



AGENDA REPORT
April 10, 2018

SUBJECT:

Approval to execute a Memorandum Of Understanding to establish an Advisory Committee, representing the stakeholders of the 800 MHz Public Safety Radio System, to make recommendations to the County as to how the \$12.50 funds shall be expended.

FISCAL IMPACT:

There will be no impact to the General Fund, this is a revenue source. Pursuant to Section 318.21(9) F.S., any County which participates in an intergovernmental radio communication program (ICP), approved by the Division of Communications of the Department of Management Services (DIVCOM), must use \$12.50 from each moving traffic violation to fund that County's participation in the program.

DEPT/OFFICE:

Emergency Management

REQUESTED ACTION:

It is requested that the Board of County Commissioners approve the execution of a Memorandum Of Understanding (MOU) between the BoCC and the SHERIFF OF BREVARD COUNTY, the CITY OF CAPE CANAVERAL, the CITY OF COCOA, the CITY OF COCOA BEACH, the TOWN OF GRANT/VALKARIA, the TOWN OF INDIALANTIC, the CITY OF INDIAN HARBOUR BEACH, the TOWN OF MALABAR, the CITY OF MELBOURNE, the TOWN OF MELBOURNE BEACH, the TOWN OF MELBOURNE VILLAGE, the CITY OF PALM BAY, the TOWN OF PALM SHORES, the CITY OF ROCKLEDGE, the CITY OF SATELLITE BEACH, the CITY OF TITUSVILLE, and the CITY OF WEST MELBOURE. It is further requested that the County Manager or his designee be authorized to sign/execute any additional documents and amendments, as may be required, on behalf of the Board, subject to approval by the County Attorney's Office and Risk Management.

SUMMARY EXPLANATION and BACKGROUND:

This MOU replaces a previous MOU between the same parties dated November 27, 2007; as some of the agreements terminated last November, after 10 years. The current MOU calls for an Intergovernmental Radio System Advisory Committee with the following representations:

- The eleven (11) PSAP (Public Safety Answering Points) Managers within Brevard County or their designees.
- The 800 MHz Public Safety Radio System Manager or his/her designee.
- The Director of Brevard County Emergency Management or his/her designee.

CLERK TO THE BOARD INSTRUCTIONS:

Send Clerk Memorandum to Emergency Management.

ATTACHMENTS:

Description

- **ICP 800 MHz ADVISORY COMMITTEE MOU**
- **Brevard ICP Approval Letter**

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

INITIAL CONTRACT REVIEW AND APPROVAL FORM

SECTION I - GENERAL INFORMATION

1. Contractor: Brevard Law Enforcement Agencies	
2. Fund/Account #: 1382/285700	3. Department Name: Emergency Mgt.
4. Contract Description: MOU for ICP - 800 MHz Advisory Committee	
5. Contract Monitor: Lizzet Ruiz	7. Contract Type: INTERGOVT/LOCAL
6. Dept/Office Director: Kimberly Prosser	

SECTION II - REVIEW AND APPROVAL TO ADVERTISE

COUNTY OFFICE	APPROVAL		SIGNATURE	DATE
	YES	NO		
User Agency	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
Risk Management	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

SECTION III - REVIEW AND APPROVAL TO EXECUTE

COUNTY OFFICE	APPROVAL		SIGNATURE	DATE
	YES	NO		
User Agency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Prosser, Kimberly <small>Kimberly Prosser, Director of Emergency Management Services, Brevard County, Florida</small>	02/01/2018
Risk Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>ML</i>	02-07-2018
County Attorney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>MDS</i>	<i>2/6/18</i>

SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

CM DATABASE REQUIRED FIELDS	Complete ✓
Department Information	<input type="checkbox"/>
Department	<input type="checkbox"/>
Program	<input type="checkbox"/>
Contact Name	<input type="checkbox"/>
Cost Center, Fund, and G/L Account	<input type="checkbox"/>
Vendor Information (SAP Vendor #)	<input type="checkbox"/>
Contract Status	<input type="checkbox"/>
Contract Title	<input type="checkbox"/>
Contract Type	<input type="checkbox"/>
Contract Amount	<input type="checkbox"/>
Storage Location (SAP)	<input type="checkbox"/>
Contract Approval Date	<input type="checkbox"/>
Contract Effective Date	<input type="checkbox"/>
Contract Expiration Date	<input type="checkbox"/>
Contract Absolute End Data (No Additional Renewals/Extensions)	<input type="checkbox"/>
Material Group	<input type="checkbox"/>
Contract Documents Uploaded in CM database (Initial Contract Form with County Attorney/ Risk Management Approval; Signed/Executed Contract)	<input type="checkbox"/>
"Right To Audit" Clause Included in Contract	<input type="checkbox"/>
Monitored items: Uploaded to database (Insurance, Bonds, etc.)	<input type="checkbox"/>



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

April 11, 2018

M E M O R A N D U M

TO: Kimberly Prosser, Emergency Management Director

RE: Item II.C.2., Memorandum of Understanding (MOU) Establishing an Advisory Committee for 800MHz Intergovernmental Radio Communication Program (ICP)

The Board of County Commissioners, in regular session on April 10, 2018, executed and approved MOU between the Board of County Commissioners, the Sheriff, and the municipalities for the 800MHz ICP; and authorized the County Manager, or his designee, to execute any additional documents and amendments, as may be required by the County Attorney's Office and Risk Management. Enclosed is the executed MOU for your action.

Upon execution by the Sheriff and the municipalities, please return a fully-executed MOU to this office for inclusion of the official minutes.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

cc: County Manager
Finance
Budget

MEMORANDUM OF UNDERSTANDING
INTERGOVERNMENTAL RADIO COMMUNICATION PROGRAM
800 MHz ADVISORY COMMITTEE

This Memorandum of Understanding (MOU) is made and entered into this 10 day of April 2018 by and between the BOARD OF COUNTY COMMISISONERS OF BREVARD COUNTY, FLORIDA, (the "COUNTY") and the SHERIFF OF BREVARD COUNTY, the CITY OF CAPE CANAVERAL, the CITY OF COCOA, the CITY OF COCOA BEACH, the TOWN OF GRANT/VALKARIA, the TOWN OF INDIALANTIC, the CITY OF INDIAN HARBOUR BEACH, the TOWN OF MALABAR, the CITY OF MELBOURNE, the TOWN OF MELBOURNE BEACH, the TOWN OF MELBOURNE VILLAGE, the CITY OF PALM BAY, the TOWN OF PALM SHORES, the CITY OF ROCKLEDGE, the CITY OF SATELLITE BEACH, the CITY OF TITUSVILLE, and the CITY OF WEST MELBOURE, and all of which are municipalities located in Brevard County, Florida (collectively the 'CITIES.')

WITNESSETH:

WHEREAS, the COUNTY, pursuant to Section 318.21(9) Florida Statutes, receives \$12.50 (minus an administrative fee for the Clerk of the Court) for each moving traffic violation for which a civil penalty is imposed to fund the Intergovernmental Radio Communication Program (ICP); and

WHEREAS, the COUNTY 800 MHz Intergovernmental Radio Communications Program (ICP) was approved by the Division of Communications of the Department of Management Services (DIVCOM), on January 11, 1994 under the subsection 318.21(9) Florida Statutes; and

WHEREAS, the COUNTY maintains the 800 MHz Intergovernmental Radio Communications Program (ICP); and

WHEREAS, it is acknowledged that the COUNTY incurs additional responsibility, financial and otherwise, for the maintenance and upkeep of the countywide Intergovernmental Radio Communication Program (800 MHz Public Safety Radio System); and

WHEREAS, monies collected by the Clerk of Court for all traffic ticket citations/tickets issued throughout the incorporated and unincorporated areas of the County are placed and shall continue to be placed into a separate interest-bearing account maintained for the benefit of the ICP. The monies collected are and shall be expended in such a way as benefits the 800 MHz Public Safety Radio System as a whole.

NOW THEREFORE, in consideration of the mutual promises and covenants herein contained, it is agreed as follows:

(1) Florida Statutes, Chapters 316 and 318 provide for various offenses and infractions and resulting fines, penalties, assessments, and costs of the State of Florida's Uniform Traffic Control Law.

(2) Pursuant to Florida Statute §318.21 (9), \$12.50 of each civil penalty imposed for a moving traffic violation shall be collected by the Clerk of the Court.

(3) There shall be an Intergovernmental Radio System Advisory Committee ("the COMMITTEE") established to make recommendations to the COUNTY solely as to how the \$12.50 funds shall be expended. The membership of the COMMITTEE shall be established as follows:

- The eleven (11) PSAP (Public Safety Answering Points) Managers within Brevard County or their designees.
- The 800 MHz Public Safety Radio System Manager or his/her designee.
- The Director of Brevard County Emergency Management or his/her designee.

(4) The COMMITTEE shall meet at least twice a year to review collection of the \$12.50 monies referred to herein and to consider and make recommendations to the County Manager and to the Brevard County Board of County Commissioners as to how the COUNTY should expend surcharge monies collected. Such recommendations shall be limited to those purposes authorized by law.

(5) This MOU shall become effective upon approval by the respective governing bodies of the COUNTY and all of the CITIES who are parties hereto. This MOU shall terminate on the earlier of any of the following events:

- (a) The consent of all parties hereto to terminate this MOU;
- (b) A change in Florida Law which renders this MOU void.

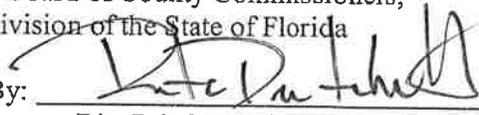
(6) This MOU supersedes the Agreement between the parties which is dated November 27, 2007. The parties agree that the Agreement dated November 27, 2007 shall have no further force or effect.

(7) The County Manager of Brevard County is hereby authorized and directed after approval of this MOU by the respective parties and the execution thereof by the duly qualified and authorized officers of each of the parties hereto, to file and record in the Official Records Book of the Brevard County Public Records, this MOU with the Clerk of the Circuit Court of Brevard County, Florida.

IN WITNESSES WHEREOF, each of the respective parties hereto has caused this MOU to be executed as of the day and year first written above.

THE COUNTY

Brevard County Board of County Commissioners,
A Political subdivision of the State of Florida

By: 
Rita Pritchett, Chairman

Date: 4/10/18

As approved by the Board on: 4/10/18

ATTEST:


Scott Ellis, Clerk

Date: 4/10/18

Reviewed for legal form and content:



Date: 2/6/18

SHERIFF OF BREVARD COUNTY

Wayne Ivey
Brevard County Sheriff

Date: _____

ADDITIONAL SIGNATURES ON FOLLOWING PAGES

City of Cape Canaveral

ATTEST:

By: _____

City Clerk

Name: _____

Its: _____

Date: _____

City of Cocoa

ATTEST:

By: _____

City Clerk

Name: _____

Its: _____

Date: _____

City of Cocoa Beach

ATTEST:

By: _____

City Clerk

Name: _____

Its: _____

Date: _____

Town of Grant/Valkaria

ATTEST:

By: _____

City Clerk

Name: _____

Its: _____

Date: _____

Town of Indialantic

ATTEST:

By: _____

City Clerk

Name: _____

Its: _____

Date: _____

City of Indian Harbour Beach

ATTEST:

By: _____

City Clerk

Name: _____

Its: _____

Date: _____

Town of Malabar

ATTEST:

By: _____

City Clerk

Name: _____

Its: _____

Date: _____

City of Melbourne

ATTEST:

By: _____

City Clerk

Name: _____

Its: _____

Date: _____

Town of Melbourne Beach

ATTEST:

By: _____

City Clerk

Name: _____

Its: _____

Date: _____

City of Cape Canaveral

ATTEST:

By: _____

City Clerk

Name: _____

Its: _____

Date: _____

City of Palm Bay

ATTEST:

By: _____

City Clerk

Name: _____

Its: _____

Date: _____

| ~~City~~Town of Palm Shores

ATTEST:

By: _____

City Clerk

Name: _____

Its: _____

Date: _____

City of Rockledge

ATTEST:

By: _____

City Clerk

Name: _____

Its: _____

Date: _____

City of Satellite Beach

ATTEST:

By: _____

City Clerk

Name: _____

Its: _____

Date: _____

City of Titusville

ATTEST:

By: _____

City Clerk

Name: _____

Its: _____

Date: _____

City of West Melbourne

ATTEST:

By: _____

City Clerk

Name: _____

Its: _____

Date: _____



DEPARTMENT OF MANAGEMENT
S E R V I C E S

The Koger Center • 2737 Centerview Drive • Knight Building • Tallahassee, Florida 32399-0950

LAWTON CHILES, GOVERNOR

WILLIAM H. LINDNER, SECRETARY

Division of Communications

January 11, 1994

Shannon L. Wilson
Assistant County Attorney
Brevard County
Office of the County Attorney
2725 St. Johns St.
Melbourne, Florida 32940

Re: Intergovernmental Radio Communications Program (SB 1134)

Dear Ms. Wilson:

Per your letter dated January 6, 1994, we have examined your proposal for the assessment of a surcharge for funding an intergovernmental radio communications program for Brevard County. Clearly, the 800 MHz radio system described in your letter meets the criteria necessary to qualify. Therefore, we herewith approve your program under the provisions of Chapter 316.655(6), F.S. and Division of Communications policy.

Please be advised that our Division is not charged with the responsibility of regulating the amount or the mechanics of levying the surcharge in question. We also have no role in determining to what extent, if at all, the surcharge can be applied retroactively.

If you should have any questions, please do not hesitate to call me at (904) 488-3866 or SUNCOM 278-3866.

Sincerely,

Kent Raheb
Communications Engineer

Approved:

Glenn W. Mayne, Director
Division of Communications

KR:rh:brevard.icp