



**AGENDA REPORT
May 30, 2019**

**Changes to Brevard County Code Uniform Advisory Board Provisions,
District 2**

SUBJECT:

Changes to Brevard County Code Uniform Advisory Board Provisions.

DEPT/OFFICE:

District 2

REQUESTED ACTION:

Request Board approve changes to the Brevard County Code Uniform Advisory Board Procedures at section 2-213 of the code.

ATTACHMENTS:

Description

- ▣ **Adv Bd Ordinance redline**
- ▣ **Adv Board Ordinance Clean copy**
- ▣ **Legal Ad**



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

May 31, 2019

MEMORANDUM

TO: Eden Bentley, County Attorney

RE: Item H.12., Changes to Brevard County Code Uniform Advisory Board Provisions

The Board of County Commissioners, in regular session on May 30, 2019, adopted Ordinance No. 19-15, amending Chapter Two, Article VI, Division Four, Section 2-213 of the Code of Ordinances of Brevard County, Florida, adding provisions for removal of advisory board appointees; providing for term of replacement appointees and addressing impacts on term limits in the event of removal; providing for conflicting provisions; providing for severability; providing for area encompassed; providing for an effective date; and providing for inclusion in the Code of Ordinances of Brevard County.

Enclosed is a certified copy of the Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

Encl. (1)

cc: Each Commissioner



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

June 3, 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. 2019-15, which was filed in this office on June 3, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE 2019- 15

AN ORDINANCE AMENDING CHAPTER TWO, ARTICLE VI, DIVISION FOUR, SECTION 2-213 OF THE CODE OF ORDINANCES OF BREVARD COUNTY FLORIDA, ADDING PROVISIONS FOR REMOVAL OF ADVISORY BOARD APPOINTEES; PROVIDING FOR TERM OF REPLACEMENT APPOINTEES AND ADDRESSING IMPACTS ON TERM LIMITS IN THE EVENT OF REMOVAL; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY.

WHEREAS, the Board of County Commissioners has established numerous advisory bodies and committees; and

WHEREAS, the appointment process has been addressed by specific sections in the Brevard County Code of Ordinances; and

WHEREAS, the removal process has not been addressed by the Code of Ordinances; and

WHEREAS, the Board of County Commissioners wishes to codify the process for removal of appointees in the interest of clarity and transparency.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Brevard County, Florida, as follows:

SECTION 1. Chapter 2, Article VI, Division 4, Section 2-213 of the Code of Ordinances of Brevard County Florida is amended to read as follows:

Sec. 2-213. - General provisions.

The following provisions shall be applied in the establishment and implementation of uniform advisory board appointments:

(1) District commissioner appointments. All advisory board appointments made by an individual district commissioner shall expire after one year, or with the term of the commissioner making the appointment, whichever comes 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.

(2) At-large appointments. All at-large advisory board appointments (those made by the board of county commissioners) shall expire every two years. An at-large member may continue to serve after the expiration of his or her term until he or she is reappointed or until a new

Officially filed with Secretary of State June 3, 2019.

appointment is made. All at-large appointments shall be made by the board no later than the first board meeting in April of each year.

(3) Attendance/absences. Three unexcused absences and two excused absences by an appointee within a one-year period shall be deemed as a resignation from the advisory board, and the appointee's position shall be considered vacant. A new appointment shall be made as set forth herein.

(4) Removal. A district commissioner may remove an appointee to a district commissioner appointment with or without cause. For at-large appointments, for both chair and district nominated appointees, the board may remove an appointee with or without cause by a simple majority provided that the district commissioner who initially nominated the appointee is in the majority. If the district commissioner is no longer on the board, the current district commissioner must be in the majority for removal of a district nominated appointee and the current chair must be in the majority for removal of a chair nominated appointee. In the event the appointing authority removes an appointee, the appointing authority may appoint an individual to complete the remainder of the term. For advisory bodies and committees with term limits, a replacement's completion of a term shall not count toward the term limit. For at-large appointments, the Board of County Commissioners is the appointing authority.

(5) Applicability. The provisions of Sections 2-211 to 2-214 of the Brevard County Code apply to Brevard County advisory boards except as otherwise provided by law, resolution or ordinance.

SECTION 2. SEVERABILITY. If any section, subsection, clause, phrase, word or provision of this ordinance 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 ordinance, provided the remaining portions effectuate purpose and intent of this ordinance.

SECTION 3. AREA ENCOMPASSED. This Ordinance shall take effect in the unincorporated area of Brevard County, Florida.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect immediately upon its adoption and filing as provided by law. 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.

SECTION 5. INCLUSION IN THE CODE. It is the intention of the Board of County Commissioners that the provisions of this ordinance is 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

work "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions. To facilitate access to individuals with disabilities, the sections of the code will be amended to spell out abbreviations and acronyms such as "§" to section and "Fla. Stat." to Florida Statutes.

DONE, ORDERED AND ADOPTED in Regular Session, this 30 day of May, 2019.

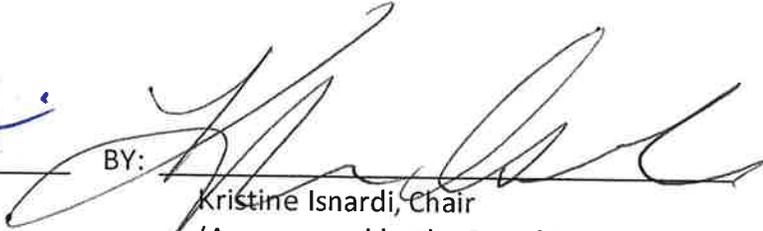
ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Scott Ellis, Clerk

BY:



Kristine Isnardi, Chair

(As approved by the Board on May 30, 2019)

A Daily Publication By:



RECEIVED

MAY 20 2019

County Manager's Office

B.O.C.C. COUNTY MANAGER'S OFF
2725 JUDGE FRAN JAMIESON WAY
BLDG C
MELBOURNE, FL, 32940

AD#3566286, 5/16/2019
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Brevard County, Florida, on May 30, 2019 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. 2019-
AN ORDINANCE AMENDING CHAPTER TWO, ARTICLE VI, DIVISION FOUR, SECTION 2-213 OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA, ADDING PROVISIONS FOR REMOVAL OF ADVISORY BOARD APPOINTEES; PROVIDING FOR TERM OF REPLACEMENT APPOINTEES AND ADDRESSING IMPACTS ON TERM LIMITS IN THE EVENT OF REMOVAL; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY.

STATE OF NEW JERSEY COUNTY OF MONMOUTH:
Before the undersigned authority personally appeared Diana Figueroa, who on oath says that he or she is a Legal Advertising Representative of the FLORIDA TODAY, a daily newspaper published in Brevard County, Florida that the attached copy of advertisement, being a Legal Ad in the matter of

Notice Public Hearing

as published in FLORIDA TODAY in the issue(s) of:

05/16/19

Affiant further says that the said FLORIDA TODAY is a newspaper in said Brevard County, Florida and that the said newspaper has heretofore been continuously published in said Brevard County, Florida each day and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 16th of May 2019, by Diana Figueroa who is personally known to me

Affiant

Notary Kathleen A Gibson

Interested parties may appear at the May 30, 2019 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.brevardfl.gov/CountyManager/DraftOrdinances>. Pursuant to Section 285.0105 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) 633-2001, 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>.

Publication Cost: \$208.98
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