

Meeting Date
10/07/14



AGENDA	
Section	CONSENT
Item No.	<i>II.B.4</i>

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Cooperation Agreement between the Town of Malabar and the EEL Program RE: Malabar Scrub Nature Sanctuary-District 3
DEPT/OFFICE:	Parks and Recreation Department Environmentally Endangered Lands (EEL) Program

Requested Action:

It is requested that the Board authorize the Chairman to execute a Cooperation Agreement with the Town of Malabar with the intent to reduce the potential design and construction costs of the Town Hall and the County's Management and Environmental Education Center, through the use of a common A&E and construction firm.

Summary Explanation & Background:

The Malabar Scrub Nature Sanctuary is the designated site of the future Management and Environmental Education Center for the South Region of the EEL Program and the Town of Malabar is planning the future construction of a new Town Hall. This cooperation agreement calls for the County and the Town to jointly contract with an A&E and construction firm for the two facilities with the intent of providing shared parking as well as a cost benefit to both parties. The agreement does not force either party to do their respective project. It allows for mutual and cooperative action if either party chooses to move forward.

By entering into this agreement the County and the Town of Malabar agree and understand that neither party is obligated to expend funds on the others' behalf but shall not unduly delay the development of the other party's project due to funding constraints. The sole purpose of the Agreement is to memorialize the intent by each party to the other party towards facilitating the goal of obtaining funding for their respective projects.

This agreement was previously in place between the County and the Town of Malabar from April 2009 until April of 2014, when it expired. Both entities wish to re-establish this agreement. The term of the agreement is for five years and can be terminated by either party with 30 days written notice.

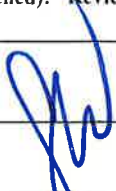


Fiscal Impacts:

FY 14/15 & FY 15/16 - Approval of this item will not result in any fiscal impacts to General Revenue Funds, and has no fiscal impact to the EEL Program budget.

Name: Mike Knight, EEL Program Manager
 Phone: 321-255-4466 mike.knight@brevardparks.com

Clerk to the Board Instructions: Please return two (2) fully executed original Agreements to the EEL Program office.

Exhibits Attached: Cooperation Agreement (3)

Contract /Agreement (If attached):		Reviewed by County Attorney	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager		Assistant County Manager, Mel Scott		Department Director, Parks & Recreation, Jack Masson				
Stockton Whitten		Assistant County Manager, Venetta Valdengo						
								



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

Telephone: (321) 637-2001
Fax: (321) 264-6972

October 8, 2014

M E M O R A N D U M

TO: Jack Masson, Parks and Recreation Director

RE: Item II.B.4., Cooperation Agreement with Town of Malabar and EEL Program for Malabar Scrub Nature Sanctuary

The Board of County Commissioners, in regular session on October 7, 2014, executed Cooperation Agreement with Town of Malabar with the intent to reduce the potential design and construction costs of the Town Hall and the County's Management and Environmental Education Center, through the use of a common A&E and construction firm. Enclosed are two fully-executed copies of the Agreement.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

Tammy Etheridge, Deputy Clerk

Encls. (2)

cc: Contracts Administration
EEL Program Manager

COOPERATION AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2014, by and between THE BOARD OF COUNTY COMMISSIONERS, BREVARD COUNTY, FLORIDA, a political subdivision of the State of Florida, hereinafter referred to as "County" and THE TOWN OF MALABAR, hereinafter referred to as "Town".

WITNESSETH:

WHEREAS, the County Environmentally Endangered Lands (EEL) Program is the designated manager of the State-owned Malabar Scrub Nature Sanctuary, and

WHEREAS, the County is considering the future development of a Management and Environmental Education Center at the Malabar Scrub Nature Sanctuary and the Town is considering the future development of a Town Hall facility (the Project); and

WHEREAS, the County and the Town agree that if the County decides to move forward with the development of the Center, and the Town decides to construct the Town Hall on the adjacent Community Park, the cooperative design, and construction of these two facilities will provide a cost benefit to both parties and create valuable public resources for the citizens of Brevard County; and

WHEREAS, the County is willing to negotiate joint construction of the two facilities with the Town in exchange for the shared use of parking facilities for the Malabar Scrub Sanctuary, under the terms and conditions of a subsequent agreement entered into between the Town and the County

NOW, THEREFORE, the parties hereto hereby specifically agree as follows:

1. The term of this Agreement shall be for a period of five (5) years from the date first above written. Upon 30 days written notice, either party hereto may cancel this Agreement.

2. The implementation of the above mentioned facility design and construction is subject to the availability of both construction and operational funding, and approval of the Board of County Commissioners and the Malabar Town Council. Each party hereto, and for the term of this agreement, unless terminated in accordance with the provisions herein, agrees to cooperate with and assist the other party in its efforts to obtain construction and operational funding for the Project. However, one party shall not unduly delay the development of the other party's facility as a result of funding constraints. Nothing herein shall be construed as a commitment of either party to construct the Project or an obligation to expend funds on behalf the other party.

3. It is hereby agreed and understood that the sole purpose of the Agreement is to memorialize the intent by each party to the other party towards facilitating the goal of obtaining funding for the Project.

4. Notice under this Agreement shall be given to the County by mailing written notice to the County Manager at 2725 Judge Fran Jamieson Way, Bldg. C, Viera, FL 32940. Notice to the Town shall be given by mailing written notice to the Town Administrator at 2725 Malabar Road, Malabar, FL 32950-4427.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the day and year first above written.

ATTEST:

**BOARD of COUNTY
COMMISSIONERS
BREVARD COUNTY, FLORIDA**



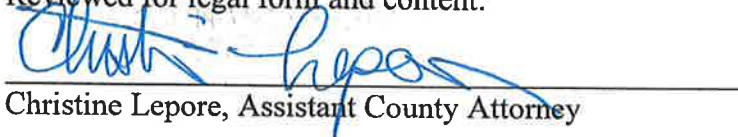
Scott Ellis, Clerk



Mary Bolin Lewis, Chairman

As approved by the Board on: 10-7-2014

Reviewed for legal form and content:



Christine Lepore, Assistant County Attorney

**TOWN OF MALABAR,
TOWN COUNCIL
BREVARD COUNTY, FLORIDA**

ATTEST:



As approved by the Council on: 8/18/2014



(seal)



**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

INITIAL CONTRACT FORM

SECTION I

The following information must be completed on all new contracts submitted to the Board.

1. Contractor: TOWN OF MALABAR COOPERATION AGREEMENT	
2. Fund/Account #: 1610/300116	Division Name: EEL PROGRAM
4. Contract Description: Cooperation Agreement between BoCC and Town of Malabar	
5. Contract Monitor: JENNY ASHBURY	6. Mail Stop #: 74
7. Dept./Office Director: JACK MASSON	8. Contract Type:
ACTION DATE: PLEASE CALL JENNY 321-369-8169 WHEN ORIGINALS AND AO 29 ARE READY	ACTION REQUIREMENT: Need complete data

SECTION II

The following departments must approve all contracts submitted to the Board:

<u>COUNTY OFFICE</u>	<u>APPROVAL</u>		<u>INITIALS</u>	<u>DATE</u>
	<u>YES</u>	<u>NO</u>		
User Agency	x		MK	06/24/14
Risk Management	_____	_____	_____	_____
County Attorney	_____	_____	_____	_____

If any office denies approval, the package will be returned immediately to the User Agency.

NOTE: *This form should be attached to all new contracts being submitted to the Board for approval. After the contract has been approved, the contract package, including this form, will go to the Clerk to the Board. The Clerk's office will return the Initial Contract Form to department for contract to be entered into the Contract Management System. See AO-29 for additional information.*

AO-29: EXHIBIT I

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**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

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User Agency	x		MK	06/24/14
Risk Management	X_____	_____	GV 	7/1/14_____
County Attorney	_____	_____	_____	_____

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AO-29: EXHIBIT I

RECEIVED


JUL - 9 2014

BREVARD COUNTY EEL PROGRAM
ADMINISTRATION