

Meeting Date
September 26, 2017



AGENDA	
Section	New Business
Item No.	IV C

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Execution of Amendment No. 1 to SJRWMD Agreement No. 28256 Oyster Reef Living Shorelines in the Indian River Lagoon.
DEPT/OFFICE:	Natural Resources Management Department (NRM)

Requested Action:

It is requested that the Board authorize the Chairman to execute an amendment to St. Johns River Water Management District (SJRWMD) Cost-Share Agreement No. 28256 for a 60-day extension through November 2017, substantially in the form of Attachment A, subject to County Attorney and Risk Management final approval, and approve necessary budget change requests.

Summary Explanation & Background:

The Board of County Commissioners, in regular session on May 26, 2015, approved executing a Cost-Share Agreement between St. Johns River Water Management District (SJRWMD) and Brevard County for Oyster Reef Living Shorelines in the Indian River Lagoon. The two-year agreement provides cost-share dollars to facilitate the design and construction of multiple living shoreline pilot projects along 2,360 feet of the Indian River Lagoon.

In August, construction commenced at the final project site, Kiwanis Park at Geiger Point. Installation is nearly complete; however the construction scheduled for September 8-9 was cancelled due to Hurricane Irma. A post-storm site assessment conducted by the Brevard Zoo's Restore Our Shores team on September 19 determined that due to flooding, debris on-site and closure of the park, site conditions are currently unsuitable for reef construction which is done primarily by community volunteers. As such, the final build dates scheduled for September 22-23 have also been postponed. It is uncertain if conditions will be favorable for installation by the end of September. Three to four days of favorable conditions are needed. Construction will proceed once flood waters have receded and the site is accessible and deemed safe for staff and volunteers.

Due to these issues, the project may not be completed by the contract deadline, September 30, 2017. SJRWMD has granted a 60-day time extension, through November 2017, to complete the project and has prepared the attached Amendment No. 1.

Fiscal Impact: \$30,000 expense and associated reimbursement may be delayed from FY 16-17 to FY 17-18.

Contact: Jane Hart, NRM: 321-633-2016

Clerk to the Board instruction: Please execute two original copies of Amendment 1 provided as Attachment A.

Exhibits Attached:

- Attachment A:** Amendment 1 to Contract No. 28256 (two original copies provided)
- Attachment B:** Clerk's Memo dated May 27, 2015

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager Frank Abbate	Assistant County Manager John Denninghoff	Department Director / Extension Virginia Barker/ X 5-2435
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10.C



3.



AGENDA REPORT
September 26, 2017

SUBJECT:

Execution of Amendment No. 1 to SJRWMD Agreement No. 28256 Oyster Reef Living Shorelines in the Indian River Lagoon.

FISCAL IMPACT:

\$30,000 expense and associated reimbursement may be delayed from FY 16-17 to FY 17-18.

DEPT/OFFICE:

Natural Resources Management

REQUESTED ACTION:

It is requested that the Board authorize the Chairman to execute an amendment to St. Johns River Water Management District (SJRWMD) Cost-Share Agreement No. 28256 for a 60-day extension through November 2017, substantially in the form of Attachment A, subject to County Attorney and Risk Management final approval, and approve necessary budget change requests.

SUMMARY EXPLANATION and BACKGROUND:

The Board of County Commissioners, in regular session on May 26, 2015, approved executing a Cost-Share Agreement between St. Johns River Water Management District (SJRWMD) and Brevard County for Oyster Reef Living Shorelines in the Indian River Lagoon. The two-year agreement provides cost-share dollars to facilitate the design and construction of multiple living shoreline pilot projects along 2,360 feet of the Indian River Lagoon.

In August, construction commenced at the final project site, Kiwanis Park at Geiger Point. Installation is nearly complete; however the construction scheduled for September 8-9 was cancelled due to Hurricane Irma. A post-storm site assessment conducted by the Brevard Zoo's Restore Our Shores team on September 19 determined that due to flooding, debris on-site and closure of the park, site conditions are currently unsuitable for reef construction which is done primarily by community volunteers. As such, the final build dates scheduled for September 22-23 have also been postponed. It is uncertain if conditions will be favorable for installation by the end of September. Three to four days of favorable conditions are needed. Construction will proceed once flood waters have receded and the site is accessible and deemed safe for staff and volunteers.

Due to these issues, the project may not be completed by the contract deadline, September 30, 2017. SJRWMD has granted a 60-day time extension, through November 2017, to complete the project and has prepared the attached Amendment No. 1.

CLERK TO THE BOARD INSTRUCTIONS:

Please execute two original copies of Amendment 1 provided as Attachment A.

ATTACHMENTS:**Description**

- [Amendment 1 to Contract No. 28256](#)
- [Clerk's Memo dated May 27, 2015](#)

REVIEWERS:

Department	Reviewer	Action
Natural Resources Management	Royal, John	Approved
Natural Resources	Barker, Virginia	Approved



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

September 27, 2017

MEMORANDUM

TO: Virginia Barker, Natural Resources Management Director Attn: Carolina Alvarez
RE: Item IV.C., Amendment No. 1 to St. Johns River Water Management District (SJRWMD) Cost-Share Agreement No. 28256 for Oyster Reef Living Shorelines in the Indian River Lagoon (IRL)

The Board of County Commissioners, in special session on September 26, 2017, executed and approved the Amendment No. 1 to the SJRWMD Cost-Share Agreement No. 28256 for a 60-day extension through November 2017, substantially in the form of Attachment A, and subject to County Attorney and Risk Management final approval; and approved any necessary budget change requests. Enclosed are two executed Amendments for your action.

Upon execution by the SJRWMD, please return a fully-executed Amendment No. 1 to this Office for inclusion in the official minutes.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for Denna Scott
Tammy Rowe, Deputy Clerk
/ds

Encls. (2)

cc: Contracts Administration
Finance
Budget

**AMENDMENT 1 TO THE COST SHARE AGREEMENT BETWEEN
THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
AND BREVARD COUNTY
FOR OYSTER REEF LIVING SHORELINES IN THE INDIAN RIVER LAGOON**

THIS AMENDMENT is entered into by and between the GOVERNING BOARD of the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (the "District"), whose mailing address is 4049 Reid Street, Palatka, Florida 32177-2571, and BREVARD COUNTY ("Recipient") whose address is 2725 Judge Fran Jamieson Way, Building A, Room 219, Viera, Florida 32940, is effective on the date the last party has executed same.

PREMISES:

The parties entered into Agreement No. 28256 on July 24, 2015 to provide funding for the Recipient's Oyster Reef Living Shorelines in the Indian River Lagoon project ("Agreement"). The parties desire to amend the Agreement.

NOW, THEREFORE, in consideration of the above premises, which are hereby made a part of this amendment, the mutual covenants contained herein, and other good and valuable consideration, the parties hereby agree to amend the Agreement as follows:

1. Paragraph 1(a) TERM; WITHDRAWAL OF OFFER: delete this paragraph and replace it with the following paragraph:
 - (a) The term of this Agreement is from July 24, 2015 ("Effective Date") through November 30, 2017 ("Completion Date"). Time is of the essence for every aspect of this Agreement, including any time extensions. All provisions of this Agreement that by their nature extend beyond the Completion Date shall survive the termination or expiration of this Agreement.
2. All other terms and conditions of the Agreement, including any subsequent amendments, are hereby ratified and continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have duly executed this amendment on the date set forth below.

ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT

BREVARD COUNTY

By: _____
Ann B. Shortelle, Ph.D., Executive Director or Designee

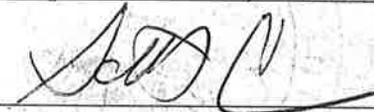
By:  _____

CURT SMITH, CHAIRMAN

Typed Name and Title

Date: _____

Date: September 26, 2017

Attest:  _____

SCOTT ELLIS, CLERK

Typed Name and Title



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

May 27, 2015

MEMORANDUM

TO: Virginia Barker, Natural Resources Management Interim Director

RE: Item II.A.4., Cost-Share Agreement with St. Johns Water Management District (SJRWMD) for Oyster Reef Living Shorelines in the Indian River Lagoon

The Board of County Commissioners, in regular session on May 26, 2015, executed a Cost-Share Agreement with St. Johns River Water Management District (SJRWMD) for Oyster Reef Living Shorelines in the Indian River Lagoon; waived legal venue in Brevard County, as the current agreement indicates legal venue in Orange County; and authorized the County Manager to amend a partnership agreement with Brevard Zoo to add this project; and approved any necessary budget change requests. Enclosed for your action is the original executed Agreement.

Upon execution by St. Johns River Water Management District, please return one fully-executed copy of the Agreement to this office for inclusion in the official minutes.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

Tammy Etheridge, Deputy Clerk

/kg

Encl. (1)

cc: Contracts Administration
Finance
Budget