

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: November 21, 2006

(X) Consent

() Regular

() Workshop

☐ Public Hearing

Department

Submitted By: Environmental Resources Management

Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Facilities Use Agreement with Palm Beach Atlantic University (PBAU) in the amount of \$675 for the use of the Weyenberg Center at PBAU for the Lake Worth Lagoon Symposium on May 16, 2007.

Summary: Palm Beach County is spearheading the effort to conduct the second Lake Worth Lagoon Symposium to be held on May 16, 2007. The symposium planning committee, chaired by PBC Department of Environmental Resources Management (ERM), investigated several options and found that the Weyenberg Center was the most reasonably priced among the options considered that could house 200 people. This Facilities Use Agreement required by PBAU falls under the Purchasing Ordinance Exemptions PPM#CW-L-034 due to the fact that the Agreement is with a non-profit organization. Countywide (SF).

Background and Justification: In January 1997, PBC and the Florida Department of Environmental Protection (FDEP) co-sponsored a consensus-building process which resulted in the adoption of the Lake Worth Lagoon Management Plan in August 1998. As a direct result of this effort, the Lake Worth Lagoon Partnership Grant Program, managed by ERM, was implemented resulting in millions of dollars in State money matched with local program dollars to facilitate the construction of projects to benefit the lagoon's habitat and water quality. In January 2003, FDEP took the lead on the first Lake Worth Lagoon Symposium which highlighted these projects.

Since January 2003, additional projects and research have been conducted in the lagoon. More state grant program dollars have been secured through the efforts of the PBC legislative delegation; the lagoon's bathymetry and deep holes have been mapped; large muck deposits have been identified and sampled; Peanut and John's Island Environmental Restoration projects have been completed and a new wetland, the Snook Island Natural Area, has been created; a portion of the C-51 Canal is currently being dredged to prevent damaging sediments from reaching the lagoon; implementation of the Comprehensive Everglades Restoration Plan is underway; and the Manatee Protection Plan has been approved. While websites, newsletters and public outreach events have been used to get the word out about Lake Worth Lagoon, periodically summarizing all of the available information in a symposium-type venue and dispensing information to the stakeholders at that time is critical to maintaining interest in and support for the restoration and enhancement effort. In addition, revisions and updates to the 1998 management plan are currently underway and a draft of the revised plan will be distributed at the symposium for review and comment.

Attachments:

- ## 1. Facilities Use Agreement with Palm Beach Atlantic University

Recommended by:

Department Director

Date _____

Approved by:

County Administrator

Date _____

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	\$ 675	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
 NET FISCAL IMPACT	 \$ 675	 _____	 _____	 _____	 _____
 # ADDITIONAL FTE POSITIONS (Cumulative)	 _____	 _____	 _____	 _____	 _____

Is Item Included in Current Budget?

Yes X

No _____

Budget Account No.: Fund 1226 Department 380 Unit 3252 Object 3401
Program M0001

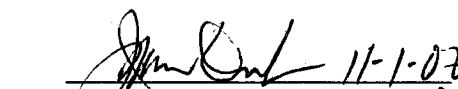
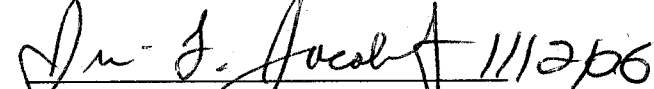

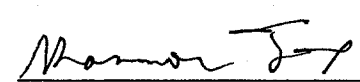
B. Recommended Sources of Funds/Summary of Fiscal Impact:

Manatee Protection Fund Account

C. Department Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and /or Contract Dev. and Control Comments:

 11-1-03
 11/12/06
 OFMB Contract Development and Control
 Legal Sufficiency:  11-1-06
 This Facilities Use Agreement complies with our review requirements.

 Assistant County Attorney

C. Other Department Review:

Department Director



FACILITIES USE AGREEMENT

Sponsoring Organization: Palm Beach County Environmental Resources

Contact Person: Ginny Powell

Address: 2300 N. Jog Rd.

Phone: (561) 233-2452

Space Requested: Weyenberg Center

Type of Event: Symposium

Event Time: 8:30 a.m. to 5:30 p.m.

Title: Coordinator

City/State/Zip: West Palm Beach, FL 33411

Email: gpowell@co.palm-beach.fl.us

Dates of Event: May 16, 2007

Number Attending: 200

Times Space Needed: 8:00 a.m. to 6:00 p.m.

In consideration of the covenants and conditions herein expressed, the sponsoring organization hereby agrees:

To submit, prior to approval of the event, a copy of any programs, scripts, or materials related to the event for University review and approval.

Without waiving the right to sovereign immunity as provided by Florida Statute, Chapter 768.28, the sponsoring organization acknowledges to be self-insured for General Liability and Automobile Liability under Florida's sovereign immunity statute with monetary waiver limits of \$100,000 Per Person and \$200,000 Per Occurrence; or such that may change and be set forth by the legislature. When requested, the sponsoring organization agrees to provide a Certificate of Insurance evidencing self-insurance and/or sovereign immunity status, which University agrees to recognize as acceptable for the above mentioned coverages.

To indemnify and hold harmless the University from and against any and all claims, damages, liabilities, losses, fines, penalties, costs and expenses, including attorney's fees, arising out of any breach by the sponsoring organization of any covenant, undertaking, representation, warranty, term or provision of this Agreement.

That the University shall not relinquish the right to control the management of the property during the term of this use and to enforce all necessary and proper rules.

That the University will not be held liable for royalties, fees, taxes, or other costs incurred by the program/performance.

That no tobacco, alcoholic beverages, or drugs will be permitted in university facilities or on university grounds.

That no property belonging to the University will be altered or removed without prior permission of the designated University official.

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To inspect the property and equipment prior to use and assert that same are adequate and in proper condition for use and to return said property and equipment in the same manner.

In the event of damage to the facility caused by the participants or the sponsoring organization, any cost of repair shall be borne by the sponsoring organization to the reasonable approval of the University.

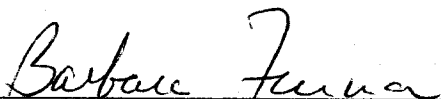
To pay Palm Beach Atlantic University \$718.87 for use of said facility as specified in the Fee Schedule attached hereto as Exhibit A.

In consideration of the covenants and conditions herein expressed, University hereby agrees:

To indemnify and hold harmless the sponsoring organization from and against any and all claims, damages, liabilities, losses, fines, penalties, costs and expenses, including attorney's fees, arising out of any breach by University of any covenant, undertaking, representation, warranty, term or provision of this Agreement.

Palm Beach Atlantic University reserves the right to display promotional materials during the scheduled events.

PALM BEACH ATLANTIC UNIVERSITY:



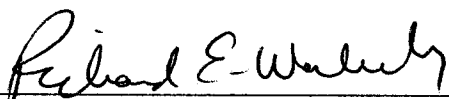
AUTHORIZED SIGNATURE
Barbara Farnan, Director of Community Services

Date: 10-2-08

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS:

~~Please print name and title~~ Addie L. Greene,
Chairperson
APPROVED AS TO TERMS AND CONDITIONS

Date: _____



Richard E. Walesky, Director
Environmental Resources Management

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Assistant County Attorney

Exhibit A
FEE PROPOSAL
Palm Beach County Environmental Resources
May 16, 2007

<u>FACILITY USAGE COSTS:</u>		<u>Cost</u>	<u>PBA</u> <u>CHARGE</u>
Weyenberg Center		\$500.00	\$375.00
<u>SERVICE COSTS:</u>			
Sound System		100.00	100.00
<u>LABOR COSTS:</u>			
Sound Technician	\$25/hour x 8 hours	200.00	200.00
subtotal		800.00	675.00
*tax		52.00	43.87
**total		\$852.00	\$718.87

**If sales tax exempt, please disregard tax and provide a copy of the Certificate of Exemption.*

***Said total shall be only for items and usage as listed. Any additional items, usage, or expenses shall be as agreed to in writing between Palm Beach County Environmental Resources and Palm Beach Atlantic University.*

PAYMENTS: Palm Beach County Environmental Resources will pay Palm Beach Atlantic University a total of \$718.87 for services as outlined above. Payment is due by May 1, 2007.

PBA: Barbara Ferman

Date: 10-2-06

Organization: Palm Beach Atlantic University

Date: 10/26/06

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**Consumer's Certificate of Exemption**

Issued Pursuant to Chapter 212, Florida Statutes

DR-14
R. 01/02

85-8012622286C-8	02/07/2005	02/28/2010	COUNTY GOVERNMENT
Certificate Number	Effective Date	Expiration Date	Exemption Category

This certifies that

PALM BEACH COUNTY BOARD OF
COUNTY COMMISSIONERS
301 N OLIVE AVE
WEST PALM BEACH FL 33401-4700

is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.

STATE OF FLORIDA
COUNTY OF PALM BEACH

I, Kathleen M. Scarlett, Director, Purchasing Department, DO HEREBY CERTIFY that Palm Beach County, Florida, is a political subdivision of the State of Florida and the United States of America, and that the Board of County Commissioners of Palm Beach County, Florida is the governing authority and, as such is exempt from paying sales tax imposed by the State, as all other political subdivisions are exempt, and further, that the Board of County Commissioners of Palm Beach County, Florida is the holder of the State of Florida Tax Exemption Certificate Number 85-8012622286C-8.


Kathleen M. Scarlett

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