



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

---

F.5.

4/5/2022

---

### **Subject:**

It is requested that the Board approve revisions to BCC-67 in order to address updates to Chapter 2 of the Brevard County Code of Ordinances and to clarify requirements for financial disclosure reports from advisory board members.

**This item was previously tabled at the March 8, 2022 Board Meeting.**

### **Fiscal Impact:**

None.

### **Dept/Office:**

County Attorney's Office

### **Requested Action:**

It is requested that the Board approve the revised BCC-67 policy in order to address updates to Chapter 2 of the Brevard County Code of Ordinances and to clarify requirements for financial disclosure reports from advisory board members.

**This item was previously tabled at the March 8, 2022 Board Meeting.**

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

BCC-67 was last updated in 2008. At this time, it is requested that the Board of County Commissioners approve changes to BCC-67 so that the policy conforms with the 2019 updates made to Chapter 2 of the Brevard County Code of Ordinances creating uniform advisory board provisions. The requested changes also clarify the requirements for financial disclosure reports for advisory board members.

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

Please forward signed original to the County Manager's Office.



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

April 6, 2022

**MEMORANDUM**

**TO:** Frank Abbate, County Manager

**RE:** Item F.5., Approve Revisions to Policy BCC-67, Advisory Bodies to Address Updates to Chapter 2 of the Brevard County Code of Ordinances and to Clarify Requirements for Financial Disclosure Reports for Advisory Board Members

The Board of County Commissioners, in regular session on April 5, 2022, approved the revised Policy BCC-67, Advisory Bodies to address updates to Chapter 2 of the Brevard County Code of Ordinances and clarified requirements for Financial Disclosure Reports form Advisory Board Members. Enclosed is the fully-executed Policy.

Your continued cooperation is greatly appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS**  
**RACHEL M. SADOFF, CLERK**

*for Donna Scott*  
Kimberly Powell, Clerk to the Board

/ds

Encl. (1)

cc: County Attorney



**BOARD OF COUNTY COMMISSIONERS**

## **POLICY**

Number: BCC-67  
Cancels: 09/30/08  
Approved: 04/05/2022  
Originator: CAO  
Review: 04/05/2025

### **TITLE: Advisory Bodies.**

#### **I. Objective**

To set forth the criteria for the establishment, operation, and dissolution of advisory bodies.

#### **II. Definitions and References**

A. Advisory bodies - board, commission, committee, council or panel established by county resolution or ordinance or by state statute for the purpose of providing a recommendation or report to assist the Board of County Commissioners in its decision-making responsibilities.

B. Section 286.011, Florida Statutes, Public meetings and records; public inspection.

C. Section 286.012, Florida Statutes, Voting requirements at meetings of governmental bodies.

D. Section 112.313, Florida Statutes, Standards of conduct of public officers and employees of agencies.

E. Section 112.3145, Florida Statutes, Disclosure of financial interest and clients.

F. Sections 2-211 through 2-214, Code of Ordinances of Brevard County, Florida

#### **III. Directives**

A. As the Board desires to provide the interested citizens of Brevard County added opportunities for local governmental involvement, the Board may by resolution or ordinance, or pursuant to state statute, create an advisory body to aid County purposes.

B. Any ordinance or resolution establishing an advisory body shall specifically contain, or provide for, but not necessarily be limited to the following terms:

1. A statement setting forth the purpose and objectives of the advisory body.

2. The number of members, their minimum qualifications, how they are to be appointed, their term of service, and provisions for interim appointments and their terms of service.

3. The intended life of the advisory body with provisions to renew, extend or dissolve the advisory body as the Board deems necessary.

4. The organizational structure and the by-laws of the advisory body including provisions for appointment or election of officers and their terms of office or provision for the advisory body to establish such at the initial meetings.

5. Any compensation or reimbursement due members, any facilities or staff made available and accountability requirements for any allocated funds.

6. The method of reporting and the frequency of reports.

7. The required frequency of meetings and the advisory body's responsibilities under Section 286.011, Florida Statutes.

~~8. Three unexcused absences and two excused absences by an appointee within a one-year period shall be deemed as resignation from the advisory board, and the appointee's position shall be considered vacant. A new appointee shall be appointed to fill the vacancy.~~

C. All meetings of any board or commission created by the County Commission to assist in the Board's decision-making process are declared to be public meetings, open to the public at all times. This is to include committee and subcommittee meetings of advisory bodies.

1. The minutes of such meetings shall be recorded and available for public inspection.

2. Reasonable notice must be given the public of the time and place of such meetings.

D. Required financial disclosure reports from applicable advisory body members shall include:

1. Any appointed member of ~~an advisory body with land planning, zoning or natural resources responsibilities~~ the Planning and Zoning Board, Board of Adjustment, Merritt Island Redevelopment Agency, North Brevard Economic Development Zone.

2. Any members of advisory bodies whose total budget, appropriations or authorized expenditures constitutes one percent of the budget of the Board of County Commissioners or \$100,000 whichever is less; and whose powers, jurisdiction and authority are solely advisory in nature.

3. By other member who is required by law to file such a disclosure.

E. An employee of the Board designated by the Board or County Manager shall be responsible for:

1. Assisting the advisory body in scheduling matters for Board attention.

2. Officially notifying the Board of vacancies or impending term expirations.

3. Officially notifying the Board Secretary of the name, address, telephone number, term of appointment, starting date, and representation of each appointee as well as the name of the individual being replaced.

4. Officially notifying the Board of advisory bodies that no longer function or function inadequately and making preparations either by ordinance or resolution for Board Action to dissolve such advisory bodies.

F. Each advisory body shall establish procedures for taking public comment at all committee meetings. Such procedures shall have the following minimum guidelines:

1. Two kinds of public comment shall be taken:

(a) relevant comment when the committee discusses a particular issue or takes a final vote on any given issue; and

(b) comment which brings new business or issues before the committee.

2. 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.

3. The speaker may be required to give their name and address for the record, however, a social security number shall not be required.

4. The committee shall make the meeting agenda and any back-up material available for inspection during regular business hours prior to each meeting.

G. At any time the Board or the County Manager may request a report upon


an advisory body's activities. If such a request is not satisfied within 30 days, the body shall be considered inactive and subject to dissolution by the Board.

H. If the Board determines an advisory body has served its purpose or is inactive, such advisory body shall be dissolved by the same action taken to create the advisory body, whether by motion ordinance or resolution.

#### IV. Reservation of Authority

The authority to issue and/or revise this policy is reserved to the Board of County Commissioners.

ATTEST:

  
\_\_\_\_\_  
RACHEL M. SADOFF, CLERK  
\_\_\_\_\_  
Kristine Zonka, Chair  
Board of County Commissioners  
As approved by the Board on April 5, 2022

**BREVARD COUNTY INTERNAL AUDIT**  
**FUNCTION: Tourism Development Office**

**Internal Auditor Follow-Up Report  
of Corrective Actions**

Report Issue Date: July 26, 2019

Risk	Observation #3: Conflicts of Interest	Management Comments as of February 2021	Auditor Comments as of February 2021	Status
High	<p>The makeup of the TDC is governed by Florida Statutes and its appointed members include local hoteliers, community, and business leaders. There are inherent conflicts of interest driven by the makeup related to the use of tourist tax and support of specific events and activities within Brevard County. These conflicts could result in direct or indirect benefits to the Council and standing committee members.</p> <p>Under current practice, members of the TDC should disclose any conflict of interest at the beginning of each TDC meeting. This is a standing agenda item. Conflicts should be disclosed and documented on a Form 8B (Memorandum of Voting Conflict form) and filed with the Director's Assistant. A waiver may be granted to an individual with a properly disclosed conflict if approved by the BoCC. If a waiver is granted, the individual is permitted to participate in discussions related to the conflict, but must abstain from voting.</p> <p>We reviewed TDC meeting minutes, Memorandum of Voting Conflict forms, and TDO policies and procedures and noted the following:</p> <ul style="list-style-type: none"> <li>There is no formal documented TDC conflict of interest policy or procedure that memorializes the current practice. Formalized written policies and procedures are critical to provide clarity, continuity and consistency of operations.</li> <li>Current practice does not require TDC members to disclose all potential conflicts at the time of initial appointment, and on an annual basis thereafter. Reactive disclosure and transparency, or disclosing conflicts only after they appear on a meeting agenda, increase the risk of situations or transactions occurring that can create a negative public perception of the TDC.</li> </ul> <p>There is an increased risk that members of the TDC, standing committees, and sub-committees vote on issues that pose a private or business conflict of interest. In addition, there is an increased risk of negative public perception in the absence of a formalized policy.</p>	<p>An ethics training session was conducted by the County Attorney's Office in April, 2019 and January, 2020 to ensure both current and newly appointed TDC members were provided training. Currently, the County Attorney's Office is drafting a Conflict of Interest disclosure form to be included in an orientation packet for the TDC. The disclosure form will ask all TDC members and members of Committees to list any potential conflicts of interest, with all listings reviewed by the County Attorney's Office. If conflicts warranted a waiver or other action, that information would be provided by the County Attorney's Office to the County Commissioner that appointed the TDC member or to the TDC member that appointed the Committee member.</p>	<p>RSM held conversations with the TDO to obtain an understanding of progress made to date. Annually, all TDC members will go through ethics training which includes the completion of a Conflict of Interest Disclosure form. The Disclosure form will ask all TDC members and members of Committees to list any potential conflicts of interest, with all listings reviewed by the County Attorney's Office.</p> <p>RSM verified that ethics training was held on January 20, 2021 with all but one TDC member present. RSM confirmed that all TDC members completed and submitted a Conflict of Interest Disclosure Form.</p> <p>This audit item is considered closed.</p>	Closed
	<p><b>Auditor Recommendation</b></p> <p>We recommend the TDC adopt and implement a formal transparent conflict of interest policy, which would include standing committees and sub-committees. This policy should be approved by the BoCC.</p> <p>This policy should:</p> <ul style="list-style-type: none"> <li>Document the process for disclosing conflicts of interest at each meeting, including utilization of Form 8B;</li> <li>Document the process for obtaining a waiver from the BoCC to participate in discussion related to the conflict;</li> <li>Require all TDC members to submit an annual Conflict of Interest statement. The statement should be submitted upon appointment and annually thereafter by the members and include a statement that they have completed ethics training. A list of disclosed conflicts should also be reviewed at each meeting by a designated individual to identify relevant real and perceived conflicts on the upcoming votes.</li> </ul> <p>The BoCC should consider avoiding conflicts of interest within the TDC. Thus, while on the TDC, members should not receive direct financial benefit from the TDO.</p>	Closed	<p><b>ECD:</b></p> <p>Closed</p> <p><b>Testing Date:</b></p> <p>Closed</p>	

Open/Closed  
= On schedule to complete ECDs  
= Missed ECD (1st time), planned to complete in next 3 month review  
= Missed ECD (2nd time or over 3 months for revised ECD)