



**AGENDA REPORT**  
**May 30, 2019**

**Joint Conflict Waiver Resolution**

---

**SUBJECT:**

Conflict Waiver - Brevard County and the Merritt Island Redevelopment Agency

**FISCAL IMPACT:**

None

**DEPT/OFFICE:**

County Attorney Office

**REQUESTED ACTION:**

Approve a joint conflict waiver in connection with various legal matters of interest to both parties, including initiatives by the District Two Commissioner to amend the Agency's ordinance and to create a county code section for the Agency.

**SUMMARY EXPLANATION and BACKGROUND:**

The Office of the Brevard County Attorney represents the Brevard County Board of County Commissioners (the COUNTY) and the Merritt Island Redevelopment Agency (the AGENCY). The Merritt Island Redevelopment Agency is a separate legal entity and a dependent district of Brevard County. Although the interests of the COUNTY and the AGENCY are generally consistent, it is recognized and understood that differences may exist or become evident during the course of this representation.

Notwithstanding these possibilities, the COUNTY and the AGENCY have determined that it is in their individual and mutual interests to have the Office of the Brevard County Attorney represent them jointly in connection various legal matters of interest to both, including a recent initiative by the District Two Commissioner to amend the Agency's ordinance, and to create a county code section for the Agency.

Accordingly, the COUNTY and the AGENCY agree that the Office of the Brevard County Attorney may represent them jointly in connection with various legal matters of interest to both, including an initiative by the District Two Commissioner to amend the Agency's ordinance, and to create a code section for the Agency in general.

The COUNTY and the AGENCY further agree to waive any potential conflict of interest arising out of the Office of the Brevard County Attorney's representation of each other in connection with this work.

It is further understood and agreed that the Office of the Brevard County Attorney may

freely convey necessary information provided by one client to the other, and that there will be no secrets between the COUNTY and the AGENCY unless both parties expressly agree to the contrary.

**CLERK TO THE BOARD INSTRUCTIONS:**

Provide signed Resolution to the CAO.

**ATTACHMENTS:**

**Description**

- **Joint Conflict Waiver Resolution**

## Deborah Thomas

---

**From:** Khan, Calvin <Calvin.Khan@brevardfl.gov>  
**Sent:** Monday, July 8, 2019 8:38 AM  
**To:** Deborah Thomas  
**Cc:** Schverak, Christine  
**Subject:** RE: Item F.8. of 5/31/19 Board Meeting - MIRA Joint Conflict Waiver Resolution  
**Attachments:** RESOLUTION\_2019-095  
\_APPROVING\_JOINT\_CONFLICT\_WAIVER\_IN\_CONNECTION\_WITH\_VARIOUS\_LEGAL\_MATTERS\_OF\_INTEREST\_TO\_BOTH\_BOCC\_AND\_MIRA.pdf

Here's the scanned copy as requested. I'll work on getting one of the originals to you as well.

Calvin Khan

---

**From:** Deborah Thomas [mailto:deborah.thomas@brevardclerk.us]  
**Sent:** Monday, July 8, 2019 8:29 AM  
**To:** Khan, Calvin  
**Subject:** RE: Item F.8. of 5/31/19 Board Meeting - MIRA Joint Conflict Waiver Resolution

Good morning Calvin:

We would prefer an original.

And, if you would be so kind to scan so that we have that in the meantime that would be great.

Thanks so much.

Have a good week.

Deborah Thomas  
Administrative Assistant  
Clerk to the Board  
400 South Street, 2nd Fl.  
Titusville, Florida 32780  
(321)637-2001

---

**From:** Khan, Calvin <Calvin.Khan@brevardfl.gov>  
**Sent:** Friday, July 5, 2019 3:30 PM  
**To:** Deborah Thomas <deborah.thomas@brevardclerk.us>  
**Subject:** Item F.8. of 5/31/19 Board Meeting - MIRA Joint Conflict Waiver Resolution

Hi Deborah! Per Tammy's instructions, do you want one of the two original copies, or would a scanned copy suffice?

Calvin Khan  
Staff Support Specialist  
Brevard County Attorney's Office

2725 Judge Fran Jamieson Way, Suite C308  
Viera, FL 32940  
Phone: 321-633-2090, extension 52289  
Fax: 321-633-2096  
Email Calvin Khan



*Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.*

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

---

**Under Florida law, all correspondence sent to the Clerk's Office, which is not exempt or confidential pursuant to Chapter 119 of the Florida Statutes, is public record. If you do not want the public record contents of your e-mail address to be provided to the public in response to a public records request, please do not send electronic mail to this entity. Instead, contact this office by phone or in writing.**



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

May 31, 2019

MEMORANDUM

TO: Eden Bentley, County Attorney

RE: Item F.8., Staff Direction

The Board of County Commissioners, in regular session on May 30, 2019, directed the County Attorney's Office to provide the Board with as much detailed analysis of the amount of hours that it has solely worked for the Merritt Island Redevelopment Agency (MIRA); and to provide the amount that has been charged for services.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/kp

cc: Each Commissioner



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

May 31, 2019

MEMORANDUM

TO: Eden Bentley, County Attorney

RE: Item F.8., Joint Conflict Waiver Resolution

The Board of County Commissioners, in regular session on May 30, 2019, Resolution No. 19-095, approving Joint Conflict Waiver in connection with various legal matters of interest to both the Board of County Commissioners and Merritt Island Redevelopment Agency (MIRA), including initiatives by the District 2 Commissioner, to amend the Agency's ordinance and to create a County code section for the Agency. Enclosed are two executed copies of the Resolution.

**Upon execution by MIRA, please return a fully-executed Resolution to this office for inclusion in the official minutes.**

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/cmw

Encls. (2)

RESOLUTION NO. 2019-095

A JOINT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA AND THE MERRITT ISLAND REDEVELOPMENT AGENCY REGARDING WAIVER OF, OR CONSENT TO, CONFLICT OF INTEREST.

**WHEREAS**, the Brevard County Board of County Commissioners (the County) and Merritt Island Redevelopment Agency (the Agency) wish to work together to in connection various legal matters of interest to both, including a recent initiative by the District Two Commissioner to amend the Agency's ordinance, and create a county code section for the Agency in general; and

**WHEREAS**, the Parties wish the Brevard County Attorney's Office to represent both of them; and

**WHEREAS**, the Parties recognize the potential conflict of interest but wish to formally waive their objections and consent to such conflict or potential conflict.

**NOW, THEREFORE**, the Parties waive the conflict specifically stating as follows:

The Office of the Brevard County Attorney represents the Brevard County Board of County Commissioners (the COUNTY) and the Merritt Island Redevelopment Agency (the AGENCY) pursuant to a retainer agreement authorized by the Board of County Commissioners on September 12, 1995. The Merritt Island Redevelopment Agency is a separate legal entity and a dependent district of Brevard County. Although the interests of the COUNTY and the AGENCY are generally consistent, it is recognized and understood that differences may exist or become evident during the course of this representation.

Notwithstanding these possibilities, the COUNTY and the AGENCY have determined that it is in their individual and mutual interests to have the Office of the Brevard County Attorney represent them jointly in connection various legal matters of interest to both, including a recent initiative by the District Two Commissioner to amend the Agency's ordinance, and create a county code section for the Agency in general.

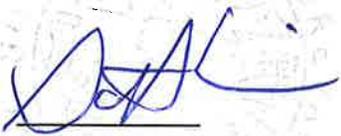
Accordingly, the COUNTY and the AGENCY agree that the Office of the Brevard County Attorney may represent them jointly in connection with various legal matters of interest to both, including an initiative by the District Two Commissioner to amend the Agency's ordinance, and to create a code section for the Agency in general.

The COUNTY and the AGENCY further agree to waive any potential conflict of interest arising out of the Office of the Brevard County Attorney's representation of each other in connection with this work.

It is further understood and agreed that the Office of the Brevard County Attorney may freely convey necessary information provided by one client to the other, and that there will be no secrets between the COUNTY and the AGENCY unless both parties expressly agree to the contrary.

This Resolution is PASSED AND ADOPTED this 30 day of May, 2019.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA



Kristine Isnardi, Chair

As approved by the Board on: 5/30/19

MERRITT ISLAND REDEVELOPMENT AGENCY



Eddie Lebron, Chair

As approved by the Agency on: 7/3/19