



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

F.7.

12/17/2019

### Subject:

Approval, Re: Community Development Block Grant Citizens Advisory Committee Resolution

### Fiscal Impact:

There will be no fiscal impact to the General Fund.

### Dept/Office:

Housing and Human Services

### Requested Action:

It is requested that the Board of County Commissioner approve and authorize the Chair to rescind and replace all previous resolutions for the Community Development Block Grant Citizens Advisory Committee Resolution with the attached revised resolution.

### Summary Explanation and Background:

The Community Development Block Grant is an entitlement program funded through the United States Department of Housing and Urban Development. Funds are directly allocated to Brevard County to accomplish a variety of projects while meeting a National Objective: benefiting low to moderate income persons, aiding in the prevention or elimination of slums or blight, and urgent need (typically reserved for disasters). HUD regulates the types of project which can be undertaken, establishes expenditure deadlines for the funding, and dictates the role of citizen participation in the process.

The Community Development Block Grant Citizens Advisory Board was initially created in 1990 (Resolution 90-189) to meet the requirements for citizen participation. It allows for input from those representing low and moderate income communities regarding housing and community needs, assist in the decision making process, assessment and response to the needs and preferences of communities, and an opportunity to submit project recommendations.

Revisions to the Resolution include the following:

- Rescinds and replaces Resolutions 09-189, 91-173, 92-348, 93-136, 98-176, 02-066, and 04-242
- Changes the name of the Community Development Block Grant Citizens Advisory Board to the Community Development Block Grant Citizens Advisory Committee in order to reduce confusion
- Modifies and increases membership (at large members) to adequately represent the low and moderate income residents of unincorporated Brevard and partner municipalities
- Changes term limits and adds a removal process to align with Board of County Commission directives
- Amends the Advisory Committee's Goals and Objectives for clarity
- Amends and/or adds sections concerning conflict provisions, severability, area encompassed, sunshine law, public records, sunset

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- Corrects minor irregularities and scrivener errors

**Clerk to the Board Instructions:**

None



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December 18, 2019

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

**TO:** Ian Golden, Housing and Human Services Director

**RE:** Item F.7, Approval of Community Development Block Grant Citizens Advisory Committee Resolution

The Board of County Commissioners, in regular session on December 17, 2018, adopted Resolution No. 19-248, rescinding and replacing all previous Resolutions for the Community Development Block Grant Citizens Advisory Committee. Enclosed is a certified copy of the Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

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Encl. (1)

cc: County Attorney  
Assistant to the County Manager

**RESOLUTION NO. 19-248**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, REGARDING THE COMMUNITY DEVELOPMENT BLOCK GRANT CITIZENS ADVISORY COMMITTEE; RESCINDING AND REPLACING RESOLUTIONS 90-189, 91-173, 92-348, 93-136, 98-176, 02-066, 04-242; PROVIDING FOR CREATION, MEMBERSHIP, TERM AND REMOVAL; PROVIDING GOALS AND OBJECTIVES; DEFINING STRATEGY AREAS; PROVIDING FOR ORGANIZATION OF THE COMMITTEE, MEETINGS AND QUORUM REQUIREMENTS; PROVIDING FOR SUNSHINE LAW, PUBLIC COMMENT, AND PUBLIC RECORDS REQUIREMENTS; PROVIDING FOR REPORTS AND DISSOLUTION FOR INACTIVITY; PROVIDING FOR CONFLICT PROVISIONS, SEVERABILITY, AREA ENCOMPASSED, AND SUNSET.**

**WHEREAS**, the U.S. Department of Housing and Urban Development encourages citizen participation to increase the identification and resolution of housing and urban problems; and

**WHEREAS**, the Board of County Commissioners (Board) previously provided for the establishment of the Community Development Block Grant Citizens Advisory Board through Resolutions 90-189, 91-173, 92-348, 93-136, 98-176, 02-066, and 04-242; and

**WHEREAS**, the establishment of this Committee has and will continue to provide residents an opportunity for greater citizen participation in the grant decision making process; and

**WHEREAS**, the Board of County Commissioners recognizes the need for citizen involvement and citizen input related to the Community Development Block Grant Program of Brevard County.

**WHEREAS**, the Board hereby rescinds outdated Resolutions 90-189, 91-173, 92-348, 93-136, 98-176, 02-066, and 04-242 and re-establishes/continues this Committee as set forth below.

**NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, does hereby rescind and replace Resolutions 90-189, 91-173, 92-348, 93-136, 98-176, 02-066, and 04-242, and establishes/continues the Community Development Block Grant Citizens Advisory Committee as follows:**

**SECTION 1. Creation of Committee, Term of Office, Removal.**

There is hereby created and established a citizens advisory committee, hereby designated as "The Brevard County Community Development Block Grant Citizens Advisory Committee." The appointees to the Committee shall consist of fifteen members. Seven members will represent the designated Neighborhood Strategy Areas

(set forth in Section 3 below) and be appointed by the Commissioner representing each area. Eight members will be appointed by the Board, at-large, from unincorporated areas or partner municipalities (which have signed a Community Development Block Grant Interlocal Cooperation Agreement) of Brevard County to represent low-income residents. Of the eight appointees appointed at-large, four shall be residents of the partner municipalities.

All Committee appointments shall expire after two years, or with the term of the commissioner making the appointment, whichever occurs first. A district commissioner's appointee may continue to serve after the expiration of the district commissioner's term until he or she is reappointed or until a new appointment is made. Appointees to this Committee shall serve no more than eight consecutive years, or ten years in a sixteen-year period.

Committee appointees shall serve without compensation.

Three unexcused absences and two excused absences by an appointee within a one-year period shall be deemed as a resignation from the Committee resulting in the appointee's position being considered vacant. A new appointment shall be made to fill the vacancy as set forth herein. Excused absence shall mean personal emergencies or business reasons excused by the Committee or Chairman of the Committee.

The appointing authority for an appointee may remove that appointee with or without cause. For at-large appointments, the Board of County Commissioners is the appointing authority. In the event the appointing authority removes an appointee, the appointing authority may appoint an individual to complete the remainder of the term. A replacement appointee's completion of a term shall not count toward the term limit for that appointee. The Director, or designee, of the Brevard County Housing and Human Services Department, shall act as a staff liaison to, and secretary of, the Committee and provide information support.

## **SECTION 2. Goals and Objectives.**

The Committee shall provide and perform such duties and services as may from time to time be assigned to the Board by the Board of County Commissioners. The specified goals and objectives of the Committee are as follows:

1. To build trust and understanding among residents and County officials regarding housing and community needs by providing:
  - a. An opportunity for those who live in the neighborhood to identify needs, issues, goals, and priorities for low and moderate income residents and communities as they perceive them.
  - b. An opportunity for residents to assist in the decision-making process by involvement in the planning and evaluation of Housing and Urban Development assisted projects.
  - c. An opportunity for local government and Committee members to further assess and respond to the needs and preferences of the community.

- d. An opportunity to submit project recommendations to the Board of County Commissioners and funding recommendations for Public Service Activities.
2. To enhance the opportunity for residents to examine and comment on the interrelationships of programs affecting their neighborhood.
3. To enhance the opportunity for residents to participate in economic opportunities created by Federal Programs.

### **SECTION 3. Strategy Areas**

**East Mims** – Bounded on the north, extend Glenn Road and drainage ditch going easterly to Hammock Road, turn south on Hammock Road and follow extension of drainage ditch down to Wiley Avenue, go east on Wiley Avenue to Hammock Road extending boundary to Cuyler Street. Go west on Cuyler Street to U.S. #1 extending western boundary to Glenn Road and drainage ditch.

**Clearlake – Clearlake and Alpine Crest & Pine Grove and Cocoa Palms Subdivisions** – The Clearlake and Alpine Crest subdivisions are located in Census Tract 624, Block Group 3. The boundaries for the area include the Southeast one-fourth of Section 19, Township 24, Range 36, of the unincorporated areas of Clearlake Village and Alpine Crest Subdivisions; Pine Grove and Cocoa Palm Subdivisions are bounded on the North by State Road 520, on the East by the Cocoa City limits, on the South by the Cocoa City limits and the southern-most boundary of the Cocoa Palms Subdivision, and on the West by Clearlake Road.

**Sharpes** – Starting at the corner of Sanddollar Road and U.S. #1, go west on Sanddollar Road extending past the FEC Railroad to Devoe Avenue, go northwest on Devoe Avenue to the northern boundary of the Brevard County Off-Road Vehicle Park, follow boundary south to Canaveral Groves Boulevard, include Spikes and Brown Court, continue along the FEC Railroad to W. Railroad Avenue, include Rolle Place and West Street, continuing along W. Railroad Avenue to Cidco Road, go east to U.S. #1.

**West Cocoa** – Bounded on the north by SR 520 (King Street), on the east by Burnett Road, on the South by Pluckebaum Road, and on the west of I-95.

**North Tropical Trail** – Bounded on the north by Lincoln Avenue and Alma Blvd., on the east by Courtenay Parkway, on the south by Lucas Road and on the west by North Tropical Trail.

**Micco** – Bounded on the north by Micco Road, on the east by the Indian River Lagoon, on the south by the San Sebastian River and on the west by the north tributary of the Sebastian River and the Sebastian Canal.

**West Canaveral Groves** – Bounded by SR 520 to the south, SR 528 to the north west and includes all land lying within section 8, 17, 20 and 39 township 24, range 35.

**SECTION 4. Organization**

The members of the Committee shall elect one of its members to serve as Chairman and one member to serve as Vice Chairman at its first meeting of the calendar year. The term of the Chairman and Vice Chairman named by the Committee shall be for a period of one year, provided however, nothing shall prevent the Committee from re-electing the same members as Chairman and Vice Chairman for the following year. The chairman and vice chairman of the Committee shall serve in those positions until the election the following calendar year.

Should a vacancy occur in the position of Chairman or Vice Chairman, the members of the Committee shall elect a replacement who shall serve for the remainder of the term.

The Committee may adopt bylaws it considers necessary to conduct its business.

**SECTION 5. Meetings and Quorum.**

The Committee shall hold regular meetings at least once a quarter at a time and place set by the Committee and at such other times as the Committee may determine or at the call of the Chairman thereof. Notice of all regular and special meetings, and the order of business and procedure to be followed at meetings, shall be prescribed by the Committee except as otherwise provided for herein. A simple majority, of Committee members (eight members), shall constitute a quorum, which must be present for the Committee to take any action.

**SECTION 6. Sunshine Law.**

As an advisory committee created by the Board to assist in the Board's decision-making process, meetings of the Committee (including any subcommittees) are declared to be public meetings and open to the public at all times under the Florida Sunshine Law, Sec. 286.011, Florida Statutes. Meetings of the Committee shall be governed by the following standards:

- (a) The minutes of such meetings shall be recorded and be promptly made available for public inspection. Written minutes – a brief summary describing the events of the meeting including motions made and the result - are required, but need do not need to be verbatim.
- (b) Reasonable advance notice must be given to the public of the time and place of such meetings. Responsibility for providing such notice may be delegated to any county staff persons assigned to assist the Committee.
- (c) The Committee, or county staff to whom such responsibility may be delegated, shall prepare a meeting agenda and any back-up material which shall be made available for inspection during regular business hours prior to each meeting.

(d) The Committee shall establish procedures for taking public comment at all meetings. Such procedures shall follow with the following minimum guidelines:

(i) Two kinds of public comment shall be taken: relevant comment when the Committee discusses a particular issue or takes a final vote on any given issue; and comment which brings new business or issues before the Committee.

(ii) Each speaker shall be given at least three minutes to speak, with provision for an extension of time by the Chairman or majority vote of the Committee.

(iii) Speakers may be required to give their names and addresses for the record, however, social security numbers shall not be required.

**SECTION 7. Public Records.**

All records of the Committee are considered public records as defined in Sec. 119.011(12), Florida Statutes, which includes "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency."

**SECTION 8. Reports; Inactivity and Dissolution.**

At any time, the Board of County Commissioners or Department Director may request a report of the Committee's activities. If such a request is not satisfied within thirty days, the Board shall consider the Committee inactive and subject to dissolution. If the Board determines the Committee has served its purpose or is inactive, the Committee shall be dissolved by resolution.

**SECTION 9. Conflicting Provision.**

In the case of a direct conflict between any provision of this Resolution and a portion or provision of any other applicable federal, state, or county law, rule, code or regulation, the more restrictive shall apply, unless preempted by law.

**SECTION 10. Severability.**

If any section, subsection, clause, phrase, word or provision of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such invalid unconstitutional portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution, provided the remaining portions effectuate purpose and intent of this Resolution.

**SECTION 11. Area Encompassed.**

This Resolution shall take effect in the unincorporated area of Brevard County, Florida and include any and all municipalities which are signatories to a Community Development Block Grant Interlocal Cooperation Agreement.

**SECTION 12. Sunset.**

This Committee shall continue in existence until dissolved by the Board of County Commissioners by Resolution.

**This Resolution shall become effective upon adoption.**

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

**ATTEST:**

  
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SCOTT ELLIS, CLERK OF COURT

**BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA**

By:   
\_\_\_\_\_  
BRYAN LOBER, CHAIR

As approved by the Board on 12/17/19.

Reviewed for legal form and content:

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Shannon L. Wilson  
County Attorney's Office