



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3417, **Version:** 1

Subject:

Staff Direction, Re: Charter Review Commission - Three (3) Attorney Panel for Review of Amendments

Fiscal Impact:

Budget for Legal Services - \$50,000.00

Actual expense will be dependent upon hourly rates awarded and time spent reviewing amendments

Dept/Office:

Central Services Office

Requested Action:

It is requested the Board of County Commissioners:

- Authorize Purchasing Services to Develop and Advertise a Request for Proposal for a Three (3) Attorney Review Panel to review any charter amendment proposals;
- Provide direction to staff on appointment of selection committee and negotiation committee based on the options below:
 1. Appoint a selection committee consisting of the Board of County Commissioners;
 - Authorize the following individuals to serve as the negotiation committee:
 - County Attorney
 - Community Services Group Assistant County Manager
 - Central Services Director
 2. Authorize the following individuals to serve as the selection and negotiation committee:
 - County Attorney
 - Community Services Group Assistant County Manager
 - Central Services Director
- Authorize the County Manager to execute all resulting contracts, contract amendments, and any necessary contract extensions upon review and approval by the County Attorney's Office, Risk Management and Purchasing Services; and
- Authorize the County Manager to approve any necessary Budget Change Requests

Summary Explanation and Background:

The Brevard County Charter Review Commission (CRC) held its first meeting on August 12, 2021. By the Home Rule Charter, the CRC is required to provide its report to the Board of County Commissioners within one year after its first meeting. If any charter amendments are proposed for referendum, the Supervisor of Elections has advised the final language for the ballot proposals for the Charter Amendments must be provided to the Supervisor of Elections by August 22, 2022.

Section 7.4.A. of the County Charter requires a panel of three (3) persons (either attorney or retired judge) to

review any proposed Charter Amendments to express opinions on whether the proposals are consistent with Florida Law as provided for below:

“7.4.A. Independent Review of Proposed Charter Amendments.

- (1) For any proposed amendment sponsored by the County Commission or the Charter Review Commission, the County Commission, at the County’s expense, shall empanel a panel of three (3) persons to determine whether the proposed amendment and ballot language embraces one subject only and is consistent with the Florida Constitution, general law, and this Charter. The persons serving on the panel shall have demonstrated experience in Florida local government law and shall either be licensed to practice law in the State of Florida or have retired from a Florida law practice or the Florida judiciary within the past five (5) years.”

There were no proposed amendments during the 2015 CRC and as such, there was no need to contract for a Three (3) Attorney Panel for Review of Amendments from the CRC.

In 2009, the County contracted for these same services and the Board of County Commissioners acted as the selection committee.

In previous years, when the Board acted as the selection committee; Board members were provided the RFQ responses submitted by the applicants for the panel and each commissioner was given three (3) votes. The top three (3) respondents with the most votes were selected as the panelists.

Should the Board of County Commissioners act as the selection committee, Board members will be provided a copy of each proposal received and asked to rank them during a publicly noticed regular Board meeting. The three (3) firms/attorneys with the most votes will be selected as the three (3) panelists. Upon selection of the three (3) panelists, the Board may either direct staff to issue an award (accepting the hourly rates as proposed) and enter into contracts with the three (3) panelists, or, direct staff to enter into negotiations with the three (3) panelists selected to negotiate an hourly rate prior to executing contracts.

Based on the above, Staff is requesting the Board authorize the development and advertisement of a Request for Proposal for these services. Staff is also requesting direction on whether the Board prefers to act as the Selection Committee or have the County Manager appoint individuals to the Selection Committee in accordance with BCC-25, Procurement.

Clerk to the Board Instructions:

None