



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3841, **Version:** 1

Subject:

Resolution declaring that significant legal rights will be impaired if Brevard County is required to complete intergovernmental conflict resolution procedures with the Town of Malabar prior to court proceedings.

Fiscal Impact:

Cost of Litigation

Dept/Office:

County Attorney's Office

Requested Action:

It is requested that the Board of County Commissioners adopt by three-fourths vote a resolution declaring that significant legal rights will be impaired if Brevard County is required to complete intergovernmental conflict resolution procedures with the Town of Malabar prior to court proceedings.

Summary Explanation and Background:

The Brevard County Environmental Endangered Lands Program manages the Malabar Scrub Sanctuary. Pursuant to the Lease Agreement with the State of Florida and the current Malabar Scrub Sanctuary Management Plan, part of the management for the Malabar Scrub Sanctuary requires land clearing. Brevard County received Town of Malabar Permit #1251 in order to complete the land clearing. As of January 18, 2022, Town of Malabar Permit #1251 has expired and the Town of Malabar has denied the County's request for an extension for the permit. The County's legal rights would be significantly compromised if the work contemplated by the Lease, the Current Management Plan, and the previously-approved Malabar Permit #1251, is not completed immediately. Section 164.1041, Florida Statutes, requires that the Board of County Commissioners find, by a three-fourths vote, that significant legal rights will be compromised if a court proceeding does not take place before compliance with the provisions of Chapter 164, Florida Statutes, the Florida Governmental Conflict Resolution Act.

Clerk to the Board Instructions:

Upon execution please forward to the County Attorney's Office.