

Meeting Date
December 1, 2015



AGENDA	
Section	Consent
Item No.	<u>II.D.3.</u>

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO ACCEPT SERVICE OF PROCESS FOR LAWSUITS AGAINST THE COUNTY AND EMPLOYEES
DEPT/OFFICE:	COUNTY ATTORNEY

Requested Action:
 Adopt the attached revised resolution

Summary Explanation & Background:

It is necessary to update Resolution 94-021 to further clarify the County Attorney's authorization to accept service on behalf of the Board and employees of the County working within the scope of their employment. While the County seat is located in Titusville, it is also necessary to update and identify the physical address of the County Attorney's office which is now located in Viera, Florida.

Contact: Scott Knox, County Attorney
 Phone/e-mail: 321.633.2090/scott.knox@brevardcounty.us

Clerk to the Board Instructions:

Exhibits Attached:

Contract /Agreement (If attached): Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager	Assistant County Manager	County Attorney X 52090
Stockton Whitten	Assistant County Manager	



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

December 2, 2015

MEMORANDUM

TO: Scott Knox, County Attorney

RE: Item II.D.3., Resolution Authorizing the County Attorney to Accept Service of Process for Lawsuits Against the County and Employees

The Board of County Commissioners, in regular session on December 1, 2015, adopted Resolution No. 15-235, authorizing the County Attorney to accept service of process for lawsuits against the County and employees. Enclosed is a certified copy of the Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/af

Encl. (1)

RESOLUTION NO. 2015- 235

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AMENDING RESOLUTION NO. 94-021 DESIGNATING THE COUNTY ATTORNEY AS THE APPROPRIATE OFFICER TO RECEIVE SERVICE OF PROCESS FOR LAWSUITS INSTITUTED AGAINST BREVARD COUNTY, FLORIDA, AND ITS EMPLOYEES WORKING WITHIN THE SCOPE OF THEIR AUTHORITY.

WHEREAS, Florida Statutes §111.07 authorizes the Brevard County Board of County Commissioners to provide an attorney to defend any civil action arising as an alleged result of an act or omission of any officer, employee or agent acting within the scope of his or her employment; and

WHEREAS, Florida Rule of Civil Procedure 1.080(b) states that when a party to a lawsuit is represented by an attorney, "service shall be made upon the attorney" unless otherwise ordered by the court; and

WHEREAS, the Brevard County Board of County Commissioners is duly represented by the Brevard County Attorney located at 2725 Judge Fran Jamieson Way, Building C, Room 308, Viera, Florida 32940; and

WHEREAS, the Board deems it advisable that the County Attorney accept service of process on behalf of Brevard County and employees working within the scope of their authority;

NOW, THEREFORE, BE IT RESOLVED THAT:

The County Attorney is authorized and directed to accept service of process on behalf of Brevard County for all lawsuits filed against the County and/or its employees working within the scope of their authority as county employees.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By:



Jim Barfield, Chairman

(as approved by the Board on 12/1/15)