

RESOLUTION NO. 2019- ____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA DECLARING THE INTENT OF THE BOARD TO INITIATE THE CONFLICT RESOLUTION PROCEDURES SET FORTH IN CHAPTER 164, FLORIDA STATUTES, THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT; FINDING THAT A CONFLICT EXISTS WITH THE CITY OF SEBASTIAN WITH RESPECT TO THE CITY FIRE MARSHAL'S OFFICE; DIRECTING THE COUNTY ADMINISTRATOR TO MAIL A CERTIFIED COPY OF THIS RESOLUTION TO THE CITY OF SEBASTIAN AS WELL AS THE CITY OF FELLSMERE.

WHEREAS, pursuant to section 208.09 of the Indian River County Ordinance Code (the "Code"), the Indian River County Fire Marshal's Office is operated under the supervision of the Fire Chief of the Indian River County Fire Division, under the direction of the Director of the Indian River County Department of Emergency Services; and

WHEREAS, the fire chief is responsible for designating a fire marshal who is responsible for the administration and enforcement of applicable provisions of the Code, the State Fire Prevention and Control Chapter (Chapter 633, Florida Statutes) and Chapter 69A-60, Florida Administrative Code; and

WHEREAS, the fire marshal, or his or her designee, is responsible for issuing permits, certificates, notices, approvals and/or orders pertaining to life safety, fire control and fire hazards; and

WHEREAS, under section 208.11 of the Code, unless otherwise provided by law, annual fire safety inspections are required to be conducted by qualified inspectors of all buildings specified in the Florida Fire Prevention Code under the emergency services district jurisdiction; and

WHEREAS, the City of Sebastian City Council has adopted an ordinance establishing an independent City Fire Marshal's Office that would have the same responsibilities as that of the Indian River County Fire Marshal's Office; and

WHEREAS, the Florida Governmental Conflict Resolution Act, Chapter 164, Florida Statutes, requires governmental entities to follow a dispute resolution process prior to engaging in litigation against another governmental entity;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT:

1. The Indian River County Board of County Commissioners adopts as true and correct the recitals stated above and incorporates same by reference as part of this Resolution.

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2. It is the intention of the Indian River County Board of County Commissioners to initiate the conflict resolution procedures provided by the Florida Governmental Conflict Resolution Act, Chapter 164, Florida Statutes, prior to initiating court proceedings to resolve the conflict.

3. The issue of conflict is with the City of Sebastian with respect to the City's Fire Marshal's Office.

4. Pursuant to Section 164.1052, Florida Statutes, the Indian River County Board of County Commissioners requests that a letter and a certified copy of this resolution be sent to City of Sebastian City Manager, Paul Carlisle by certified mail, return receipt requested. The letter shall state the nature of the conflict, and the justification for joining the conflict resolution process, and suggestions regarding the officials who should be present at the conflict assessment meeting. Copies of the letter shall also be provided to the City of Fellsmere.

The foregoing resolution was moved for adoption by Commissioner _____, and seconded by Commissioner _____, and, upon being put to a vote, the vote was as follows:

Chairman Bob Solari	_____
Vice Chairman Susan Adams	_____
Commissioner Joseph E. Flescher	_____
Commissioner Tim Zorc	_____
Commissioner Peter D. O'Bryan	_____

The Chairman thereupon declared the resolution duly passed and adopted this 5th day of February, 2019.

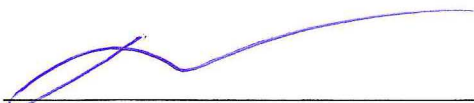
ATTEST: Jeffrey R. Smith, Clerk of Court
and Comptroller

**BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY, FLORIDA**

By: _____
Deputy Clerk

By: _____
Bob Solari, Chairman

Approved as to form and legal sufficiency:

By: 
Dylan Reingold, County Attorney