

Meeting Date
April 11, 2017



AGENDA	
Section	New Business
Item No.	VI E 1

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Exception to the Board's Venue Policy for Government Grant Agreements
DEPT/OFFICE:	County Manager's Office

Requested Action:

It is requested that the Board of County Commissioners approve a resolution to waive the Board's venue policy for all Brevard County grant agreements and contracts with other government agencies.

Summary Explanation & Background:

Every year Brevard County projects and programs leverage numerous cost-share agreements from Federal and State agencies including: Florida Department of Environmental Protection Total Maximum Daily Load Program, Environmental Protection Agency Section 319 Program, Hazard Mitigation Grant Program, Pre-Disaster Mitigation grants, Federal Emergency Management Agency, Brownfields, and Housing and Community Facilities Programs. Many of these agreements call out venue for litigation in locations outside of Brevard County which directly conflicts with the Board of County Commissioners' venue policy BCC-25 requiring venue in Brevard courts. Staff routinely requests a waiver to the venue policy for such grant agreements and the Board routinely approves these waiver requests.

County Attorney staff do not recall a situation where a government grant agreement resulted in litigation.

A blanket waiver to the Board's venue policy for these grant agreements and contracts with other government agencies would expedite and streamline the process for grant contracts submitted for Board approval.

Fiscal Impact: None

Contact: Robbyn Spratt (ext. 56724) or Virginia Barker (ext. 52435), NRM,
 Christine Valliere, (ext. 52090) CAO

Clerk to the Board Instructions:

Exhibits Attached: Proposed resolution

Contract /Agreement (If attached):	Reviewed by County Attorney	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager	Assistant County Manager	Department Director / Extension
Stockton Whitten	Assistant County Manager	



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April 12, 2017

MEMORANDUM

TO: Stockton Whitten, County Manager

RE: Item VI.E.1. Resolution for Exception to Venue Policy for Government Grant Agreements

The Board of County Commissioners, in regular session on April 11, 2017, adopted Resolution No. 17-064, to waive the venue policy for all Brevard County grant agreements and contracts with other governmental agencies. Enclosed is a certified copy of the Resolution.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

RESOLUTION NO. 2017- 064

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, PROVIDING FOR THE WAIVER OF VENUE IN CERTAIN AGREEMENTS/CONTRACTS WITH STATE OR FEDERAL GOVERNMENT AGENCIES ALLOWING VENUE TO BE IN JURISDICTIONS OTHER THAN BREVARD COUNTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Brevard County Departments/Offices on behalf of the Brevard County Board of County Commissioners regularly receive grant agreements and contracts with state and federal agencies to leverage public dollars for a variety of public programs and projects; and

WHEREAS, some grant agreements and contracts require venue for litigation of disputes in locations outside of Brevard County's jurisdiction, which conflicts with the Board's standard policy in BCC-25 requiring venue in Brevard courts (state cases in Brevard County and federal cases in the middle district court in Orlando); and

WHEREAS, county staff routinely seeks a waiver to the venue policy for such grant agreements and contracts and the Board regularly approves the waiver requests; and

WHEREAS, it is requested that the Board approve a blanket waiver of the venue policy for grant agreements/contracts between the county and state or federal agencies; and

WHEREAS, it is also requested that the board delegate authority to appropriate staff, who otherwise are authorized to execute such grant agreements/contracts with state or federal agencies, to "waive" venue allowing venue to occur as required by such state or federal entity.

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

1. A blanket waiver to the Board's venue policy in BCC-25 is approved for grant agreements/contracts between the county and state or federal agencies.
2. The waiver applies to agreements/contracts approved by the Board and those that are approved by authorized staff.
3. The Resolution shall be effective immediately upon adoption.

DONE, ORDERED AND ADOPTED in Regular Session this 11 day of April, 2017.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Clerk of the Court:

By:



Scott Ellis, Clerk

By:



Curt Smith, Chairman

As approved by Board 4/11/17

Agenda Item #

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