



**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
<b>NET FISCAL IMPACT</b>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

Item Included In Current Budget?    Yes \_\_\_\_\_    No   X  

Budget Account No.: Fund \_\_\_\_\_ Agency \_\_\_\_\_ Org. \_\_\_\_\_  
 Object \_\_\_\_\_ Reporting Category \_\_\_\_\_

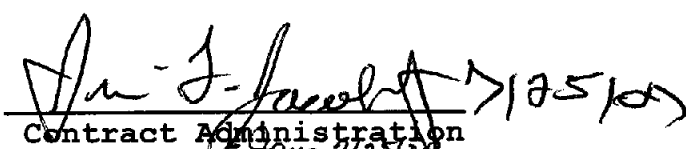
**B. Recommended Sources of Funds/Summary of Fiscal Impact:**  
 The City retains the 2% administrative fee for these collections.

**C. Departmental Fiscal Review:**

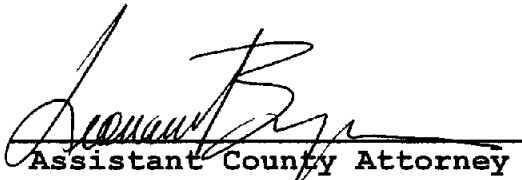
**III. REVIEW COMMENTS**

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

  
 \_\_\_\_\_  
 OFMB    CN 11/24/17

  
 \_\_\_\_\_  
 Contract Administration    7/25/05  
 6/20/09 11/23/09

**B. Legal Sufficiency:**

  
 \_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**

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

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

## **The City of Boynton Beach**

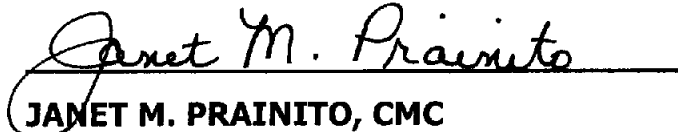


City Clerk's Office  
100 E BOYNTON BEACH BLVD  
BOYNTON BEACH FL 33435  
(561) 742-6060  
FAX: (561) 742-6090  
e-mail : [prainitoj@ci.boynton-beach.fl.us](mailto:prainitoj@ci.boynton-beach.fl.us)  
[www.boynton-beach.org](http://www.boynton-beach.org)

## **CERTIFICATION**

**I, JANET M. PRAINITO, CITY CLERK** of the City of Boynton Beach, Florida, do hereby certify that the attached copy of Resolution R06-094, consisting of two (2) pages is a true and correct copy as it appears in the records of the City of Boynton Beach, Florida.

**WITNESS**, my hand and the corporate seal of the CITY OF BOYNTON BEACH, FLORIDA, dated this 6<sup>th</sup> day of July 2007.

  
**JANET M. PRAINITO, CMC**  
**CITY CLERK**

**(SEAL)**



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**RESOLUTION NO. R06-094**

**A RESOLUTION OF THE CITY OF BOYNTON  
BEACH, FLORIDA, PROVIDING NOTICE OF  
TERMINATION OF AN INTERLOCAL  
AGREEMENT WITH PALM BEACH COUNTY,  
FLORIDA, CONCERNING THE COLLECTION  
OF COUNTY IMPACT FEES; AND PROVIDING  
AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida,  
adopted countywide impact fees in August 1989; and

**WHEREAS**, countywide impact fee regulations allow a municipality issuing  
development orders to require direct payment of impact fees to the County pursuant to an  
Interlocal Agreement; and

**WHEREAS**, the City of Boynton Beach entered into such an Interlocal Agreement  
with Palm Beach County, Florida, on October 19, 2004 (R-04-149); and

**WHEREAS**, the Interlocal Agreement provided that either party may terminate the  
agreement with thirty days' written notice to the other party; and

**WHEREAS**, the City of Boynton Beach desires to terminate the Interlocal  
Agreement pursuant to the provision cited above.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF  
THE CITY OF BOYNTON BEACH, FLORIDA THAT:**

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as  
being true and correct and are hereby made a specific part of this Resolution upon adoption.

Section 2. The City Commission of the City of Boynton Beach hereby provides  
notice of termination of the Interlocal Agreement with Palm Beach County, Florida, concerning

ATT.#1

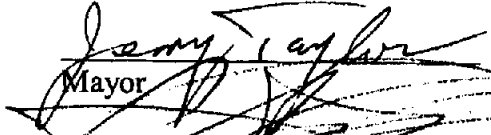
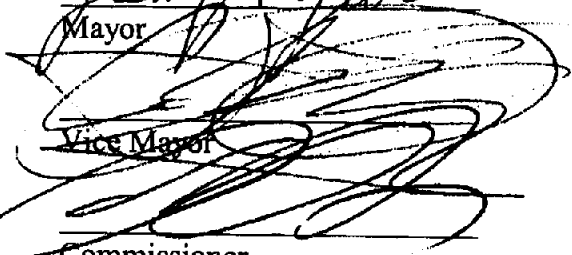
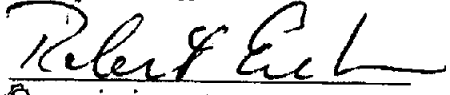
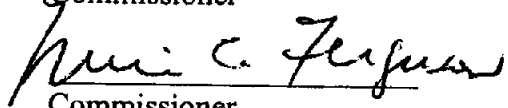
1 collection of County impact fees as described above. Termination shall take effect thirty (30)  
2 days following the effective date of this Resolution.

3 Section 3. The City Commission hereby authorizes the Mayor, City Manager and  
4 City Clerk to execute any documents and to take any actions consistent with the intent of this  
5 Resolution.

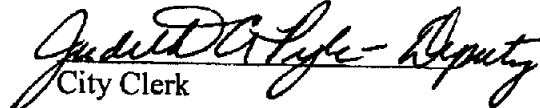
6 Section 4. This Resolution shall take effect immediately upon passage.

7 **PASSED AND ADOPTED** this 16th day of May, 2006.

8 CITY OF BOYNTON BEACH,  
9 FLORIDA

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12 Mayor  
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14 Vice Mayor  
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18 Commissioner  
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21 Commissioner  
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24 Commissioner

25 ATTEST:

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28 City Clerk

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30 (Corporate Seal)  
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INTERLOCAL GOVERNMENTAL AGREEMENT

FOR COLLECTION OF IMPACT FEES

CITY OF BOYNTON BEACH

**THIS AGREEMENT** made this \_\_\_\_\_ day of OCT 19 2004, 2004 by and between the Board of County Commissioners of Palm Beach County, Florida, a political subdivision of the State of Florida (hereinafter "County") and **City of Boynton Beach**, a Municipality created pursuant to Laws of Florida, (hereinafter "Municipality").

**WHEREAS**, the Board of County Commissioners adopted countywide impact fees pursuant to Section 1.3 of the Palm Beach County Charter; and

**WHEREAS**, Section 13.A.7.A.2 of the Palm Beach County Unified Land Development Code (ULDC) provides that the Municipality issuing development orders may require direct payment of impact fees to the County pursuant to an interlocal agreement; and

**WHEREAS**, the Municipality has requested that the County enter into such an interlocal agreement; and

**WHEREAS**, this interlocal agreement is adopted pursuant to Section 13.A.7.A.2 of the ULDC.

**WITNESSETH**

For and in consideration of the mutual terms and conditions set forth herein, the parties hereto hereby agree as follows:

1. The County shall allow the Municipality to require the payment of impact fees directly to the County by the feepayer. Where County Impact Fees are required to be paid, the Municipality shall not issue any building permit or development order until such time as such fees are paid to the County by the feepayer.

2. (a) Administration. The Municipality shall direct all persons required to pay County Impact Fees to the Palm Beach County Building Division (hereinafter "Building Division") to provide the Building Division with all of or a portion of the plans and specifications with square footage and land use information for review by the Building Division. The Building Division shall review the plans and specifications for purposes of calculating the impact fees required under the ULDC,

Article 13. The Municipality after consultation with the Impact Fee Coordinator, if necessary, shall provide the location and a description of the land use which will be built or, if not restricted to only that use, the permitted land use(s) having the greatest impact on capital facilities. The Municipality shall designate a contact person for purposes of describing the land use and answering impact fee related questions, such as the proper category of a proposed use for assessing impact fees. The County shall assign an Impact Fee Plan Review (hereinafter "IFPR") number, which shall be the means of tracking the review and approval. The County shall complete its calculation of the impact fees within six (6) business days of its receipt of the portion of the plans and specifications and information as to the land use description and categorization provided by the Municipality; provided, however, if the feepayer seeks a credit, independent fee calculation, appeals the assessment, or a covenant is necessary, this six (6) day period shall not apply.

(b) The County shall stamp the plans and specifications with a standard-form stamp and shall set forth therein the amount of impact fees paid, the IFPR number, the impact fee zones, and the particular land use involved. On a separate form as established by the Impact Fee Coordinator, the County shall detail the information upon which the fee amount is based. This stamp and form shall constitute official notice that the Impact Fees have been paid. This form shall be provided to the feepayer and Municipality. The Municipality shall incorporate into the review plans and specifications the sheet setting forth the square footage and land use with the impact fee stamp of the County, or if the entire set of plans are submitted to the County and the impact fees are calculated and sent to the Municipality prior to the Municipality's review of the plans, the Municipality shall use the stamped plans as its review and approved plans.

(c) The Municipality may require County determination of impact fees prior to its acceptance of an application for a building permit or development order, or prior to Municipal review of such application. These plans shall remain on file with the Municipality. The Municipality shall not allow any revision to the plans or specifications or any change in land use as submitted to the County pursuant to this paragraph 2 (a) and (b) except those which have been approved by the Building Division and for which impact fees have been paid. Amendments shall be approved with the same formality

as the original land use and plans using the stamp and form. This stamp shall constitute official notice that the Impact Fees have been paid.

(d) The County shall designate a contact person or persons for any inquiries that the Municipality may have relative to impact fees.

(e) The Municipality shall provide the County with a copy of the primary Building Permit.

(3). Refunds. Any refunds requested shall be processed through the County Impact Fee Coordinator. In the event a refund is applied for, the Municipality shall confirm that the building permit or development order for the development upon which the impact fees were paid is of no further force and effect. The Municipality shall not thereafter allow any renewal or extension of the building permit or development order until such time as the impact fees have been paid.

(4) Failure of Funds Clearing. The County shall notify the Municipality and fee payer if the funds for impact fees do not clear. The Municipality shall not perform any further inspections if the building permit is of no further force and effect pursuant to Section 13.A.14.A of the ULDC.

(5) Covenant. If a covenant is necessary as determined by the Impact Fee Coordinator, the Municipality shall not issue the building permit or development order until the Impact Fee Coordinator notifies the Municipality that the Covenant is executed by the property owner and other necessary persons in recordable form

(6) Administrative Fee. The administrative fee set forth in Section 13.A.7.B shall accrue to the County and not to the Municipality. The County shall not charge the Municipality for any services associated with the collection of impact fees, as set forth in this interlocal agreement or Article 13 of the ULDC.

(7) Credits, Independent Fee Calculations. Where a fee payer has made a request to the Impact Fee Coordinator for credits, an independent fee calculation, or for any other reason, the Municipality shall cooperate with the County and fee payer by providing to the County and fee payer information and documents in the Municipality's control.

(8) The County shall provide the Municipality with a copy of Article 13 of the ULDC so that the City may ascertain what development orders and building permits must be referred to the County for calculation and payment of impact fees.

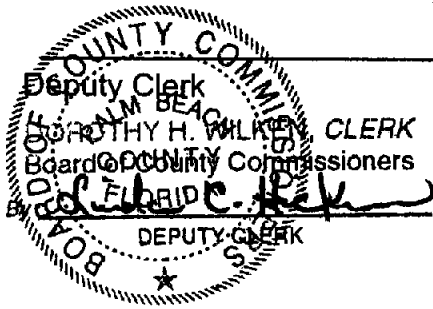


(9) The City shall not collect any impact fees assessed pursuant to Article 13 of the ULDC.

(10) This agreement constitutes the entire agreement between the parties. It may be amended from time to time by the mutual agreement of the parties executed with the same formality as this agreement. Either party may cancel this agreement with thirty (30) days advance written notification to the other party.

ATTEST:

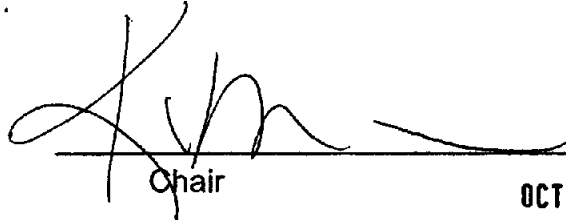
Clerk of the Circuit Court



**SIGN  
HERE** →

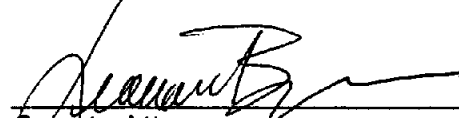
R2004 2237

PALM BEACH COUNTY, BY ITS  
BOARD OF COUNTY COMMISSIONERS

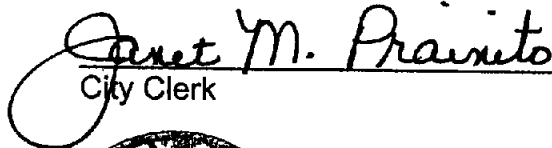
  
Chair

OCT 19 2004

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
County Attorney


CITY OF BOYNTON BEACH

  
City Clerk



  
City Manager

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

 9/10/04  
City Attorney

boynton/D:2005Update-collection of impact fees1 2 w spacing A  
City revision clean