



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Jennifer W. Shuler, County Attorney
Susan J. Prado, Deputy County Attorney
Christopher A. Hicks, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

THROUGH: John Titkanich, Jr., County Administrator

FROM: Jennifer W. Shuler, County Attorney

DATE: October 29, 2024

SUBJECT: Permission to Advertise Public Hearing Amending Code Indian River County Code Sections 102.01(1) and 102.04

BACKGROUND. The County Attorney's Office has identified some changes that it recommends to IRC Chapter 102 "Board of County Commissioners; Meetings and Procedures" as follows

Section 102.01(1). - Board of county commissioners meetings and procedures: Currently, IRC Code Section 102.01(1) prohibits the BOCC from scheduling a regular meeting on the last Tuesday of each month. Since the BOCC has changed its schedule to meet twice per month, this prohibition conflicts with scheduling needs. The County Attorney's office recommends that the BOCC delete this prohibition from the language of this code section.

Section 102.04. - Order of business: The County Attorney's office recommends that IRC Section 102.04(12) "Departmental matters" be amended to add the new department of Building and Facilities Services and to add Sandridge Golf Club. In addition, in order to provide more uniformity in how public comment is addressed, the County Attorney's office recommends that the BOCC create two new public comment sections under the Order of Business – one entitled "Public comment on agenda related matters," which would occur before any regular business is considered, and one entitled "Public comment on non-agenda related items," which would occur at the end of the meeting. This will provide a more consistent way to allow public comment on all agenda matters to be considered before action is taken and will additionally allow for the consideration of non-agenda-related public comment after board business has concluded. We also recommend that the BOCC delete Order of Business item 10(b) entitled "Public discussion items" because it will no longer be necessary if the BOCC creates the new public comment matters.

SCHEDULE & ADVERTISEMENT.

Changes to the Code must be made by Ordinance that includes a public hearing. The County Attorney’s Office would like to advertise for and hold the public hearing on November 19, 2024 if the BOCC permits the ordinance to be considered.

FUNDING.

The cost of publication of the required public notice for the public hearing(s) is estimated to be \$450.00. The cost will be funded from the County Attorney’s Office budget within the General Fund/County Attorney/Legal Ads; Account No. 00110214-034910.

Account Description	Account Number	Amount
General Fund/County Attorney/Legal Ads	00110214-034910	\$450.00

RECOMMENDATION. The County Attorney recommends that the Board discuss the proposed ordinance amendments, recommend changes if needed, and approve advertisement for a public hearing on the amendments to the IRC Code Sections 102.01 and 102.04.

ATTACHMENT(S).

Draft Ordinance Amending IRC Code Sections 102.01 and 102.04.