



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.6.

11/12/2019

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### **Subject:**

An Ordinance Amending Article VI, Division IV, Section 2-213, Uniform Advisory Board, Brevard County Code of Ordinances

### **Fiscal Impact:**

There is no fiscal impact to the recommended amendment to Article VI, Division IV, Section 2-213, Uniform Advisory Board, Brevard County Code of Ordinances.

### **Dept/Office:**

County Manager Office

### **Requested Action:**

It is recommended that the Board of County Commissioners consider adopting the amendment to Article VI, Division IV, Section 2-213, Uniform Advisory Board, Brevard County of Ordinances to amend District appointments from 1 year to 2 years and to provide for a term limit on County advisory boards.

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

The amendment to Article VI, Division IV, Section 2-213, Uniform Advisory Board, Brevard County Codes of Ordinances is amended as follows:

- Term limits on County advisory boards. During the Board's regular meeting on August 6, 2019, the Board approved amending the County's Ordinance to include term limits. In addition, the Board also approved adding a provision to waive the term limit clause for County advisory boards which are established, and when the term is pre-empted by State Statute. However, there is an existing provision in Section 2-213(6), that excludes the County's application of term limits if otherwise provided by law, resolution or ordinance. This amendment also excludes term limits for advisory boards when pre-empted by memorandum of agreement or interlocal agreement per the Board's direction.
- District advisory board appointments. Amending the term of a District appointment from 1 year to 2 years. This item was discussed and approved at the Board's Zoning meeting on September 5, 2019.

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

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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

November 13, 2019

MEMORANDUM

TO: Frank Abbate, County Manager Attn: Kathy Wall

RE: Item H.6., Ordinance Amending Article VI, Division IV, Section 2-213, Uniform Advisory Board  
Brevard County Code of Ordinances

The Board of County Commissioners, in regular session on November 12, 2019, adopted Ordinance No. 19-24, amending Article VI, Division IV, Section 2-213, Uniform Advisory Board, Brevard County Code of Ordinances, to amend District appointments from one year to two years, and to provide for a term limit on County Advisory Boards. Enclosed is a fully-executed Ordinance.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cmw

Encl. (1)



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

November 13, 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. 2019-24, which was filed in this office on November 13, 2019.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

ORDINANCE 2019-24

AN ORDINANCE AMENDING CHAPTER 2, DIVISION 4, section 2-213 OF THE CODE OF ORDINANCES OF BREVARD COUNTY FLORIDA TO PROVIDE FOR TERM LIMITS, PROVIDING FOR DISTRICT COMMISSIONER ADVISORY BOARD APPOINTMENTS TO BE TWO YEAR TERMS; CREATING A NEW SECTION 2-213(3) PROVIDING FOR TERM LIMITS OF EIGHT CONSECUTIVE YEARS OR TEN YEARS IN A SIXTEEN YEAR PERIOD UNLESS OTHERWISE PROHIBITED; RENUMBERING 2-213(3)-(5) ACCORDINGLY; AMENDING APPLICATION OF SECTIONS 2-211 THROUGH 2-214 TO COUNTY ADVISORY BOARDS TO ADDITIONALLY MAKE EXCEPTIONS AS PROVIDED BY MEMORANDUM OF AGREEMENT OR INTERLOCAL AGREEMENT; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, the Board of County Commissioners wishes to provide that the term for appointees by a district commissioner will be for 2 years unless otherwise provided for by law, County Ordinance, Memorandum of Agreement or Interlocal Agreement

WHEREAS, the Board of County Commissioners wishes to limit the number of terms appointees to advisory boards will serve.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Brevard County, Florida, that:

**SECTION 1.** Section 2-213 (amending subsection (1), adding a new subsection (3), renumbering previous subsections (3), (4), and (5), and amending the new subsection (6)) of the Code of Ordinances of Brevard County Florida is hereby amended to read as follows:

**Sec. 2-213. - General provisions.**

Officially filed with the Secretary of State on November 13, 2019.

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~~ 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 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 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) Term Limits. Appointees to advisory boards shall serve no more than eight consecutive years, or ten years in sixteen-year period, on the same advisory board for which there is not an Interlocal Agreement or Memorandum of Understanding or other contractual commitment precluding imposition of a term limit. A Commissioner may request the Board of County Commissioners waive the aforementioned term limits should the commissioner have difficulty filling an advisory board appointee position. A waiver of the term limits will only be granted if the Board votes in favor of the waiver by a supermajority vote.

(4) ~~(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.

(5) ~~(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.

(6) (5) *Applicability.* The provisions of sections 2-211 to 2-214 of this Code apply to the county advisory boards except as otherwise provided by law, resolution or ordinance-, memorandum of agreement or interlocal agreement.

**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 applicable federal, state or county law, rule, code or regulation, the more restrictive shall apply, unless preempted by law.

**SECTION 3. 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 4. AREA ENCOMPASSED.** This Ordinance shall take effect in the unincorporated area of Brevard County, Florida.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect upon filing as provided by law.

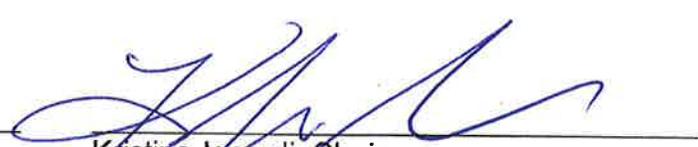
DONE, ORDERED AND ADOPTED in Regular Session, this 12 day of Nov., 2019.

Attest:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA



Kristine Ignardi, Chair

(As approved by the Board on 11/12/2019)