



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

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**File #:** 5967, **Version:** 1

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### **Subject:**

Acknowledgement of Receipt and Board Direction, Re: Merritt Island Feasibility Study

### **Fiscal Impact:**

No additional cost for acknowledging receipt of study.

The Board previously authorized the development of the study at a cost not-to-exceed \$40,000.

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Board acknowledge receipt of the Merritt Island Feasibility Study from BJM Consulting, Inc.

### **Summary Explanation and Background:**

On March 7, 2023, the Board, during consideration of a published agenda item at a Regular Meeting, selected a proposal from BJM Consulting, Inc., (the "Consultant") to develop a feasibility study regarding the incorporation of Merritt Island. While the Board approved funding this study, the study was performed for the benefit of the residents of Merritt Island, and the Board took no position regarding the potential incorporation of Merritt Island.

On July 31, 2023, the Consultant submitted the study to the County. The study includes boundaries of the proposed city (that portion of the barrier island south of Federal lands extending to, and including, Mathers Bridge), a list of agencies falling within said boundaries, a list of current public services being provided within the area, as well as a "SWOT" analysis of the incorporation and other information and analysis. Completion of the feasibility study concludes the Board's direction and authorization for staff regarding this issue unless additional direction is provided by the board.

It is requested that the Board acknowledge receipt of the feasibility study. To be clear, the requested action is not intended to constitute endorsement of the study or agreement with its contents and conclusions. The Merritt Island Preservation Committee (the "Committee"), a group of citizens formed to advance the incorporation of Merritt Island may evaluate the study and decide whether to transmit it, along with a proposed municipal charter, to the Legislature.

The deadline for submission to the Legislature is September 4, 2023, for consideration of the study during the 2024 legislative session and a possible incorporation referendum to be held concurrent with the November

2024 general election. If the report is timely submitted, the Florida League of Cities describes the incorporation process as follows:

[The feasibility study] is first reviewed by the community's House and Senate members (the local delegation), and if approval is received, the study and special act are filed with the Florida House and Senate. If the special act is heard and acted upon by both bodies, the usual course since the 1970s has been for the special act to establish a date for the community's referendum vote. If it passes, the municipality has an effective date to begin its governing. If it fails, the community may choose to try again or not.

Florida League of Cities. (2018, March). Florida Municipal Incorporations & Dissolutions. [floridaleagueofcities.com. http://floridaleagueofcities.com/docs/default-source/CMRI/municipal-incorporations-dissolutions.pdf?sfvrsn=4](http://floridaleagueofcities.com/docs/default-source/CMRI/municipal-incorporations-dissolutions.pdf?sfvrsn=4)

The contract between the County and the Consultant required that the Consultant produce a feasibility study in accordance with the requirements of Chapter 165, Florida Statutes. County staff was charged with providing factual data and relevant information to the Consultant. The contract specified that the Consultant would work with the Committee to obtain information on policy matters, such as the preparation of a draft municipal charter and services that would be provided by the proposed incorporated municipality. In administering the contract and processing invoices, County staff merely verified that the Consultant had completed the contractual scope of work. The County did not dictate the study's contents or conclusions.

As part of its contract with BJM Consulting, Inc., the Board has the option to have the consultant present its findings at up to 3 public meetings (at a rate of \$150 per hour). The Board may wish to consider the additional cost of exercising this option. These public presentations are not required by state law and are purely optional at the Board's discretion.

## **Clerk to the Board Instructions:**