



Board of County Commissioners

2401 SE Monterey Road
Stuart, Florida 34996

Agenda Item Summary

File ID: 19-0819

PH-1

Meeting Date: 8/27/2019

PLACEMENT: Public Hearings

TITLE:

PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AMENDING CHAPTER 1, ADMINISTRATION, GENERAL ORDINANCES, MARTIN COUNTY TO DESIGNATE THE OFFICIAL SEAL OF MARTIN COUNTY

EXECUTIVE SUMMARY:

The Board of County Commissioners ("Board") is requested to adopt the proposed amendment to Chapter 1, Administration, General Ordinances, Martin County Code, to designate the official county seal of Martin County.

DEPARTMENT: County Attorney

PREPARED BY: **Name:** Elysse Elder
Title: Senior Assistant County Attorney

REQUESTED BY: George Stokus, Assistant County Administrator

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

Martin County employees have discovered the unauthorized use of the Martin County seal for commercial and other inappropriate purposes by persons and/or entities in the community. In order to protect the county seal, Section 165.043, Florida Statutes, authorizes the Board of County Commissioners to designate the official county seal of Martin County by ordinance. Based on the statute, the proposed ordinance designates the official county seal and prohibits the manufacture, use, display or other reproduction of the official county seal without the express approval of the County Administrator or designee, except by county officials and employees in the performance of their official duties. In addition, the ordinance authorizes Martin County to establish procedures for granting written permission for its use and identifies the penalties provided in Section 165.043, Florida Statutes, for any unauthorized use.

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

This is a legislative matter. Legislative decisions are those in which the local government formulates policy rather than applying specific rules to a particular situation. A local government's approval or denial of an issue in its legislative capacity is typically subject to a fairly debatable standard of review. Fairly debatable means that the government's action must be upheld if reasonable minds could differ as to the propriety of the decision reached. Decisions subject to the fairly debatable standard of review need only be rationally related to a legitimate public purpose, such as the health, safety, and welfare of the public, to be valid. Given this broad discretion, only decisions that are arbitrary and capricious or illegal are subject to serious legal challenge.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board adopt the proposed amendment to Chapter 1, Administration, General Ordinances, Martin County Code to designate the official county seal of Martin County and to establish authorized uses for the seal.

ALTERNATIVE RECOMMENDATIONS

None

FISCAL IMPACT:

RECOMMENDATION

None

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐Budget Transfer / Amendment
 ☐Chair Letter
 ☐Contract / Agreement
- ☐Grant / Application
 ☐Notice
 ☒Ordinance
 ☐Resolution
- ☐Other:

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