

Meeting Date
10/21/14



14-32

AGENDA	
Section	Public Hearing
Item No.	III. G

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	FINAL PUBLIC HEARING AND ADOPTION; RE: ORDINANCE TO ELIMINATE CHAPTER 90, ARTICLE II - COUNTRY ACRES PARENTAL HOME
DEPT/OFFICE:	HOUSING AND HUMAN SERVICES DEPARTMENT

Requested Action:

It is requested that the Board of County Commissioners (BOCC) conduct a public hearing and adopt the proposed Ordinance eliminating Chapter 90, Article II - Country Acres Parental Home, in the Code of Ordinances of Brevard County.

Summary Explanation & Background:

On March 18, 2014, the Board of County Commissioner approved the closure of the Country Acres facility and authorized discontinuation of all programming and services as of June 1, 2014. In compliance with BOCC direction, staff proposed the elimination of Brevard County Code, Chapter 90, Article II - Country Acres Parental Home. This recommendation was made to align the Code of Ordinances of Brevard County with the intent of the Board of County Commissioners to cease operating the facility.

On August 19, 2014 the BOCC approved the Legislative Intent and authorized advertisement, which occurred on September 23, 2014 in the Florida Today newspaper. No public comment has been received in relation to the proposed Ordinance.

Clerk to the Board Instructions:

Exhibits Attached: (1) Florida Today Advertisement (2) Strike through Ordinance (3) Ordinance

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager	Assistant County Manager, Mel Scott	Department Director/ Extension Ian Golden/5-2007
Stockton Whitten	Assistant County Manager, Venetta Valdengo <i>Venetta Valdengo</i>	<i>Ian Golden</i>

ORDINANCE 14- 32

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, ELIMINATING BREVARD COUNTY CODE, CHAPTER 90, ARTICLE II, COUNTRY ACRES PARENTAL HOME; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 90, Article II of the Brevard County Code of Ordinances sets forth a system of rules and regulations governing the Country Acres Parental Home; and,

WHEREAS, the Brevard County Board of County Commissioners has determined that the cessation of programing and services at the facility occur on June 1, 2014; and

WHEREAS, the Brevard County Housing and Human Services Department has proposed eliminating Chapter 90, Article II, Brevard County Code of Ordinances, for the purpose of aligning the Code of Ordinances of Brevard County with the intent of the Board of County Commissioners to cease operating the facility; and

WHEREAS, the Brevard County Board of County Commissioners desires to modify the existing regulations and rules governing the Country Acres Parental Home contained in the Brevard County Code of Ordinances.

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

Section 1. Ch. 90, Article II.

Secs.-90-26 - 90-65. Reserved.

Section 2. **Effective Date.** This ordinance shall become effective upon filing as provided by law. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten (10) days of enactment.

DONE AND ORDERED in Regular Session this 21st day of October 2014.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA



Scott Ellis, Clerk



Mary Bolin Lewis, Chairman

As approved by the board on 10/21/14

Officially filed with the Secretary of State 10/27/14.



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

October 22, 2014

MEMORANDUM

TO: Ian Golden, Housing and Human Services Director

RE: Item III.G., Ordinance to Eliminate Chapter 90, Article II – Country Acres Parental Home

The Board of County Commissioners, in regular session on October 21, 2014, adopted Ordinance No. 14-32, eliminating Chapter 90, Article II – Country Acres Parental Home, in the Code of Ordinances of Brevard County. Enclosed is a certified copy of the Ordinance for your action.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/ds

Encl. (1)



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 27, 2014

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Ms. Donna Scott

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 14-32, which was filed in this office on October 27, 2014.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

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WHEREAS, the Brevard County Board of County Commissioners desires to modify the existing regulations and rules governing the Country Acres Parental Home contained in the Brevard County Code of Ordinances.

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

Section 1. ~~Ch. 90, Article II. Country Acres Parental Home, Division 1—Generally.~~

~~Sec. 90-26. Responsibility for operating, funding.~~

~~Country Acres, Brevard County Parental Home, Inc., a nonprofit corporation, which was formed pursuant to the provisions of Chapter 8, Article III, section 8-48 of the former Brevard County Code, shall be dissolved by the parental home commission. All property, both real and personal, currently owned by such corporation shall be conveyed by it to the county, which will assume the responsibility for operating and funding the Country Acres Parental Home; provided, however, that nothing contained in this section shall be in any way interpreted or construed to limit the power of the board of county commissioners at any time to cease operating in whole or in part the Country Acres Parental Home.~~

~~Sec. 90-27. Establishment of policies and procedures.~~

~~The board of county commissioners shall have the authority and responsibility to provide and administer such funds as it determines are necessary and available for the operation and maintenance of the Country Acres Parental Home; to obtain private donations and state and federal grants for the operation and maintenance of the Country~~

Aeres Parental Home and administer any funds so obtained; to establish and administer standards, rules and regulations relative to the supervision, administration and maintenance of the Country Aeres Parental Home, its grounds, recreational facilities, standards of admission of juveniles, safety factors, health, sanitation, physical plant and the qualifications and administration of staff and personnel of the Country Aeres Parental Home; to provide such materials, furniture, equipment, services and facilities for the operation of the Country Aeres Parental Home as it deems necessary and available; to employ a professional, competent staff for the Country Aeres Parental Home in accordance with the terms and provisions of chapter 82, and the county merit system rules and regulations; and to do any and all other things necessary and desirable for the operation and maintenance of the Country Aeres Parental Home.

Secs. 90-28 — 90-40. Reserved.

Ch. 90, Article II. Country Aeres Parental Home, Division 2 — Advisory Board

Sec. 90-41. Creation; appointment, organization and term of members.

There is hereby created the Country Aeres advisory board. The membership of the board shall consist of the judge of the juvenile court of the county, or designee, one member appointed by each county commission district, three members at large who are residents of the county, the state attorney or his designee, the public defender or his designee, and a representative of the guardian ad litem program. All members shall serve for a period of one year and shall be appointed for such term by the board of county commissioners. Any vacancy during the term shall be filled by the board of county commissioners. All members shall be selected because of their interest in the needs of children, their effectiveness in promoting child welfare within the county, and their knowledge of local conditions. The county administrator or his designee shall serve as an ex officio member of the board. The board shall have the power to appoint its own chairman and any other officers, ex officio members and committees as it deems necessary and proper.

Sec. 90-42. Powers.

The Country Aeres advisory board shall have the power to:

1. Establish rules and procedures under which the board will operate.
2. Make recommendations to the board of county commissioners regarding the administration of funds and property devoted to the cause of providing grounds, housing, recreational facilities, equipment, or service for the care, education and recreation of dependent juveniles at the Country Aeres Parental Home.

~~3. Make recommendations to the board of county commissioners regarding the establishment and administration of standards, rules and regulations relative to the supervision of the Country Acres Parental Home, its grounds, recreational facilities, standards of admission of juveniles, safety factors, health, sanitation, physical plant and the qualifications and administration of staff and personnel of the Country Acres Parental Home.~~

Secs. 90-43 90-26 - 90-65. Reserved.

Section 2. **Effective Date.** This ordinance shall become effective upon filing as provided by law. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten (10) days of enactment.

DONE AND ORDERED in Regular Session this 21st day of October 2014.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

Mary Bolin Lewis, Chair

As approved by the board on 10/21/14

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

INITIAL CONTRACT FORM

SECTION I

The following information must be completed on all new contracts submitted to the Board.

1. Contractor:	
2. Fund/Account #:	Division Name: Housing/Human Services
4. Contract Description: Ordinance to Eliminate Chapter 90, Article II – Country Acres Parental Home	
5. Contract Monitor: Ian Golden	6. Mail Stop #: 82
7. Dept./Office Director: Ian Golden, Director – Housing/Human Serv	8. Contract Type:
ACTION DATE: Need a.s.a.p. Goes to the Board on 8/19/14. Due to CM by 8/5/14. Time sensitive ☺	ACTION REQUIREMENT: Review by C. Attorney & Risk Offices

SECTION II

The following departments must approve all contracts submitted to the Board:

<u>COUNTY OFFICE</u>	<u>APPROVAL</u>		<u>INITIALS</u>	<u>DATE</u>
	<u>YES</u>	<u>NO</u>		
User Agency	✓	_____		7/30/14
Risk Management	✓	_____		8/7/14
County Attorney	✓	_____		7/2/14

If any office denies approval, the package will be returned immediately to the User Agency.

AD#339985,09/23/2014

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Brevard County, Florida, on October 21, 2014 at 9:00 a.m., in the Board Room at 2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, Florida, 32940, will hold a public hearing on the following ordinance:

ORDINANCE 14-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, ELIMINATING BREVARD COUNTY CODE, CHAPTER 90, ARTICLE II, COUNTRY ACRES PARENTAL HOME; AND PROVIDING FOR AN EFFECTIVE DATE.

All persons for or against said ordinance can be heard at said time and place. If a person decides to appeal any decision made by the Board with respect to such hearing or meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act (ADA), this ad and documents listed above may be requested in an alternative format by contacting Mr. Brian Breslin at (321) 633-2076.

A copy of the ordinance may be inspected at the following locations:

Clerk to the Board of County Commissioners
North Brevard Library
Central Brevard Library
Melbourne Library
Micco Library

By order of the Board of County Commissioners of Brevard County, Florida.

HOUSING & HUMAN SERVICES DEPARTMENT
BOARD OF COUNTY COMMISSIONERS BREVARD COUNTY, FLORIDA

RECEIVED

SEP 25 2014

HOUSING/HUMAN SERV

Mailed to:

A daily publication by:

Brevard County Housing/Community
Attn: Joyce Ingalls
2725 Judge Fran Jamieson Way
Suite 103
Viera, FL 32940



AD#339985.09/23/2014

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- Clerk to the Board of County Commissioners
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- Central Brevard Library
- Melbourne Library
- Micco Library

By order of the Board of County Commissioners of Brevard County, Florida.

HOUSING & HUMAN SERVICES DEPARTMENT
BOARD OF COUNTY COMMISSIONERS BREVARD COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF BREVARD

Kathy Cicala

Before the undersigned authority personally appeared Kathy Cicala who on oath says that she is LEGAL ADVERTISING SPECIALIST of the FLORIDA TODAY newspaper published in Brevard County, Florida; that the attached copy of advertisement is a true and correct copy of the advertisement as published in the newspaper.

LEGAL NOTICE

Ad # (339985) \$ 229.29 The matter of:

Acct. # (6BR212) BREVARD COUNTY HOUSING/COMMUNITY DEVELOPMENT

the Court NOTICE OF PUBLIC HEARING

OCTOBER 21, 2014

as published in the FLORIDA TODAY in the issue(s) of:

September 23, 2014

Affiant further says that the said FLORIDA TODAY is a newspaper in said Brevard County, Florida, and that the said newspaper has heretofore been continuously published in said Brevard County, Florida, regularly as stated above, and has been entered as periodicals matter at the post office in MELBOURNE in said Brevard County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

Kathy Cicala
(Signature of Affiant)

23rd day of September 2014

Ruby Royer
(Signature of Notary Public)

Ruby Royer

(Name of Notary Typed, Printed or Stamped)

Sworn to and subscribed before me this:



RUBY ROYER
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF088043
Expires 1/30/2018

Personally Known X or Produced Identification _____
Type Identification Produced: _____