

**Indian River County, Florida
Department of Utility Services
Board Memorandum**

Date: November 21, 2019
To: Jason E. Brown, County Administrator
From: Vincent Burke, PE, Director of Utility Services
Subject: Fee Agreement with Hopping Green & Sams, P.A. (HGS)

Background/Analysis:

On July 9, 2018, the County Administrator, pursuant to chapter 105 of the Indian River County Code of Ordinances, signed a not-to-exceed fee agreement with HGS for \$50,000. The purpose of the agreement was to utilize the expertise of HGS to assist the County in the preparation of its Consumptive Use Permit (CUP) application package. That work is still on going, and other tasks and data collection assignments are required in order to support a CUP application so that the Indian River County Department of Utility Services (IRCDUS) can apply to increase its water allocation under the permit to meet the needs of its residents and customers over the next 20-30 years.

As of November 2019, the fee agreement funds have been exhausted. Staff is requesting a new fee agreement to be approved by the Board of County Commissioners (BCC) that would allow IRCDUS/HGS to continue its discussions with consultants, to develop strategies and approaches to meet the CUP criteria, to meet with Saint Johns River Water Management District (SJRWMD) staff in multiple pre-application meetings to address permitting issues, to prepare and review permit application materials, and to review and edit draft permitting documents. Attachment 1 is the fee agreement. It is anticipated that an additional \$45,000 would be required to fulfill the remaining work needed to submit the application. However, this amount does not cover any costs associated with litigating any administrative challenge to the permit by any third party (which is not anticipated to occur, but is possible).

Funding:

Funds for this project are derived from the other professional services account in the Utilities operating fund. Utilities operating funds are generated from water and sewer sales.

Description	Account Number	Amount
Other Professional Services	47123536-033190	\$45,000.00

Recommendation:

Staff recommends that the Board of County Commissioners approve the fee agreement with Hopping Green & Sams, P.A. for services preparing and reviewing Indian River County Department of Utility Services' Consumptive Use Permit application materials, and authorize the Chairman to execute the agreement on their behalf.

Attachments:

1. Fee Agreement