



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Unfinished Business

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I.1.

1/25/2022

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### **Subject:**

EEL Malabar Scrub Date Correction

### **Fiscal Impact:**

N/A

### **Dept/Office:**

District 3

### **Requested Action:**

Brief Discussion

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

As to the EEL Malabar Scrub restoration issue, unfortunately during the general meeting on January 11<sup>th</sup>, 2022, I made an error when citing specific dates regarding the deadline for the Malabar Town Council to comply with the County's request for permitting. I stated February 24<sup>th</sup>, 2022, as the next Town Council meeting, and I meant January 24<sup>th</sup>, 2022. To be clear, there will be no requested changes to the previous motion other than the dates specified.

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

N/A



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January 26, 2022

**MEMORANDUM**

**TO:** John Tobia, Commissioner District 3

**RE:** Item I.1., Environmentally Endangered Lands (EEL) Malabar Scrub Date Correction

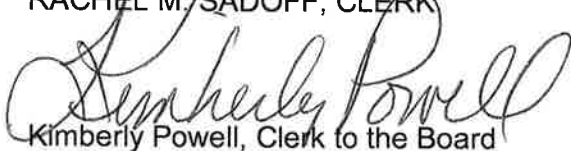
The Board of County Commissioners, in regular session on January 25, 2022, approved modification of the January 11, 2022, motion to reflect the deadline date for the Malabar Town Council to comply with the County's request for permitting as January 25, 2022, instead of the February 25, 2022, date; approved the immediate installation of temporary barricades at the close of business on January 25, 2022, blocking access to the Malabar Scrub Sanctuary and bill the Town of Malabar for any costs associated with the maintenance or replacement of the temporary barricades; authorized the County Manager, or his designee, to execute any and all necessary documents regarding the effective management of the Malabar Scrub Sanctuary, including making application to appropriate authorities pertaining to the classification of the property; and directed the County Attorney to bring back to the Board a resolution with findings that an immediate danger to the health, safety, or welfare of the public exists requiring immediate action be taken and/or that the County's legal rights will be compromised if immediate legal action is not taken.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

cc: Each Commissioner  
County Manager  
County Attorney  
EEL Program Manager

Motion:

#1 [ Modify the January 11, 2022 motion to: **(1)** Reflect the deadline for the Malabar Town Council to comply with the County's request for permitting as January 25th, 2022 instead of February 25th, 2022; **(2)** Approve the immediate installation of temporary barricades at the close of business on January 25th, blocking access to the Malabar Scrub Sanctuary and bill the Town of Malabar for any costs associated with the maintenance or replacement of the temporary barricades;

and **(3)** \*\*\*Abbigail says she will share the motion language regarding the legal avenues below with you tonight and will discuss (agriculture exemption application and seeking to circumvent Chapter 164 Dispute Resolution/seek a Declaratory Judgement), however, another Commissioner got to her first about making said motion.

NO TIME

→ COULD HAVE EXTENDED PERMIT  
P42 3 MONTHS

COMPROMISE

→ SHIDE / TRAILS / VIEW & BACK YARD.  
Bike & HORSE

"NONSCIENCE"

FROM ABBY

**Proposed motion**

#2 I hereby make a motion to authorize the County Manager, or designee, to execute any and all necessary documents regarding the effective management of the Malabar Scrub Sanctuary, including making application to appropriate authorities pertaining to the classification of the property; and

Direct the County Attorney to bring back to the Board a resolution:

Initiating the normal process outlined under Chapter 164, Florida Statutes

OR

#2 With findings that an immediate danger to the health, safety, or welfare of the public exists requiring immediate action be taken and/or that the County's legal rights will be compromised if immediate legal action is not taken.