

EXPLANATION OF CONSENT AGENDA ITEM E.2.c.(11) – August 24, 2016

ITEM:

Consideration of approving Addendum to the Interlocal Agreement with the Brevard County Sheriff's Office for Seaport Security and Law Enforcement Service

EXPLANATION:

Section 15.1(b) of the Interlocal Agreement between the Canaveral Port Authority and the Sheriff of Brevard County for providing Law Enforcement and Seaport Security services states:

No later than August 15th of each year during the term of this Agreement, Sheriff shall provide CPA written notification of any Agreement Consideration funds that are forecasted to exceed actual costs incurred in the performance of obligations pursuant to this Agreement. Sheriff and CPA shall then adjust the final fiscal year monthly payment (September) of the Agreement Consideration that is otherwise to be paid by CPA to Sheriff to reflect actual expenditures incurred by Sheriff in performance of this agreement.

The Addendum establishes the FY 2016-17 budget for Seaport Security and Law Enforcement Services, with no increase. The flat-fee consideration will remain the same amount as FY 2015-16 at \$5,688,000.00. Terms are outlined in the attached Addendum.

FUNDING REVIEW BY FINANCE (Pat Poston): This is an operational expense and is included in the proposed FY17 Operating Budget which will be presented for approval.

STAFF RECOMMENDS APPROVAL:

Prepared by: Captain John Murray

Captain John W. Murray

From: Ivey, Wayne [wayne.ivey@bcso.us]
Sent: Wednesday, August 03, 2016 3:53 PM
To: Captain John W. Murray
Cc: Waller, Douglas
Subject: BCSO/CPA FY 2016/2017 Addendum & Consideration Projection
Attachments: BCSO CPA Addendum Revised 07312016.docx

Captain Murray, I hope all is well! I wanted to follow up our conversation with an update as related to the BCSO/CPA annual Agreement and Consideration projection.

Section 15.1(b) of the Interlocal Agreement between the Canaveral Port Authority and the Sheriff of Brevard County for providing Law Enforcement and Seaport Security services states:

No later than August 15th of each year during the term of this Agreement, Sheriff shall provide CPA written notification of any Agreement Consideration funds that are forecasted to exceed actual costs incurred in the performance of obligations pursuant to this Agreement. Sheriff and CPA shall then adjust the final fiscal year monthly payment (September) of the Agreement Consideration that is otherwise to be paid by CPA to Sheriff to reflect actual expenditures incurred by Sheriff in performance of this Agreement.

Based on our projections of actual flat fee expenditures incurred in the performance of the Agreement for Fiscal Year 2015-2016, we currently project all funds to be exhausted by the end of the Fiscal Year. Please see the breakdown of the actual expenditures Year to Date and the Projections for the remainder of the year.

		PROJECTED	TOTAL
		EXPENSE	PROJECTED
	ACTUAL	REMAINDER OF	EXPENSE FOR
	YTD EXP	YEAR	FISCAL YEAR
SALARIES	\$2,431,474	\$722,768	\$3,154,242
BENEFITS	\$1,442,490	\$332,472	\$1,774,962
DIRECT OPERATING EXP	\$252,179	\$53,966	\$306,145
INDIRECT OPERATING EXP	\$40,586	\$4,837	\$45,423
CAPITAL EXPENSE	\$344,188	\$63,040	\$407,228
TOTAL CONTRACT	\$4,510,917	\$1,177,083	\$5,688,000
CONTRACT AMOUNT			\$5,688,000
BALANCE REMAINING			\$0

In addition, I have attached the proposed addendum to the Interlocal Agreement for Seaport Security and Law Enforcement Services for Fiscal Year 2016-2017. As we discussed, the addendum reflects no increase, the flat-fee consideration will remain at the same amount as Fiscal Year 2015-2016 (\$5,688,000.00).

With your approval, and at your convenience, please schedule the addendum for the first available Port Commission meeting for consideration.

If you have any questions or concerns please call me.

Thank you my friend!

Sheriff Wayne Ivey

Wayne Ivey
Sheriff, Brevard County
(321) 427-7231
wayne.ivey@bcso.us

Bonnie Herman
Assistant to the Sheriff
(321) 264-5372
bonnie.herman@bcso.us



[Like Us on Facebook](#)

**ADDENDUM
INTERLOCAL AGREEMENT FOR SEAPORT SECURITY AND LAW
ENFORCEMENT SERVICES**

This Addendum (hereinafter referred to as "Addendum") is entered into this _____ day of _____, 2016, by and between the **CANAVERAL PORT AUTHORITY, an independent special taxing district and political subdivision of the State of Florida, (hereinafter "CPA")** and **WAYNE IVEY, in his capacity as the Sheriff of Brevard County, Florida,** a county constitutional officer and a county charter officer (hereinafter "SHERIFF").

WHEREAS, SHERIFF currently provides all Seaport Security and Law Enforcement Services to the CPA pursuant to that certain Interlocal Agreement approved by the parties and recorded in the Official Records of Brevard County in Official Records Book 7211, starting at Page 157, and Official Records Book 7481, starting at Page 2189, with the Clerk of Courts, Brevard County (hereinafter "Agreement"); and

WHEREAS, the Agreement contains a three (3) year term commencing on October 1, 2014, and ending September 30, 2017, and provides CPA and SHERIFF shall renegotiate the Consideration flat-fee to be paid by CPA to SHERIFF each year for the term of the Agreement; and

WHEREAS, in accordance with the Agreement, the parties desire to establish the Consideration flat-fee to be paid by CPA to SHERIFF for Fiscal Year 2016/2017 in accordance with CPA's annual budget process for SHERIFF to provide all Seaport Security and Law Enforcement Services; and

WHEREAS, in accordance with Article 23 of the Agreement, Section 23.15, this Addendum shall serve as a written document, prepared with the same or similar formality as the Agreement and executed by CPA and SHERIFF, authorizing amendment or alteration to terms and conditions of the Agreement; and

WHEREAS, this Addendum shall become effective on October 1, 2016, (the effective date); and

NOW THEREFORE, in consideration of mutual promises, and other lawful consideration, which the parties hereby acknowledge is sufficient and received, CPA and SHERIFF agree as follows:

1. Article 15, Section 15.1(a) of the Agreement Addendum is hereby amended as follows:

CPA agrees to fund SHERIFF for providing services set forth in the Agreement as follows:

- a. The annualized consideration flat-fee amount payable by CPA to Sheriff for CPA Fiscal Year 2016/2017 shall be Five Million Six Hundred Eighty-Eight Thousand Dollars (\$5,688,000), which will be paid in twelve (12) equal monthly installments of Four Hundred Seventy-Four Thousand Dollars (\$474,000.00) payable on or before the first day of each month commencing October 1, 2016.
2. Article 23, Section 23.5 of the Agreement is hereby deleted in its entirety and replaced as follows:

Recordation/Filing: The Addendum shall be provided to the County Manager of the Brevard County Board of County Commissioners after approval by SHERIFF and the governing body of CPA, and the execution thereof by the duly qualified and authorized officers of each of the parties hereto. Prior to its effectiveness, this Interlocal Agreement Addendum and any subsequent amendments or addendums thereto shall be filed with the Clerk of the Circuit Court in the County Records, Brevard County, Florida, as required by Section 163.01(11), *Florida Statutes*. The foregoing notwithstanding, the parties agree that **Exhibit "B"** of this Addendum is sensitive security information, **exempt** from public records disclosure pursuant to the provisions of Section 311.13, *Florida Statutes* and shall not be filed with Clerk of the Circuit Court in the County Records, Brevard County, Florida.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the parties hereto have made and executed this Addendum on the respective date(s) under each signature: CANAVERAL PORT AUTHORITY signing by and through its Chairman, authorized to execute same on the ____ day of _____, 2016.

CANAVERAL PORT AUTHORITY

By: _____
Jerry W. Allender, Chairman

_____ Day of _____, 2016

ATTEST:

By: _____
Thomas W. Weinberg, Secretary/Treasurer

Approved as to form and legal sufficiency
Subject to execution by the parties

By: _____
Harold T. Bistline, Port Attorney

IN WITNESS WHEREOF, the parties hereto have made and executed this Addendum on the respective date(s) under each signature: BREVARD COUNTY SHERIFF'S OFFICE signing by and through its SHERIFF, authorized to execute same on the ____ of _____, 2016.

BREVARD COUNTY SHERIFF'S OFFICE

By: _____
Wayne Ivey, Sheriff of Brevard County

_____ Day of _____, 2016

WITNESSES:

Approved as to form and legal sufficiency
Subject to execution by the parties

By: _____
Charles Nash, General Counsel

2015 ADDENDUM

Exhibit "B" Sworn Staffing

<u>Title</u>	<u>Total</u>	<u>Funding Source</u>
Precinct Commander	1	CPA 0.5 / City 0.5
Lieutenant	4	CPA 2.0 / City 2.0
Seaport Security Manager	1	CPA 1.0
Sergeant	5	CPA 2.5 / City 2.5
Corporal (Patrol)	4	CPA 2.0 / City 2.0
Corporal (Special Operations)	2	CPA 1.0 / City 1.0
Deputy (Patrol)	29	CPA 17.0 / City 12.0
Deputy (K-9)	5	CPA 5.0
Deputy (Marine)	5	CPA 5.0
Corporal (Community Services)	1	CPA 1.0
Agent (Major Crimes)	2	CPA 1.5 / City 0.5
Agents (General Crimes)	3	CPA 1.5 / City 1.5
Deputy (School Resource Officer)	1	/ City 1.0
Total	63	CPA 40.0 / City 23.0

THIS DOCUMENT IS CONFIDENTIAL AND EXEMPT FROM PUBLIC RECORDS DISCLOSURE REQUIREMENTS IN ACCORDANCE WITH FLORIDA STATUTES SECTION 311.13. THE CONFIDENTIAL INFORMATION SHOULD NOT BE RELEASED EXCEPT AS AUTHORIZED BY LAW.

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PART 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW" AS DEFINED IN 49 C.F.R. PART 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PART 1520.

2015 ADDENDUM

Exhibit "B" Non-Sworn Staffing

Maritime Security Officer	22	CPA 22.0
Crime Analyst	1	CPA 0.5 / City 0.5
Patrol Support Specialist	1	CPA 0.5 / City 0.5
Security Access Specialist	12	CPA 12.0
Records Technician	1	CPA 0.5 / City 0.5
Desk Officers	2	/ City 2.0
Public Service Aide	1	/ City 1.0
Sr. Staff Assistant	2	CPA 1.0 / City 1.0
Communications Officer	1.5	CPA 0.5 / City 1.0
Human Resource Officer	2	CPA 1.0 / City 1.0
Mechanic	1	CPA 0.5 / City 0.5
Information Technology Specialist	1	CPA 0.5 / City 0.5
Total	47.5	CPA 39.0 / City 8.5

THIS DOCUMENT IS CONFIDENTIAL AND EXEMPT FROM PUBLIC RECORDS DISCLOSURE REQUIREMENTS IN ACCORDANCE WITH FLORIDA STATUTES SECTION 311.13. THE CONFIDENTIAL INFORMATION SHOULD NOT BE RELEASED EXCEPT AS AUTHORIZED BY LAW.

WARNING: THIS RECORD CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER 49 C.F.R. PART 1520. NO PART OF THIS RECORD MAY BE DISCLOSED TO PERSONS WITHOUT A "NEED TO KNOW" AS DEFINED IN 49 C.F.R. PART 1520, EXCEPT WITH THE WRITTEN PERMISSION OF THE ADMINISTRATOR OF THE TRANSPORTATION SECURITY ADMINISTRATION. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC DISCLOSURE IS GOVERNED BY 5 U.S.C. 552 AND 49 C.F.R. PART 1520.