

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

3A-5

Meeting Date: May 1, 2007

Consent

Regular

Ordinance

Public Hearing

Department:

Submitted By: Administration

Submitted For: Administration

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: Memorandum of Agreement with the United Way of Palm Beach County to support the Palm Beach County Prosperity Campaign in the amount not to exceed \$105,655 for the period of October 1, 2006 through September 30, 2007.

**Summary:** Staff recommends the continuation of the County's participation in the Palm Beach County Prosperity Campaign for the tax year 2006. The goal for the upcoming 2006 tax year is to file approximately 9,000 tax returns with total refunds of \$15,500,000. The Quantum Foundation and United Way of Palm Beach County have both committed funds for the Prosperity Campaign over the next three (3) years. Funds for this program are included in the FY2007 General Fund. This Memorandum of Agreement is needed to facilitate the reimbursement of expenses to the United Way. Countywide (DN)

**Background and Justification:** The United Way continues to take the lead in working with other community groups to implement the Palm Beach County Prosperity Campaign. The 2005 tax year resulted in 41 Volunteer Income Tax Assistance (VITA) sites to assist residents earning under \$38,000, filed 8,166 tax returns which generated slightly over \$14,000,000. In the 2004 tax year, there were 41 VITA sites and over 6,594 tax returns which generated slightly over \$12,000,000.

**Attachments:**

1. Memorandum of Agreement with the United Way of Palm Beach County
2. Letter from United Way requesting funds

RECOMMENDED BY: N/A

Department Director

Date

APPROVED BY:

*Vivian J. Bonvento*  
Assistant County Administrator

4/17/2007  
Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2007	2008	2009	2010	2011	2012
Capital Expenditures						
Operating Costs	105,655					
External Revenues						
Program Income (County)						
In-Kind Match (County)						
Net Fiscal Impact	105,655					
# Additional FTE Positions (Cumulative)	0					
Is Item Included in Current Budget:	YES	X	NO			
Budget Account No.:	Fund 0001	741	2511	Object 8201		
	Reporting Category					

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

Funds for this program are included in the FY2007 General Fund.

**III REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Administration Comments:**

<p><u>Jim Durb 4/17/07</u> OFMB <i>ackn 4-17-07 CN 4/17/1</i></p>	<p><u>Jim J. Stewart 4/17/07</u> Contract Administration <i>Done 4/17/07</i></p>
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**B. Legal Sufficiency:**

Maureen Saulte 4/19/07  
Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
Department Director

**This summary is not to be used as a basis for payment.**

## MEMORANDUM OF AGREEMENT

The Palm Beach County Board of County Commissioners ("BCC") has agreed to participate in funding the Palm Beach County Prosperity Campaign operated by United Way of Palm Beach County, Inc. ("United Way"), from October 1, 2006 through September 30, 2007.

The Palm Beach County Board of County Commissioners agrees to provide up to a maximum of \$105,655 in accordance with the following terms:


1. All funds related to this agreement will be used for the sole purpose of supporting the Palm Beach County Prosperity Campaign as identified in the attached operating budget.
2. United Way will bill monthly on a cost reimbursement basis.
3. The funds will be expended between October 1, 2006 and September 30, 2007.
4. Throughout the term of this Memorandum of Agreement and for a period of seven years thereafter, the BCC shall be entitled to review and inspect the books and records of United Way which relate to the subject matter of this Memorandum of Agreement for the purposes of ensuring United Way's compliance with the terms hereof. If, at any time, the BCC determines that monies were not expended for the purposes herein, United Way shall immediately reimburse the BCC upon written request for same by the BCC.
5. Relationship of Parties. The relationship between the BCC and United Way is that of independent contractors, and neither shall be considered a joint venturer, partner, agent or representative or other relationship of the other for any purpose expressly or by implication. Accordingly, no rights or interests granted herein by the BCC shall be deemed to confer any rights of sovereign immunity and shall be strictly limited to the BCC under the laws and constitution of the State of Florida. United Way shall not for itself, and it shall ensure that its officers, directors, employees, agents, independent contractors and representatives do not assert as a defense or claim any rights of sovereign immunity in any legal or other proceeding. United Way agrees to indemnify, defend and hold the BCC harmless from any and all damages, claims, losses including attorneys' fees and costs at all levels of trial and appeal, resulting from a breach of this provision by United Way and any of its officers, employees, agents, independent contractors and representatives.

6. Sovereign Immunity. This agreement shall not be construed as constituting a waiver of any rights to sovereign immunity to the BCC under the laws and constitution of the State of Florida.
7. Indemnification. United Way agrees to indemnify, defend and hold the BCC, its Commissioners, officers, employees, agents and representatives harmless from and against any and all liability on account of any injuries, damages, omissions, commissions, action, causes of action, claims, suits, judgments and damages accruing, including court costs and attorney=s fees at all levels of trial and appeal, as a result of any negligent or intentional act of United Way or any officer, director, employee, agent, independent contractor and representative of United Way.
8. Entire Agreement. This agreement constitutes the entire understanding and agreement between the parties with regard to the subject matter hereof and supersedes all other negotiations, understandings and representations, if any, made by and between the parties.

The BCC and United Way agree to comply with the terms of this Memorandum of Agreement.

BY: \_\_\_\_\_  
Addie Greene, Chairman  
Palm Beach County Board of County Commissioners

Date: \_\_\_\_\_

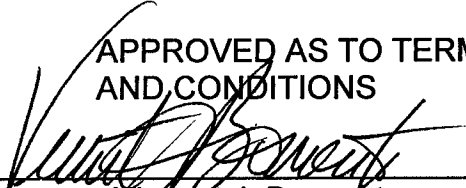
BY:  \_\_\_\_\_  
Scott B. Badesch, President and CEO  
United Way of Palm Beach County, Inc.

Date: March 15, 2007

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

  
Assistant County Attorney

APPROVED AS TO TERMS  
AND CONDITIONS

  
Vincent J. Bonvento  
Assistant County Administrator

**Palm Beach County Prosperity Campaign**  
**Year 3 Budget**  
**October 1, 2006 - September 30, 2007**  
**Source and Use of Funds**  
**VITA Program**

	VITA Program	County Request
<b>Personnel Expenses</b>		
Program Salaries	65,876	65,876
Program Benefits	8,644	8,644
Administrative Salaries	-	-
Administrative Benefits	-	-
Contract Services	-	-
Travel	2,400	2,400
Supplies & Materials	-	-
Rent/utilities/insurance	-	-
Postage & shipping	-	-
Marketing	14,735	14,735
Telephones	2,000	2,000
Computers & Equipment	12,000	12,000
Printing/photocopying	-	-
<b>Total Expenses</b>	<b>105,655</b>	<b>105,655</b>

REC'D APR 16 2007

## United Way of Palm Beach County



what matters.™

*Chairman*  
**Howard Bregman, Esq.**  
Greenberg Traurig, P.A.

*Chairman Elect*  
**Thomas A. Sheehan, III, Esq.**  
Moyle, Flanigan, Katz,  
Raymond & Sheehan, P.A.

*Secretary  
& Planned Giving*  
**Thomas R. Woolsey, Esq.**  
Hogan & Hartson, LLP

*Treasurer  
Administration & Finance*  
**Craig A. Jenkins**  
Health Care District  
of Palm Beach County

*Immediate Past Chairman &  
Bylaws, Recruitment & Nominating*  
**Rod Macon**  
Florida Power & Light Company

*Legal Counsel*  
**Bridget Ann Berry, Esq.**  
Greenberg Traurig, P.A.

*President & CEO*  
**Scott B. Badesch**

*Annual Campaign*  
**Bruce N. Lewis**  
L.B. Limited & Associates, Inc.

*Audit*  
**Jeannette M. Corbett**  
Quantum Foundation

*Diversity*  
**Barbara I. Cheives**  
Converge & Associates

*Impact Areas  
Enriching the Lives of Seniors*  
**Mary C. Arpe, Esq.**  
Gelfand & Arpe, P.A.

*Providing Food, Shelter and  
Emergency Needs*

*Promoting Independence  
for People with Disabilities*  
**Edward R. Oppel**  
Community Volunteer

*Improving Futures for  
Children and Families*  
**Anne E. Cantwell**  
1st United Bank

*Labor Participation*  
**Linda Sorrells**  
CWA Local 3112

*Marketing & Brand Management*  
**Phyllis Lodico**  
NCCI Holdings, Inc.

*Planning & Technology*  
**Sergio A. Mariaca**  
Raymond James Financial  
Services, Inc.

*Volunteer Center*  
**Dr. Kristen O. Murtaugh**  
Florida Atlantic University

*Members at Large*  
**James M. Carman**  
Community Volunteer

**Rick Gonzalez**  
REG Architects, Inc.

**Gale G. Howden**  
The Palm Beach Post

**Robert E. Zobel**  
Gateway Insurance Agency

March 15, 2007

Vincent J. Bonvento  
Assistant County Administrator  
Palm Beach County Board of County Commissioners  
301 North Olive, Suite 1101  
West Palm Beach, FL 33401

Dear Mr. Bonvento:

United Way of Palm Beach County and its partners had a successful 2005 tax season for its Volunteer Income Tax Assistance (VITA) Program, as a part of the Palm Beach County Prosperity Campaign. Funding for the VITA program was provided by the James L. and John Knight Foundation, Quantum Foundation, the Palm Beach County Board of County Commissioners, and United Way of Palm Beach County. Results from the 2005 tax season include the following:

- United Way opened forty-one free VITA tax filing sites in Palm Beach County to help residents with incomes of under \$38,000 file their taxes and assist them in getting tax credits for which they are eligible.
- Total number of 2005 tax returns prepared at VITA sites were 8,166, a 24% increase over the number of returns prepared in the 2004 filing season
- Total amount of 2005 tax refunds generated was \$14,000,000. Included in this amount are earned income tax refunds of \$5.8 million and child tax credit refunds of \$2.5 million.
- The average EITC (earned income tax credit) refund received per client was \$1,760. The average income of the clients was just over \$18,000. As the EITC refund is an additional income source, the refunds result in a 10% increase in participants' net income.
- The free tax filing service saved residents of Palm Beach County an estimated \$1,100,000 in tax preparation fees, electronic filing fees and Rapid Advance Loan fees.

The goal for the upcoming 2006 filing season is to file 9,000 free VITA returns for households earning less than \$39,000 per year, with total refunds of \$15,500,000. In addition, volunteers will provide individuals and families with information on other services available to them at the five United Way Prosperity Centers, including the first time homebuyer (IDA) program, health & benefits screening and accessibility, financial literacy and money management classes, credit counseling services, and educational and vocational services.

The VITA Program has become the platform for the Prosperity Campaign to achieve its vision - to provide economic self-sufficiency by empowering low-income and low-wealth residents of Palm Beach County to secure adequate income, accumulate savings, and live in economically viable neighborhoods.

2600 Quantum Boulevard • Boynton Beach, FL 33426-8627 • (561) 375-6600 V/TTY • fax (561) 375-6666

It's easy to give online at [www.unitedwaypbc.org](http://www.unitedwaypbc.org)



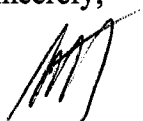
Quantum Foundation and United Way of Palm Beach County have both committed funds for the Prosperity Campaign over the next three years. For the same period, the Internal Revenue Service has committed \$69,000 in in-kind services.

United Way is requesting that the Palm Beach County Board of County Commissioners provide \$105,655 in matching funds for this project for fiscal year October 1, 2006 – September 30, 2007 to support the VITA Program.

Enclosed please find the Memorandum of Agreement for the fiscal year October 1, 2006 – September 30, 2007. The 2006-2007 sources and uses report of the county funds for the VITA Program has been attached. We respectfully request that the Memorandum of Agreement be reviewed, signed, and returned to my attention.

If you have any questions please call Carter Elliott, Director, Prosperity Campaign at 561-375-6686. Thank you for your consideration of this request.

Sincerely,



Scott B. Badesch  
President & CEO