

Meeting Date
September 19, 2017



AGENDA	
Section	Consent
Item No.	II.C.1

**AGENDA REPORT**  
**BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

SUBJECT:	Memorandum of Understanding between Brevard County and Veterans of Foreign Wars Post 4228, Titusville, Florida.
DEPT/OFFICE:	Central Services Department

**Requested Action:**  
Request the Board of County Commissioners authorize the Chairman to execute the Resolution and Memorandum of Understanding (MOU) allowing the Veterans of Foreign Wars (VFW) Post 4228 to furnish, install, and maintain improvements at the Veterans Cemetery at 1143 Day Street, Titusville, Florida.

**Summary Explanation & Background:**

The VFW Post 4228 has requested approval to make non-structural improvements at the Veterans Cemetery on Day Street; and has begun fund raising initiatives under the registered fictitious name "Friends of the Cemetery". Improvements may include landscaping, site lighting, outdoor military memorabilia or monuments, benches, fencing, and general upkeep of existing fixtures. The Resolution and MOU will formalize the partnership between the County and Friends of the Cemetery. Improvements made by the Friends of the Cemetery will be at no expense to the County; will be approved in writing by the County; will be executed in compliance with laws, ordinances, regulations, and codes; will be made without risk to the County; and all improvements will become and remain the property of the County unless otherwise agreed in writing.

The MOU may be terminated by either party upon sixty days written notice to the other party.

**Fiscal Impact:** There is no fiscal impact to the County associated with this action.

Contact: Teresa Camarata; [Teresa.camarata@brevardcounty.us](mailto:Teresa.camarata@brevardcounty.us); 637-5482

**Clerk to the Board instruction:**

**Exhibits Attached:**

<b>Contract /Agreement (If attached):</b>	<b>Reviewed by County Attorney</b>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	<b>PR</b>	<input type="checkbox"/>
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<b>County Manager</b> Frank Abbate	<b>Department Director / Extension</b> Teresa Camarata, Central Services Director, ext. 52543 
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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 20, 2017

MEMORANDUM

TO: Teresa Camarata, Central Services Department Director

RE: Item II.C.1., Resolution and Memorandum of Understanding (MOU) with Veterans of Foreign Wars (VFW) Post 4228 for Post 4228 to Furnish, Install, and Maintain Improvements at the Veterans Cemetery, Located at 1143 Day Street, Titusville

The Board of County Commissioners, in regular session on September 19, 2017, adopted Resolution No. 17-162, authorizing Veterans of Foreign Wars Post 4228 to furnish, install, and maintain improvement to the Veterans Cemetery, located at 1143 Day Street, Titusville; and executed and approved the MOU with VFW Post 4228. Enclosed are fully-executed Resolution and fully-executed MOU for your action.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*for Donna Scott*  
Tammy Rowe, Deputy Clerk

/ds

Encls. (2)

cc: Contracts Administration  
Finance  
Budget

**RESOLUTION NO. 2017-162**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AUTHORIZING VETERANS OF FOREIGN WARS POST 4228, TITUSVILLE TO FURNISH AND INSTALL IMPROVEMENTS TO THE VETERANS CEMETERY LOCATED AT 1143 DAY STREET, TITUSVILLE, FLORIDA.

**WHEREAS**, VETERANS OF FOREIGN WARS POST 4228, TITUSVILLE, a nonprofit 501(c)3 corporation, desires to raise funds under the registered fictitious name "Friends of the Cemetery" for the purpose of funding improvements to the Veterans Cemetery at 1143 Day Street, Titusville, Florida, and

**WHEREAS**, VETERANS OF FOREIGN WARS POST 4228, TITUSVILLE (hereinafter referred to as "Friends of the Cemetery") has requested the BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA (hereinafter referred to as the "County"), grant permission to the Friends of the Cemetery to furnish, install, and maintain improvements at the Veterans Cemetery at 1143 Day Street, Titusville, Florida, and

**WHEREAS**, Friends of the Cemetery, desire to partner with Brevard County to ensure the Veterans Cemetery symbolizes the significance and dignity due those who have served their country, and who are interred at the Veterans Cemetery at 1143 Day Street, Titusville, Florida, and

**NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA**

- Authorizes Friends of the Cemetery, to furnish, install and maintain improvements at the Veterans Cemetery, 1143 Day Street, Titusville, Florida in accordance with Exhibit A, Memorandum of Understanding, dated September 19, 2017;
- Acknowledges that the Memorandum of Understanding may be terminated by either party upon sixty (60) days written notice to the other party at: Brevard County Facilities, 2725 Judge Fran Jamieson Way A207, Melbourne, Florida 32940, and to the VFW Post 4228, care of Commander Robert Patry, 4411 Capron Road, Titusville, Florida 32780.

This resolution shall take effect immediately.

**DONE, ORDERED AND ADOPTED**, in regular session, this 19 day of September, 2017.

ATTEST:

  
\_\_\_\_\_  
Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By:   
\_\_\_\_\_  
Curt Smith, Chair

As Approved By the Board on: September 19, 2017

## **MEMORANDUM OF UNDERSTANDING**

**Between Brevard County Board of County Commissioners  
and  
VFW Post 4228, Titusville, aka Friends of the Cemetery**

This Memo of Understanding dated September 19, 2017, between the Brevard County Board of County Commissioners and authorizes Veterans of Foreign Wars Post 4228, Titusville, a nonprofit corporation to furnish, install, and maintain improvements at the Veterans Cemetery at 1143 Day Street, Titusville, Florida.

**WHEREAS**, Brevard County owns and maintains the Veterans Cemetery located at 1143 Day Street, Titusville, Florida;

**WHEREAS**, VFW Post 4228, Titusville, a nonprofit 501(c)3 corporation, wishes to raise funds under the registered fictitious name "Friends of the Cemetery" for the purpose of funding improvements to the Veterans Cemetery at 1143 Day Street, Titusville, Florida, and

**WHEREAS**, Veterans of Foreign Wars Post 4228, Titusville (hereinafter "Friends of the Cemetery"), has requested the Board of County Commissioners of Brevard County, Florida (hereinafter referred to as the "County"), grant permission to the "Friends of the Cemetery" to furnish, install, and maintain improvements at the Veterans Cemetery at 1143 Day Street, Titusville, Florida, and

**WHEREAS**, this MOU may be terminated by either party upon sixty (60) days written notice to the other party at: Brevard County Facilities, 2725 Judge Fran Jamieson Way A207, Melbourne, Florida 32940, and to the VFW Post 4228, care of Commander Robert Patry, 4411 Capron Road, Titusville, Florida 32780.

**NOW, THEREFORE**, in consideration of the covenants herein contained, it is mutually agreed between the parties that, beginning September 20, 2017, the Friends of the Cemetery will:

(1) Obligations of the Friends of the Cemetery:

- A. Furnish, install and maintain improvements at the Veterans Cemetery, 1143 Day Street, Titusville, Florida (the "Premises").
- B. Make, at no expense to the County, nonstructural improvements, alterations, or additions (hereinafter referred to as "Alterations") to the Cemetery, provided that:

- C. No Alteration shall be made without the prior written consent of Brevard County Facilities Manager, which consent shall not be unreasonably withheld;
- D. No Alteration shall reduce or otherwise impair the value of the premises;
- E. No Alteration shall be commenced until Friends of the Cemetery has first obtained and paid for any and all required permits and authorizations of all governmental authorities having jurisdiction with respect to such Alteration;
- F. Any Alteration shall be made in a good workmanlike manner and in compliance with all laws, ordinances, regulations, codes, and permits;
- G. Friends of the Cemetery shall hold County harmless from and against any liens and claims for work, labor, or materials supplied to the Premises at the direction of Friends of the Cemetery, and in the event that any such liens or claims shall be filed for work, labor or materials supplied to the Premises at the direction of Friends of the Cemetery, Friends of the Cemetery shall, at County's option, either escrow an amount equal to the amount of the lien or claim being filed; and
- H. Any Alteration shall become and remain the property of County unless County otherwise agrees in writing.
- I. The Friends of the Cemetery shall provide the Brevard County Facilities Manager a plan for the work the Friends intend to conduct at the cemetery within 30 calendar days after full execution of the MOU. The Friends and the Facilities Manager shall continue to work together to modify and adjust the approved plan of work as necessary based on funding availability of the Friends due to their fund raising efforts and their resources.
- J. The Friends of the Cemetery are authorized to hold various events that honor veterans at the Cemetery.
  - (i) Such events shall be coordinated with the Facilities Manager at least 21 days in advance of any given event. The Facilities Manager is authorized to deny permission to hold event if it is deemed that the event is not in keeping with the appropriate intent to honor veterans. In case of denial, the Friends of the Cemetery may contact the County Manager to seek permission to hold such event. The County Manager's decision shall be final.

(ii) In holding any such events, the Friends of the Cemetery must also comply with any County or City codes that may apply which could include obtaining special event permits.

(iii) The Friends of the Cemetery shall be responsible for any cleanup and litter pick up within 48 hours after any "Friends" event.

2. Obligations of the County:

- A. The County shall provide for regular mowing and trimming of bushes, etc., at the Premises.
- B. In conjunction with the mowing, the County will regularly pick up litter that may be located at the Cemetery other than as provided for under paragraph 1.J.(iii) above.

**IN WITNESS WHEREOF**, the undersigned have read and agree with this Memorandum of Understanding.

ATTEST:

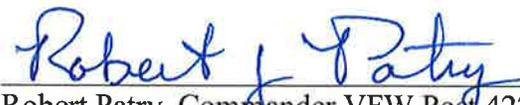
  
\_\_\_\_\_  
Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

  
\_\_\_\_\_  
Curt Smith, Chair

As approved by the Board on September 19, 2017

VFW Post 4228, Titusville

  
\_\_\_\_\_  
Robert Patry, Commander VFW Post 4228