



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBraul, Deputy County Attorney
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MEMORANDUM

TO: Board of County Commissioners

FROM: Dylan Reingold, County Attorney

DATE: July 31, 2019

SUBJECT: Interlocal Agreement with the City of Sebastian Regarding Fire Marshal Services

BACKGROUND.

On March 14, 2018, the City Council of the City of Sebastian (the "City") voted to approve an ordinance establishing an independent fire marshal's office. After a year of communications, negotiations and discussions between the City and Indian River County staff on the matter, on February 5, 2019, the Indian River County Board of County Commissioners (the "Board") voted to initiate the conflict resolution procedures set forth in Chapter 164, Florida Statutes, the Florida Governmental Conflict Resolution Act ("Act"). On February 26, 2019, a conflict assessment meeting as set forth in the Act was held. At the conflict assessment meeting, City and Indian River County staff came to an agreement on a framework for a resolution of the matter. On March 5, 2019, the Board authorized an interlocal agreement with the City of Sebastian, and directed negotiation of the final terms of an agreement in which the City manages all Fire Marshal Services in the City within the parameters presented. The Board further authorized the termination of the dispute resolution process under the Act upon the City's approval to negotiate an interlocal agreement within the parameters presented.

After additional communications, City and Indian River County staff were able to negotiate the attached interlocal agreement. The following are the key terms of the interlocal agreement:

- 1) Except for those buildings owned, occupied or leased by Indian River County, the Emergency Services District, the Solid Waste Disposal District or any constitutional officers, the City will perform firesafety plan review and installation inspection services within the City of Sebastian. Furthermore, the City will also be responsible for all inspections performed after the issuance of a certificate of occupancy. The City will also be responsible for inspections for special events.
- 2) The City will name the Emergency Services District as an additional covered party on its general liability insurance policy with respect to the fire marshal plan review and installation inspection services in an amount of not less than One Million Dollars (\$1,000,000) per occurrence/aggregate.

- 3) All individuals providing firesafety plan review and installation inspection services will be licensed and/or certified in accordance with the requirements prescribed in Section 633.216 Florida Statutes.
- 4) All newly hired individuals providing firesafety plan review and installation inspection services will be required to have at least five years of experience in performing firesafety plan review and installation inspection services. Otherwise, the City shall have at least one individual providing firesafety plan review and installation inspection services who has at least one year of experience in performing firesafety plan review and installation inspection services.
- 5) There will be a segregation of duties, such that the individual performing the firesafety plan review and installation inspection services will not be the same individual proving Building Official plan review and inspection services.
- 6) The interlocal agreement will be for an initial 10 year term, with an automatic 10 year renewal. The interlocal agreement can be terminated for good cause, after the parties have met and conferred, in good faith, to address the concerns of the other party.

As part of discussions, it was further agreed that for the first six months under the interlocal agreement, that the Emergency Services District would shadow the City of Sebastian employees performing firesafety plan review and installation inspection services, thus establishing a smooth transition. If the Board approves the interlocal agreement, Indian River County staff will work to finalize a similar agreement with the City of Fellsmere.

FUNDING.

The cost of the recording the interlocal agreement is \$52.50, which will be split evenly between the parties. The funds for Indian River County's portion of the recording costs will be from the Emergency Services District/Fire Rescue/Legal Services account number 11412022-033110.

RECOMMENDATION.

The County Attorney's Office recommends that the Indian River County Board of County Commissioners approve and authorize the chair to execute the interlocal agreement.

ATTACHMENT.

Proposed Interlocal Agreement