manager

### **Requested Action:**

It is requested that the Board of County Commissioners adopt an Ordinance to amend the Library System Board Code of Ordinances of Brevard County, Florida to provide a change clarifying how the Brevard County Library System Board members are chosen, deleting reference to length of term, removing outdated language regarding transition between Federated Public Library, changing a members term from one year to two years and removing the Library Services Director as a nonvoting ex officio member to providing for the Library Services Director or designee to serve as a staff liaison and informational support to the Library System Board.

### **Summary Explanation and Background:**

On September 5, 2019, the Board of County Commissioners identified several advisory committees/boards created by the County's Code of Ordinances where board member appointment of a term was one year. Due to the administrative burden on the County, the Board approved changing these advisory committee/board members term from a one year term to a two year term. The Ordinance reflects the Library System Board members will be for a two year term beginning on January 1. Also, the Ordinance reflects a clarification how members are chosen, removes the Library Services Director as a nonvoting ex officio member of the Library System Board. The Ordinance further provides that the Library Services Director or designee will serve as a staff liaison and information support to the Library System Board.

### **Clerk to the Board Instructions:**

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## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

December 18, 2019

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. 2019-34, which was filed in this office on December 18, 2019.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Tammy.Rowe@brevardclerk.us

December 18, 2019

MEMORANDUM

TO: Frank Abbate, County Manager

RE: Item H.2., Ordinance Amending Library System Board

The Board of County Commissioners, in regular session on December 17, 2019, adopted Ordinance No. 19-34, amending the Library System Board Code of Ordinances to provide a change clarifying how the Brevard County Library System Board members are chosen, deleting reference to length of term, removing outdated language regarding transition between Federated Public Library, changing a members term from one year to two years, and removing the Library Services Director as a nonvoting ex officio member to providing for the Library Services Director or designee to serve as a staff liaison and informational support to the Library System Board. Enclosed is a certified copy of the Ordinance.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

cc: Assistant to County Manager  
Library Services Director

**ORDINANCE 2019-34**

**AN ORDINANCE AMENDING CHAPTER 70, ARTICLE II, "LIBRARY SYSTEM BOARD", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; SPECIFICALLY AMENDING SECTION 70-37 "MEMBERSHIP" TO PROVIDE FOR HOW MEMBERS ARE CHOSEN, DELETING REFERENCE TO LENGTH OF TERM, AND REMOVING OUTDATED LANGUAGE REGARDING TRANSITION BETWEEN FEDERATED PUBLIC LIBRARY BOARD AND LIBRARY SYSTEM BOARD ; AMENDING SECTION 70-38 "TERM" CHANGING THE TERM OF MEMBERS FROM ONE YEAR TO TWO YEARS; PROVIDING FOR TERM TO BEGIN JANUARY 1; AND PROVIDING FOR EXPIRATION OF TERM AFTER TWO YEARS, WITH TERM OF COMMISSIONER OR UNTIL NEW APPOINTMENT; AND PROVIDING FOR REMOVAL OF MEMBERS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.**

**WHEREAS**, the Board of County Commissioners desires to change the term of the Board's appointees to the Library System Board from a one year to a two term;

**WHEREAS**, the Board of County Commissioners, on September 5, 2019, directed staff to prepare an ordinance providing for the change in the term; and

**WHEREAS**, the Board of County Commissioners has considered the comments of interested citizens in public hearing; and

**WHEREAS**, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

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

**SECTION 1.** Chapter 70, Article II, Section 70-37, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

**Sec. 70-37. - Membership**

The Brevard County Library System Board shall consist of one resident appointed by each commissioner from each commissioner's respective district and approved by the board of county commissioners. The library services director or designee shall serve as a staff liaison and informational support to the Library System Board.

**Sec. 70-38. - Term.**

The term of appointment shall be for two years beginning on January 1 of the year of appointment and expiring after the term of two years or with the term of the commissioner

Officially filed with the Secretary of State on December 18, 2019. 606

making the appointment, whichever occurs comes first. A district commissioner's appointee may continue to serve after the expiration of the district commissioner's term until the appointee is reappointed or until a new appointment is made. A member can be removed at any time by the board of county commissioners.

**SECTION 2.** 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 3.** 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 4.** Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

**SECTION 5.** Inclusion in code. It is the 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 ordinance 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.

**DONE, ORDERED AND ADOPTED,** in regular session, this 17 day of December, 2019.

Attest:

  
\_\_\_\_\_  
Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
\_\_\_\_\_  
Bryan Lober, Chair

As approved by the Board on 12/17/19

SEAL

Reviewed for legal form and content by: \_\_\_\_\_

Strikethrough

ORDINANCE 2019 - \_\_\_\_

AN ORDINANCE AMENDING CHAPTER 70, ARTICLE II, "LIBRARY SYSTEM BOARD", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; SPECIFICALLY AMENDING SECTION 70-37 "MEMBERSHIP" TO PROVIDE FOR HOW MEMBERS ARE CHOSEN, DELETING REFERENCE TO LENGTH OF TERM, AND REMOVING OUTDATED LANGUAGE REGARDING TRANSITION BETWEEN FEDERATED PUBLIC LIBRARY BOARD AND LIBRARY SYSTEM BOARD ; AMENDING SECTION 70-38 "TERM" CHANGING THE TERM OF MEMBERS FROM ONE YEAR TO TWO YEARS; PROVIDING FOR TERM TO BEGIN JANUARY 1; AND PROVIDING FOR EXPIRATION OF TERM AFTER TWO YEARS, WITH TERM OF COMMISSIONER OR UNTIL NEW APPOINTMENT; AND PROVIDING FOR REMOVAL OF MEMBERS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners desires to change the term of the Board's appointees to the Library System Board from a one year to a two term;

WHEREAS, the Board of County Commissioners, on September 5, 2019, directed staff to prepare an ordinance providing for the change in the term; and

WHEREAS, the Board of County Commissioners has considered the comments of interested citizens in public hearing; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

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

SECTION 1. Chapter 70, Article II, Section 70-37, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

**Sec. 70-37. - Membership**

The Brevard County Library System Board shall consist of one resident appointed by each commissioner from each commissioner's respective of the county commission districts of Brevard County, Florida. and approved by the board of county commissioners. ~~Except as otherwise set forth, the members shall be appointed for a term of one year. The terms of the members of the board shall commence on the day appointed and the members shall serve at the pleasure of the board of county commissioners of Brevard County, Florida. Any appointment to fill a vacancy shall be for the unexpired term only. The Brevard County Library System Board shall consist of all members of the Brevard County Federated Public Library Board serving on the effective date of this article, plus such additional appointments as are~~

~~required. The library services director of the county shall serve as a nonvoting ex officio member of the County Library System Board. The library services director or designee shall serve as a staff liaison and informational support to the Library System Board.~~

**Sec. 70-38. - Term.**

The term of appointment shall be for two years beginning on January 1 of the year of appointment and expiring after the term of two years or with the term of the commissioner making the appointment, whichever occurs comes first. A district commissioner's appointee may continue to serve after the expiration of the district commissioner's term until the appointee is reappointed or until a new appointment is made. A member can be removed at any time by the board of county commissioners.

~~All library district board members shall serve for a one year term in the manner specified in Section 70-37. Appointees may continue to serve after the expiration of the appointing commissioner's term until re-appointment or until a new appointment is made.~~

**SECTION 2.** 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 3.** 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 4.** Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

**SECTION 5.** Inclusion in code. It is the 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 ordinance 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.

**DONE, ORDERED AND ADOPTED,** in regular session, this \_\_\_\_ day of December, 2019.

Attest:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
Scott Ellis, Clerk

\_\_\_\_\_  
Bryan Lober, Chair

As approved by the Board on \_\_\_\_\_

SEAL

Reviewed for legal form and content by: \_\_\_\_\_