



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Miscellaneous

J.2.

1/12/2021

Subject:

Legislative Intent and Permission to Advertise Amendments to Sections 2-244, 2-247 and 2-249, Brevard County Code of Ordinances

Fiscal Impact:

N/A

Dept/Office:

District 3

Requested Action:

Board consideration and approval of legislative intent and permission to advertise amendments to Sections 2-244, 2-247 and 2-249.

Summary Explanation and Background:

On December 22nd, the Board considered an item regarding a lease of property by Brevard County to USSSA. During discussion of that item, it was brought to the Board's attention that an amendment to the supermajority requirement contained in Section 2-244 would be brought back for consideration, as it seemed to have no currently applicable purpose.

The County Attorney was asked to opine on whether there is a specific historical or current purpose to the supermajority requirement in this section. Ms. Bentley was unaware of one, and took the further step of reaching out to her predecessor, Scott Knox, who was also unaware of a specific purpose.

As such, it is proposed that the language "upon a supermajority vote" be stricken from Sections 2-244 and 2-247.

Upon researching this topic, the CAO made a related suggestion of amending Sec. 2-249 in order to simplify administration of notices of such leases or sales. The suggested amendment would allow for posting of the agenda on Legistar to be sufficient public notice.

Below are the text for the aforementioned amendments:

Sec. 2-244. - Sale or lease of real property or modular structures by a bidding process.

- (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.

Sec. 2-247. - Non-competitive lease or sale of county property.

Notwithstanding sections 2-242 through 2-246, if the prospective lessee or purchaser of county-owned real property is the United States or any department or agency of the United States; the state or any political subdivision or agency of the state or political subdivision; or any municipality of the state; or any nonprofit corporation; or a corporation or other legal entity performing a function or service that promotes the public health, safety or welfare and could be provided by federal, state or local government then:

1)The prospective lessee/purchaser may apply to the board of county commissioners for a lease or purchase of the real property belonging to the county.

(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 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.

(3)The board of county commissioners shall authorize the lease or sale by adopting a resolution setting forth the following:

- a. The facts of the application;
- b. The purpose for which the property is to be used;
- c. The rent and term of the lease or the purchase price and terms; and
- d. A provision to be incorporated into the lease or deed which states that in the event the property is not used or ceases to be used for the stated purpose, the lease term shall immediately cease, or in the case of a purchase, whether or not the property shall revert to the county which shall thereafter have the right to re-enter and repossess the property.

Sec. 2-249. - Notices.

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.

Clerk to the Board Instructions:

N/A



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January 13, 2021

M E M O R A N D U M

TO: John Tobia, Commissioner District 3

RE: Item J.2., Legislative Intent and Permission to Advertise Amendments to Sections 2-244, 2-247, and 2-249, Brevard County Code of Ordinances

The Board of County Commissioners, in regular session on January 12, 2021, approved legislative intent and permission to advertise amendments to Sections 2-244, 2-247, and 2-249, Brevard County Code of Ordinances.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

cc: County Attorney