

ORDINANCE NO 98- 64 _____

AN ORDINANCE OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS CREATING THE NORTH MERRITT ISLAND DEPENDENT SPECIAL DISTRICT; PROVIDING FOR PURPOSE, ESTABLISHMENT, DISSOLUTION, MEMBERSHIP AND ORGANIZATION OF THE DISTRICT; PROVIDING FOR POWERS, FUNCTIONS AND DUTIES; PROVIDING FOR COMPLIANCE WITH OPEN GOVERNMENT LAWS; PROVIDING FOR ELECTIONS; PROVIDING FOR REMOVAL AND REPLACEMENT OF ELECTED REPRESENTATIVES; PROVIDE FOR FINANCING AND BUDGETING; PROVIDING FOR AN AREA EMBRACED , SEVERABILITY AND EFFECTIVE DATE.

Be it ordained by the Board of County Commissioners of Brevard County, Florida as follows:

Section 1: Creation. There is hereby created a dependent special district to be known and referred to as the "North Merritt Island dependent special district."

Section 2: Purpose. The dependent special district is being created for the purpose of providing the citizens of the North Merritt Island unincorporated area as a formal means of establishing an elected board to review and provide the Board of County Commissioners with recommendations on particular matters which affect the North Merritt Island area of the county.

Section 3: Establishment and dissolution. The dependent special district is established by ordinance of the Board of County Commissioners. The dependent special district may be dissolved by an ordinance repealing the provisions of this article or by resolution of the advisory board of the dependent special district, a copy of which is filed within 30 days of its effective date with (1) the special district information program and (2) the Board of County Commissioners.

Section 4: Membership and organization. The governing board of the dependent special district shall be comprised of seven elected representatives who are registered voters residing within the boundaries of the dependent special district.

Section 5: Powers, functions and duties. The governing board of the dependent special district shall have the power and duty to:

(1) In lieu of the planning and zoning board, review and provide the Board of County Commissioners with a recommendation upon rezoning applications made for property located within the boundaries of the dependent special district;

(2) In lieu of the applicable CRG, review and provide recommendations to the Board of County Commissioners upon-site-specific applications requesting a change in designation on the county future land use map;

(3) The advisory board shall not place upon its agenda or have public discussion related to any item or topic except rezoning or site-specific comprehensive plan amendments, as described in subparagraphs (1) and (2) above.

(4) Adopt bylaws setting forth procedures for conducting business. The provisions of this section establishing a review process shall supersede and replace any conflicting review procedure set forth in any other ordinance.

Section 6: Disclosure and open government laws. The advisory board of the dependent special district shall comply with all financial disclosure, reporting, open government, public records, and public meeting laws set forth in the laws of the state including, but not limited to, F.S. §§ 189.417 through 189.422; F.S. ch. 218, part 111, ch. 119, and ch. 286.

Section 7: Elections. The seven representatives on the advisory board of the dependent special district shall be elected by plurality vote of the registered electors residing within the boundaries of the dependent special district with the candidates for open seats being ranked according to votes received, and those receiving the highest number of votes being deemed to be elected to the corresponding number of open seats. Elected representatives shall take office at the same time prescribed for county commissioners, except for the initial election. Each elected representative shall serve a term of four years with the exception of the initial election for advisory board. The four elected candidates receiving the highest number of votes of the initial election for advisory board shall serve terms of four years. The three candidates in the initial election for advisory board seats receiving the fewest votes of the top seven vote-getters shall serve terms of two years. At the conclusion of the two-year terms of these three representatives, a new election shall be held for these three seats and the three candidates receiving the highest number of votes shall be elected for a term of four years. Pursuant to F.S. § 189.405(l), the election shall be conducted by the supervisor of elections of the county in accordance with the Florida Election Code, F.S. chs. 97 through 106. The advisory board shall be known as the "North Merritt Island special district advisory board." Candidates shall qualify in the manner set forth in F.S. ch. 99. Should seven or fewer persons qualify for election, those qualifying shall be deemed members of the advisory board without the need for an election and the County Commission shall appoint persons to fill the remaining offices with the advise, consent and recommendation of the District 2 Commissioner.

Section 8: Removal of elected representatives. Any elected representative on the advisory board of the dependent special district may be removed by the Board of County Commissioners for malfeasance, nonfeasance or misfeasance as those terms are defined under state law.

Section 9: Replacement of elected representatives. In the event a vacancy occurs, the representative shall be the candidate for the advisory board receiving the next highest number of votes during the last election. If there is no candidate, the representative shall be selected by a majority vote of the advisory board to serve until a new member is elected. If two years remain in the term of the vacated seat, at the time of the next regular general election, that seat shall be filled by election for the remaining two years. Any appointment by the advisory board shall be submitted to the Board of County Commissioners for confirmation.

Section 10: Financing. The dependent special district shall have no authority to borrow money or incur debt of any kind.

Section 11: Budget. The dependent special district shall have no operating budget.

Section 12: Area embraced/geographical boundaries. The geographical boundaries of the dependent special district and the area embraced by this article is that described in Exhibit A (on file with the county clerk).

Section 13: Severability. If any provision of this ordinance is held to be illegal or invalid, the other provisions shall remain in full force and effect.

Section 14: 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. This ordinance shall stand repealed effective January 1, 2001 unless extended after a public hearing held by the Board of County Commissioners of Brevard County, Florida prior to that date.

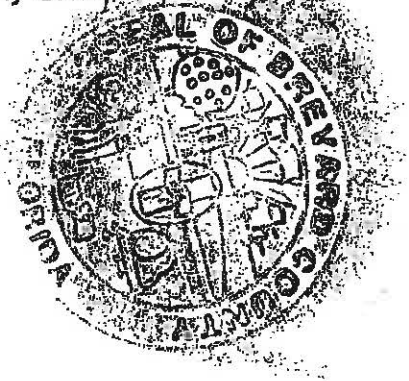
DONE AND ADOPTED in Regular Session this 15th day of December, 1998.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

BY: _____

Sandy Crawford
Sandy Crawford, Clerk



BY: _____

Truman G. Scarborough, Jr.
Truman G. Scarborough, Jr., Chairman
(As approved by the Board on December 15, 1998)

EXHIBIT A

The North Merritt Island Dependent Special District shall be defined as that area lying North of the Barge Canal and South of the NASA Causeway East.

Bounded on the North by the centerline of NASA Causeway East.

Bounded on the East by the centerline of the Banana River Channel.

Bounded on the South by the center of the Barge Canal and its easterly and westerly projections.

Bounded on the West by the center of the Indian River Channel.

General Location Map North Merritt Island Dependent Special District

