



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Miscellaneous

I.1.

7/13/2023

Subject:

Amendment to Scope of Work of Bonnie C. Landry and Associates, PA (Continuing Services Contract - Urban Planning Consultant)

Fiscal Impact:

Approximately \$20,000 in additional funding (Approximately \$50,000 in savings, with additional expenses of approximately \$70,000, for a net additional cost of \$20,000)

Dept/Office:

District 3 Commission Office

Requested Action:

Direct staff to amend the scope of consulting work of Bonnie Landry and Associates, PA, in order to cease further work on the South Beaches study and replace that scope of work with implementation of the newly-enacted "Brevard Barrier Island Area Protection Act."

Summary Explanation and Background:

On May 17, 2022, the Board authorized the development, advertisement, and award of an RFQ seeking services of a Land Planning consulting firm to assist the County's efforts in preparing the Evaluation and Appraisal Report (EAR) and related updates to the County's Comprehensive Plan.

On November 15, 2022, the Board further directed staff to include, in the scope of services of this contract, a study regarding land use designations. This was done in order to determine if circumstances have changed in the South Beaches area, such that the County's Comprehensive Plan and/or other regulations should be updated.

Bonnie C. Landry and Associates, PA (hereinafter "Consultant"), was selected through the RFQ process and, consistent with Board direction, the County Manager executed a contract with this firm on January 24, 2023.

On March 6, 2023, HB 1489 ("the Brevard Barrier Island Area Protection Act") was introduced in the Florida House of Representatives. This bill establishes an "Area of Critical State Concern" in much of the South Beaches area. Among other mandates, this bill has the potential to have the State dictate what updates to the Comprehensive Plan may be made that impact this area, thereby changing the potential efficacy of the study of the area previously authorized by the Board.

After favorable votes in House Committees, on April 4, 2023, staff directed the Consultant to pause its work on

the South Beaches study task, and instead, focus on other work under the contract.

After House and Senate passage of CS/CS/HB 1489, Governor DeSantis signed it into law on June 20, 2023. As such, effective July 1, 2023, an Area of Critical State Concern was established in the South Beaches area of Brevard County.

Due to this development, it is proposed that the Board authorize staff to direct the consultant to cease work on the South Beaches study, and authorize staff to initiate contract amendments and/or task orders, as needed, to expand the scope of work of the consultant to provide assistance in compliance with Statutory requirements for the Area of Critical State Concern. Staff have indicated they have had preliminary discussions with the Florida Department of Commerce, who have indicated that they will perform an audit-like procedure on the County's Comprehensive Plan, ordinances, and procedures to ensure compliance with the law. As such, much of the work the consultant had performed regarding the South Beaches study before it was put on hold (e.g. mapping) can be utilized for this task.

Clerk to the Board Instructions:



July 14, 2023

MEMORANDUM

TO: Commissioner John Tobia, District 3

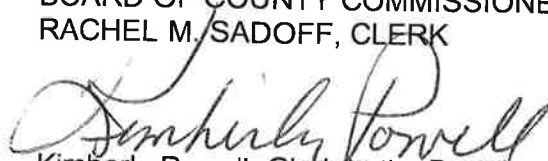
RE: Item I.1., Amendment to Scope of Work of Bonnie C. Landry and Associates, PA
(Continuing Services Contract – Urban Planning Consultant)

The Board of County Commissioners, in regular session on July 13, 2023, authorized staff to direct Bonnie C. Landry and Associates, PA to cease work on the South Beaches study and to initiate contract amendments and/or task orders, as needed, to expand the scope of work of the consultant to provide assistance in compliance with the statutory requirements for the Area of Critical State Concern.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

cc: Commission District 1
Commission District 2
Commission District 4
Commission District 5
County Manager
Finance
Budget