

Meeting Date
7/11/2017



AGENDA	
Section	PUBLIC HEARING
Item No.	IV.4

**AGENDA REPORT**  
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Public Hearing Re: Amendment to Chapter 2 Administration, Article VIII – Surplus Real Property and Modular Structures Transactions
DEPT/OFFICE:	Scott Knox, County Attorney/Venetta Valdengo, Assistant County Manager

Requested Action:  
 It is requested the Board of County Commissioners conduct a public hearing and adopt the proposed ordinance amendment to the Surplus Real Property and Modular Structures Transactions Ordinance, Chapter 2, Section 2-247, providing for Board discretion in determining the propriety of a reverter provision in noncompetitive sales of county-owned property.

Summary Explanation & Background:  
 Under the current provisions of Section 2-247, Brevard County Code of Ordinances, the Board does not have discretion in determining if a reverter clause is appropriate for noncompetitive sales of county-owned property. There may be instances where it is not advantageous, due to potential liabilities, for property to revert to the County in the event the property is not utilized for the purposes laid out in the County deed. Noncompetitive conveyances of County-owned property will continue to require a supermajority vote.  
 It is requested the Board of County Commissioners adopt the proposed ordinance amendment to the Surplus Real Property and Modular Structures Transactions Ordinance, Chapter 2, Section 2-247, providing for Board discretion in determining the propriety of a reverter provision in noncompetitive sales of county-owned property.

ORDINANCE NO. 2017-\_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 2, "ADMINISTRATION", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VIII, "SURPLUS REAL PROPERTY AND MODULAR STRUCTURES TRANSACTIONS ORDINANCE"; SPECIFICALLY AMENDING SECTION 2-247, PROVIDING FOR BOARD DISCRETION IN DETERMINING THE PROPRIETY OF A REVERTER PROVISION IN NONCOMPETITIVE SALES OF COUNTY-OWNED PROPERTY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

Clerk to the Board Instructions:			
Exhibits Attached:			
Contract /Agreement (If attached): Reviewed by County Attorney		Yes <input type="checkbox"/>	No <input type="checkbox"/> PR <input type="checkbox"/>
County Manager	Assistant County Manager	Department Director / Extension	
Frank Abbate	Assistant County Manager	COUNTY ATTORNEY 	



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

July 12, 2017

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

**TO:** Scott Knox, County Attorney

**RE:** Item IV.H., Ordinance for Amendment to Chapter 2 Administration, Article VII – Surplus Real Property and Modular Structures Transactions

The Board of County Commissioners, in regular session on July 11, 2017, adopted Ordinance No. 17-16, amendment to the Surplus Real Property and Modular Structures Transactions Ordinance, Chapter 2, Section 2-247, providing for Board discretion in determining the propriety of a reverter provision in noncompetitive sales of county-owned property. 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, Deputy Clerk

/cmw

Encl. (1)

cc: County Manager  
Asset Management



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

July 12, 2017

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

Attention: Ms. 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. 2017-16, which was filed in this office on July 12, 2017.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

ORDINANCE NO. 2017- 016

AN ORDINANCE AMENDING CHAPTER 2, "ADMINISTRATION", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VIII, "SURPLUS REAL PROPERTY AND MODULAR STRUCTURES TRANSACTIONS ORDINANCE"; SPECIFICALLY AMENDING SECTION 2-247, PROVIDING FOR BOARD DISCRETION IN DETERMINING THE PROPRIETY OF A REVERTER PROVISION IN NONCOMPETITIVE SALES OF COUNTY-OWNED PROPERTY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; 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 implement an amendment to the Code of Ordinances providing the Board with discretion in determining the propriety of a reverter provision in noncompetitive sales of county-owned property; 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:

Underline indicates additions. ~~Strike-through indicates deletions.~~

SECTION 1. Section 2-247, Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

**Sec. 2-247. - Non-competitive lease or sale of county property.**

Notwithstanding sections 2-242 through 2-246, if the prospective lessee or purchaser of county-owned real property is the United States or any department or agency of the United States; the state or any political subdivision or agency of the state or political subdivision; or any municipality of the state; or any nonprofit corporation; or a corporation or other legal entity performing a function or service that promotes the public health, safety or welfare and could be provided by federal, state or local government then:

- (1) The prospective lessee/purchaser may apply to the board of county commissioners for a lease or purchase of the real property belonging to the county.
- (2) The proposed lease or purchase must be brought up as a regular agenda item at a duly noticed regular public meeting of the county commission at which members of the public are afforded the opportunity to comment on the proposed sale or lease. A copy of this article shall be made available for review by any member of the public at the location where members of the public

Officially filed with the Secretary of State July 12, 2017

sign up to speak on the item. If, upon a supermajority vote, the board of county commissioners is satisfied that the proposed use of the property will serve the public interest; will serve a public purpose; is in the best interest of the county; and make a finding that the property is either likely to be not needed for county purposes in the future or will be used in a manner compatible with county purposes, the board of county commissioners may, in its sole discretion, authorize the sale or entry into a lease for rent, whether nominal or otherwise, as the board of county commissioners may fix, regardless of the actual value of the lease.

~~(2)~~(3) The board of county commissioners shall authorize the lease or sale by adopting a resolution setting forth the following:

- a. The facts of the application;
- b. The purpose for which the property is to be used;
- c. The rent and term of the lease or the purchase price and terms; and
- d. A provision to be incorporated into the lease or deed which states that in the event the property is not used or ceases to be used for the stated purpose, the lease term shall immediately cease, or in the case of a purchase, whether or not the property shall revert to the county which shall thereafter have the right to re-enter and repossess the property.

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.

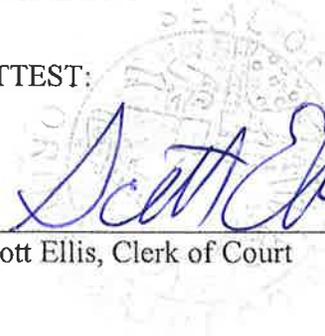
SECTION 4. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 5. 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 6. 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 11 day of  
July, 2017.

ATTEST:



*Scott Ellis*

Scott Ellis, Clerk of Court

BOARD OF COUNTY COMMISSIONERS OF  
BREVARD COUNTY, FLORIDA

By *Curt Smith*

Curt Smith, Chairman

(As approved by the Board on July 11, 2017.)



**Classified Ad Receipt**  
**(For Info Only - NOT A BILL)**

**Customer:** B.O.C.C. COUNTY MANAGER'S OFF  
**Address:** 2725 JUDGE FRAN JAMIESON WAY  
MELBOURNE FL 32940  
USA

**Ad No.:** 0002234264  
**Pymt Method** Invoice  
**Net Amt:** \$225.32

**Run Times:** 1

**No. of Affidavits:** 0

**Run Dates:** 06/29/17

**Text of Ad:**

AD# 2234264 NOTICE OF PUBLIC HEARING 6/29/2017

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Brevard County, Florida, on July 11, 2017 at 5:00 p.m., in the Commission Room at 2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, FL, 32940, will hold a public hearing on the following ordinance:

**ORDINANCE NO. 2017-**  
**AN ORDINANCE AMENDING CHAPTER 2, "ADMINISTRATION", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING ARTICLE VIII, "SURPLUS REAL PROPERTY AND MODULAR STRUCTURES TRANSACTIONS ORDINANCE"; SPECIFICALLY AMENDING SECTION 2-247, PROVIDING FOR BOARD DISCRETION IN DETERMINING THE PROPRIETY OF A REVERTER PROVISION IN NONCOMPETITIVE SALES OF COUNTY-OWNED PROPERTY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA. Interested parties may appear at the July 11, 2017 meeting and be heard with respect to the proposed ordinance.**

A copy of the ordinance may be inspected at the following locations:

- Office of Clerk to the Board of County Commissioners, Titusville, Florida
- North Brevard Library, Titusville, Florida
- Central Brevard Library, Cocoa, Florida
- Melbourne Library, Melbourne, Florida
- South Mainland Library, Micco, Florida

A copy of the ordinance may also be viewed online at:  
<http://www.brevardcounty.us/CountyManager/DraftOrdinances>.

Pursuant to Section 286.0105 Florida Statutes, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she will need to ensure that a verbatim record of the proceedings is made, at his or her own expense, which record includes the testimony and evidence upon which any such appeal is to be based. Such person may provide a court reporter, stenographer, or a tape recorder for such verbatim record. In accordance with the Americans Disabilities Act, persons needing a special accommodation or an interpreter to participate in the proceedings, please notify the department sponsoring the meeting/hearing, or the County Manager's Office, (321) 633-2010, at least 48 hours in advance. TDD: 1-800-955-8771. Assisted Listening System receivers are available for the hearing impaired, & can be obtained from the Sound Technician at the meeting.

This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Bright House Networks channel 499, Comcast Cable Communications channel 51 in North Brevard and channel 13 in South Brevard, and AT&T U-verse channel 99. SCGTV will also replay this meeting during the coming month. Check the SCGTV website for daily program updates <http://www.scqtv.org>.