



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

2/9/2021

Subject:

Proposed Amendments to Chapter 2, Article VIII, Code of Ordinances of Brevard County, Florida

Fiscal Impact:

None

Dept/Office:

County Attorney following Board approval of District 3 request for approval of legislative intent on January 12, 2021

Requested Action:

Approve proposed amendments

Summary Explanation and Background:

On January 12, 2021, the Board approved legislative intent to amend Chapter 2, Article VIII of the Brevard County Code to remove the supermajority vote requirement for the sale of county property and to alter the notice provisions. As a result of the proposed changes a simple majority will be required to sell or lease county property. Notice of the sale or lease via the agenda posted on the county's website will be deemed sufficient notice.

Clerk to the Board Instructions:

Upon approval by the Board, execution by the chair and attestation by the clerk, file the ordinance with the Department of State as required by law within the 10 day deadline.



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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February 10, 2021

M E M O R A N D U M

TO: Eden Bentley, County Attorney

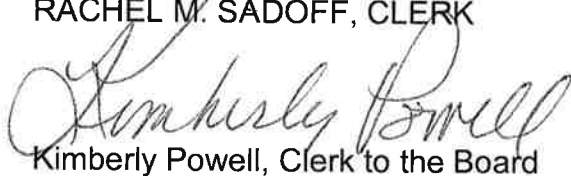
RE: Item H.1., Proposed Amendments to Chapter 2, Article VIII, Code of Ordinances of Brevard County

The Board of County Commissioners, in regular session on February 9, 2021, adopted Ordinance No. 21-03, amending Chapter 2, Article VIII, specifically Section 2-244(a) to eliminate the supermajority vote requirement; amending Section 2-247(2) to eliminate the supermajority vote requirement; and amending Section 2-249 to alter the notice requirements of the Code of Ordinances of Brevard County. Enclosed is a fully-executed Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/ds

Encl. (1)



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

February 10, 2021

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. 2021-03, which was filed in this office on February 10, 2021.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE 2021-03

AN ORDINANCE, AMENDING THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA, CHAPTER 2, ARTICLE VIII, SPECIFICALLY SECTION 2-244(a) TO ELIMINATE THE SUPERMAJORITY VOTE REQUIREMENT; AMENDING SECTION 2-247(2) TO ELIMINATE THE SUPERMAJORITY VOTE REQUIREMENT; AMENDING SECTION 2-249 TO ALTER THE NOTICE REQUIREMENTS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners reviewed the existing ordinance, and

WHEREAS, Board seeks to streamline code requirements, and simplify procedures, and

WHEREAS, the existing voting requirements and notice requirements in the Brevard County Code relating to the sale or lease of surplus real property should be modified to provide greater simplicity and ease of application,

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

SECTION 1. Section 2-244(a) of Chapter 2, Article VIII of the Code of Ordinances of Brevard County Florida is hereby amended to read as follows:

(a) ~~Upon a supermajority vote, w~~Whenever the board of county commissioners determines that it is in the best interest of the county to sell or lease real property or modular structures, the board may direct the utilization of the procedures for requiring bids on the property found in F.S. § 125.35, or may utilize the alternative minimum base bid procedures provided for in this article. Notice of the intent to consider the use of such alternative minimum base bid procedures for the disposition of county real or personal property shall be published on the county internet website at least one week prior to the date of the meeting at which the county commission considers the use of the procedure. Such notice shall identify, with as much specificity as is reasonable, the real or personal property which is proposed for lease or sale.

SECTION 2. Section 2-247(2) of Chapter 2, Article VIII of the Code of Ordinances of Brevard County, Florida is amended to read as follows:

(2)The proposed lease or purchase must be brought up as a regular agenda item at a duly noticed regular public meeting of the county commission at which members of the public are afforded the opportunity to comment on the proposed sale or lease. A copy of

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this article shall be made available for review by any member of the public at the location where members of the public sign up to speak on the item. If, ~~upon a supermajority vote,~~ the board of county commissioners is satisfied that the proposed use of the property will serve the public interest; will serve a public purpose; is in the best interest of the county; and make a finding that the property is either likely to be not needed for county purposes in the future or will be used in a manner compatible with county purposes, the board of county commissioners may, in its sole discretion, authorize the sale or entry into a lease for rent, whether nominal or otherwise, as the board of county commissioners may fix, regardless of the actual value of the lease.

SECTION 3. Section 2-249 of Chapter 2 Article VIII of the Code of Ordinances of Brevard County, Florida is amended to read as follows:

Notice of the county commission's intent to consider final action on the disposition of any county real or personal property by sale or lease shall be published on the county internet website ~~at least five days~~ prior to the date of the regular meeting at which the disposition will be considered. Publication of the notice via an electronic posting of the agenda on the county internet website shall be deemed sufficient. Any person objecting to the sale or disposition may submit written objections to the county manager's office or may appear and speak in objection at the meeting where the disposition is considered. A copy of the standards set forth in this article shall also be made available to interested persons by posting a copy of this article on the county internet website. Persons without a computer may access such information using the internet access available at libraries in the county public library system.

SECTION 4. 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 5. 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 6. AREA ENCOMPASSED.

This Ordinance shall take effect in the unincorporated area of Brevard County, Florida.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect upon filing as provided by law.

DONE, ORDERED AND ADOPTED in Regular Session, this 9 day of FEB., 2021.

Attest:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Rachel Sadoff, Clerk

Rita Pritchett, Chair
(As approved by the Board on 2/9/2021)