



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.5.

12/10/2019

Subject:

An Ordinance Amending the Historical Commission Code of Ordinances of Brevard County, Florida to Change the Term of Appointees from a One Year Term to a Two Year Term

Fiscal Impact:

There is no fiscal impact to the Ordinance which amends the Historical Commission Code of Ordinances of Brevard County, Florida to a two year term. However, the amendment to the Ordinance will provide greater administrative efficiencies within County Government.

Dept/Office:

County Manager

Requested Action:

It is requested that the Board of County Commissioners adopt an Ordinance to amend the Historical Commission Code of Ordinances of Brevard County, Florida to provide a change in the term limits of appointees from a one year term to a two year term.

Summary Explanation and Background:

On September 5, 2019, the Board of County Commissioners identified several advisory committees/boards created by the County's Code of Ordinances where advisory board member's appointment of a one year term. Due to the administrative burden on the County, the Board approved changing these advisory committee/board member's term from a one year term to a two year term. The Ordinance reflects the Historical Commission member's appointment from a one year term to a two year term or with the term of the Commissioner making the appointment, whichever occurs first. A district appointee may continue to serve until reappointed or replaced.

Clerk to the Board Instructions:

311



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 13, 2019

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 corrected electronic copy of Brevard County Ordinance No. 2019-31, which was filed in this office on December 13, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb



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

December 11, 2019

MEMORANDUM

TO: Frank Abbate, County Manager

RE: Item H.5., Ordinance Amending the Historical Commission Code of Ordinances of Brevard County, Florida, to Change the Term of Appointees from a One Year Term to a Two Year Term

The Board of County Commissioners, in regular session on December 10, 2019, adopted Ordinance No. 19-31, amending the historical Commission Code of Ordinances of Brevard County, Florida, to provide a change in the term limits of appointees from a one year term to a two year term. Enclosed is a fully-executed copy of the Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/kp

Encl. (1)

AN ORDINANCE AMENDING CHAPTER 58, ARTICLE II, "HISTORICAL COMMISSION", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; SPECIFICALLY AMENDING SECTION 58-37(a), "MEMBERS; QUALIFICATIONS, TERM, METHOD OF APPOINTMENT"; CHANGING THE TERM OF MEMBERS FROM ONE YEAR TO TWO YEARS; PROVIDING FOR EXPIRATION OF TERM AFTER TWO YEARS, WITH TERM OF COMMISSIONER, OR UNTIL NEW APPOINTMENT; PROVIDING FOR CONFLICTING PROVISIONS, PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA.

WHEREAS, the Board of County Commissioners desires to change the term of the Board's appointees to the Historical Commission from annual review to review every two years;

WHEREAS, the Board of County Commissioners, on September 5, 2019, directed staff to prepare an ordinance providing for the change in the term; and

WHEREAS, the Board of County Commissioners has considered the comments of interested citizens in public hearing; and

WHEREAS, the Board of County Commissioners has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. Chapter 58, Article II, Section 58-37(a), Code of Ordinances of Brevard County, Florida, is hereby amended as follows:

Sec. 58-37. - Members; qualifications, term, method of appointment.

- (a) The commission shall consist of 15 members, consisting of three residents of each of the county commission districts of the county appointed by the board of county commissioners. The members shall be appointed for a term of two years or with the term of the commissioner making the appointment, whichever occurs first. A district commissioner's appointee may continue to serve after the expiration of the district commissioner's term until he or she is reappointed or until a new appointment is made. The members of the commission shall elect a chairman and vice-chairman each year.

Officially filed with the Secretary of State December 13, 2019

- (b) The terms of the members of the commission shall commence on January 1 of the year of their appointment and the members shall serve at the pleasure of the board of county commissioners.
- (c) Any appointment to fill a vacancy shall be for the unexpired term only.
- (d) In selecting citizens to serve on the commission, the board of county commissioners shall consider the interest of such citizens in the history and cultural lore and development of the county.
- (e) The board of county commissioners may appoint such additional officers and employees to serve the commission as it shall deem necessary.
- (f) The members of the commission shall receive no compensation, but shall be reimbursed for expenses incurred in the performance of their duties to the extent permitted by law.

SECTION 2. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 5. Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

SECTION 6. Inclusion in code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED AND ADOPTED, in regular session, this 10 day of December, 2019.

Attest:



• Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Bryan Lober, Chair

As approved by the Board on 12/10/19

SEAL

Reviewed for legal form and content by: _____