



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Miscellaneous

J.4.

3/22/2022

Subject:

Advisory Board Termination
(Intergovernmental Radio Communication Program 800 MHz Advisory Committee)

Fiscal Impact:

Projected Savings: 3-5 hours staff time annually

Dept/Office:

District 3 Commission Office

Requested Action:

Board direction to staff to seek the consent of all parties to terminate the MOU and the Intergovernmental Radio Communication Program 800 MHz Advisory Committee.

Summary Explanation and Background:

- In 2018, the Intergovernmental Radio Communication Program 800 MHz Advisory Committee was created to monitor the upgrade of the County's new intergovernmental radio system. At the time of its inception, it was deemed necessary, but as the project is complete, the board is no longer necessary.
- All other functions by the board have been absorbed by staff
- The board has not met since 2019
- The MOU in which this board was created requires the approval from 18 cities and the Sheriff for termination.

Clerk to the Board Instructions:



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

March 23, 2022

M E M O R A N D U M

TO: Commissioner John Tobia, District 3

RE: Item J.4. Advisory Board Termination - Intergovernmental Radio Communication Program (IRCP) 800 MHz Advisory Committee

The Board of County Commissioners, in regular session on March 22, 2022, authorized and directed staff to contact all necessary parties and request the termination of the Memorandum of Understanding (MOU) for the IRCP 800 MHz Advisory Committee.

Your continued cooperation is greatly appreciated.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK**

Donna Scott
for: Kimberly Powell, Clerk to the Board

/ds

cc: County Attorney
Public Safety Office
Emergency Management
Central Services



Emergency Management

1746 Cedar Street
Rockledge, Florida 32955

BOARD OF COUNTY COMMISSIONERS

To: 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

From: John Scott, Emergency Management Director **Scott, John** Digitally signed by Scott, John
Date: 2022.08.04 12:03:44
-04'00'

Subject: Intergovernmental Radio Communication Program 800MHz Advisory Committee Termination Letter

Date: August 4, 2022

According to Section 318.21(9) F.S., Counties participating in an intergovernmental radio communication program (IRCP), approved by the Division of Communications of the Department of Management Services (DIVCOM), must use \$12.50 from each moving traffic violation to fund the intergovernmental radio system. The Brevard County IRCP was approved by the DIVCOM on January 11, 1994. In 2007 the County signed an MOU with all the municipalities and the Sheriff of Brevard to establish an advisory committee for all the parties to make recommendations as to how to expend those funds for the radio system improvements. The current MOU is the continuity of a previous MOU.

As a necessity during the COVID-19 pandemic, we shifted the discussion of radio system improvements from advisory committee meetings to the monthly Public Safety Answering Points (PSAP) meetings as it encompassed the same parties.

Recognizing that our radio system coordination mechanisms have evolved and, in an effort, to more efficiently maximize the resources of all parties, the Board of County Commissioners authorized the termination of the IRCP 800 MHz Advisory Committee. This action solidifies the monthly Public Safety Answering Points (PSAP) and bi-annual Radio Users meetings as the permanent home for the coordination of radio system improvements.

In order to complete this process, per the Memorandum of Understanding for the IRCP 800 MHz Advisory Committee, we request that you sign the attached termination letter and return it to Emergency Management.

We remain committed to improving the radio system through close partnership and collaboration with all the participating agencies and thank you for your continued support

Should you have any questions, please feel free to contact John Scott at 321-403-1124.

Attachments: Termination Letter, Clerk's memorandum from March 23, 2022



CONSENT TO TERMINATE MEMORANDUM OF UNDERSTANDING
INTERGOVERNMENTAL RADIO COMMUNICATION PROGRAM
800 MHz ADVISORY COMMITTEE

Pursuant to Section 5(a) of the MEMORANDUM OF UNDERSTANDING FOR THE INTERGOVERNMENTAL RADIO COMMUNICATION PROGRAM 800 MHz ADVISORY COMMITTEE entered into on April 10, 2018 (hereinafter also referred to as "Agreement"), the TOWN OF PALM SHORES hereby consents to terminate the Memorandum of Understanding, effective upon BREVARD COUNTY receiving written confirmation from all parties to the Agreement.

By my signature below I certify that I have the authority on behalf of the TOWN OF PALM SHORES to terminate the MEMORANDUM OF UNDERSTANDING FOR THE INTERGOVERNMENTAL RADIO COMMUNICATION PROGRAM 800 MHz ADVISORY COMMITTEE entered into on April 10, 2018.

TOWN OF PALM SHORES



[NAME] CAROL M. MCCORMACK

[TITLE] Mayor

DATE: 8-8-2022

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.

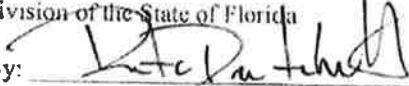
(6) This MOU supersedes the Agreement between the parties which is dated November 27, 2007. The parties agree that the Agreement dated November 27, 2007 shall have no further force or effect.

(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

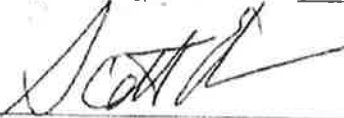
Brevard County Board of County Commissioners,
A Political subdivision of the State of Florida

By: 
Rita Pritchett, Chairman

Date: 4/10/18

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

ATTEST:


Scott Ellis, Clerk

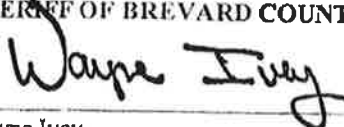
Date: 4/10/18

Reviewed for legal form and content:



Date: 4/11/18

SHERIFF OF BREVARD COUNTY



Wayne Ivey
Brevard County Sheriff

Date: 4/11/18

ADDITIONAL SIGNATURES ON FOLLOWING PAGES

This page was left blank.

City of Cocoa

By: 

Name: Henry U. Parrish, III

Its: Mayor

Date: 5/22/2018

ATTEST:


City Clerk



City of Cocoa Beach

By: [Signature]

Name: BOB MAUK

Its: Mayor

Date: MAY 17, 2018

ATTEST:

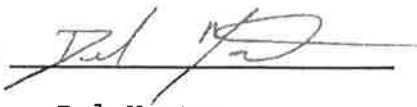
[Signature]

City Clerk

Joredana Kalagheny



Town of Grant/Valkaria

By: 

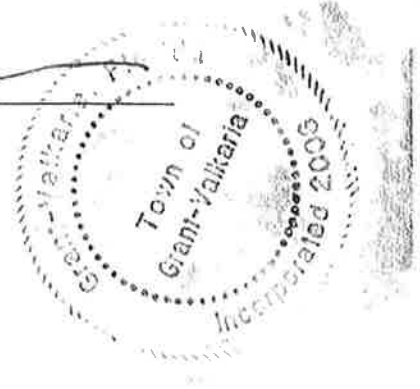
Name: Del Yonts

Its: Mayor

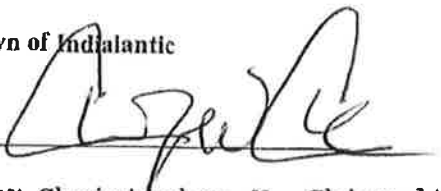
Date: June 13, 2018

ATTEST:


City Clerk



Town of Indialantic

By: 


Name: Christopher W. Chinault

Its: Town Manager

Date: 6/18/18

(Approved by Indialantic Town Council 6/18/18)

ATTEST:


City Clerk



City of Indian Harbour Beach

ATTEST:

By: DAVID BUTLER

Sue Frank
City Clerk

Name: David Butler

Its: Police Chief

Date: 4/24/18

Town of Malabar

By: [Signature]
Name: Douglas C Hoyt
Its: Town Administrator
Date: 5.30-2018

ATTEST:

[Signature]
City Clerk



City of Melbourne

By: Michael A. McNeas

Name: Michael A. McNeas

Its: City Manager

Date: 5-30-18

ATTEST:

Cathleen A. Wysor

City Clerk

Cathleen A. Wysor
City Clerk

Town of Melbourne Beach

By: 

Name: Robert J. Daniels

Its: Town Manager

Date: 4/25/2018

ATTEST:


City Clerk

City of Cape Canaveral

By: 

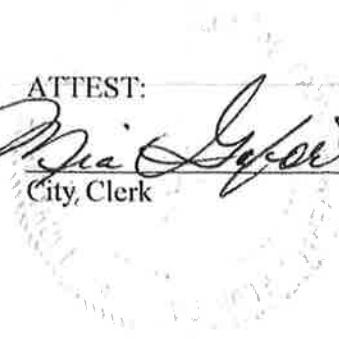
Name: Robert E. Hoog

Its: Mayor

Date: June 19, 2018

ATTEST:


City Clerk



City of Palm Bay

By:  _____

Name: Gregg Lynk

Its: CITY MANAGER

Date: 02-16-18

ATTEST



City Clerk

Town of Palm Shores

ATTEST:

By: Mayor

Patricia Burke
City Clerk

Name: Carol M. McCormack

Its: _____

Date: 5/30/2018

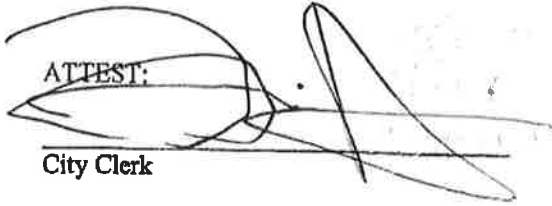
City of Rockledge

By: Brenda Fettrow

Name: Dr. Brenda Fettrow

Its: City Manager

Date: June 21, 2018

ATTEST:


City Clerk

City of Satellite Beach

By: *Frank Catino*

Name: FRANK CATINO

Its: MAYOR

Date: 7/18/18

ATTEST:
Donna
City Clerk



City of Titusville

ATTEST:

By: 

Wanda Y Wells
City Clerk

Name: WILLIAM S. LARESE

Its: CITY MANAGER

Date: 25 APR 08



City of West Melbourne

By: Hal Rose

Name: Hal Rose

Its: Mayor

Date: May 1, 2018

ATTEST:

Cynthia Stanson
City Clerk



Town of Melbourne Village

ATTEST:

By: RAND CARROLL



City Clerk

Name: Rand Carroll

Its: Mayor

Date: 11/6/18