PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:

September 11, 2007

Consent [X]

Regular []

Public Hearing []

Submitted By:

Water Utilities Department

Submitted For: Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: One (1) Agreement for Emergency Generator Purchase, Operation and Maintenance received during the month of May, 2007.

Indian Spring Master Association

Summary: On March 14, 2006, the Board of County Commissioners delegated the authority to Emergency Generator Purchase, Operation and Maintenance Agreements (Agreements) to the County Administrator or his designee. The County Administrator has delegated this approval to the Palm Beach County Water Utilities Department Director. These Agreements provide property owners with the ability to donate funds to purchase emergency generators for lift stations located within their community. The Department will assign the community its generator(s), locate the generator(s) on-site during hurricane season, and operate and maintain the generator(s) during emergencies. By executing such Agreements, the Department is able to expedite its goal of providing a higher level of emergency response service throughout its service area. Power outages that occur during hurricanes and other emergencies require the Department to operate a system of emergency generators at wastewater pump stations to prevent wastewater from backing up into streets, swales, and residents' homes. Due to the great number of lift stations and limited staffing resources, the Department is not able to place an emergency generator at every lift station. Agreements will increase the number of generators available to the Department during emergencies. (Countywide) (MJ) Original documents can be viewed in Minutes.

Background and Justification: On March 14, 2006, the Board of County Commissioners delegated the authority to execute Emergency Generator Purchase, Operation and Maintenance Agreements (Agreements) to the County Administrator or his designee. The County Administrator has delegated this approval to the Palm Beach County Water Utilities Department Director. These Agreements provide property owners with the ability to donate funds to purchase emergency generators for lift stations located within their community.

Attachments:

Indian Spring Master Association Emergency Generator Agreement

Recommended By:

| Pepartment Director | Date

Approved By: Stanner Sys. 8-30-07

Assistant County Administrator Da

AGREEMENT FOR EMERGENCY GENERATOR PURCHASE, OPERATION, AND MAINTENANCE BETWEEN PALM BEACH COUNTY AND Indian Spring Master Association

THIS AGREEMENT made and entered into this 30th day of May 2007, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida (hereinafter "County"), whose address is c/o Palm Beach County Water Utilities Department, P.O. Box 16097, West Palm Beach, Florida, 33416-6097, and Indian Spring Master Association (hereinafter "Property Owner"), whose operating address is 5995 Bannock Terrace, Boynton Beach, Florida 33437

WITNESSETH

WHEREAS, County is responsible for the health, safety and welfare of its residents during hurricanes and other civil emergencies;

WHEREAS, the County Water Utilities Department (PBCWUD) provides water and wastewater utility service to Property Owner's residents;

WHEREAS, PBCWUD owns and operates one or more wastewater pump stations within Property Owner's property;

WHEREAS, power outages that occur during hurricanes and other emergencies require that PBCWUD operate a system of emergency generators at wastewater pump stations in order that wastewater not back up into streets, swales and the homes of residents; and

WHEREAS, Property Owner has requested additional generators be placed at lift stations within Property Owner's property, and agrees to be responsible for the total costs of procuring such additional generators; and

WHEREAS, the County agrees that it will operate the generators purchased under this Agreement at lift stations within Property Owner's property during emergencies and in accordance with this Agreement.

NOW, THEREFORE, for and in consideration of these premises, the mutual undertakings and agreements herein contained and assumed, County and Property Owner hereby covenant and agree as follows:

- 1. The foregoing statements are true and correct.
- 2. This Agreement shall become effective upon approval by both parties. The Effective Date of this Agreement shall be the date the Agreement is ratified by the Palm Beach County Board of County Commissioners or their designee. This Agreement shall commence on the Effective Date and run for a period of ten years. This Agreement may be terminated by either party immediately upon written notice to the other party.
- 3. Prior to or on the Effective Date of this Agreement, Property Owner shall provide full payment to the County for all additional emergency generators Property Owner is requesting to be placed within their property. Following the receipt of said payment from Property Owner, County shall procure said emergency generator(s) for use at lift station(s) located within Property Owner's property (said lift station(s) hereinafter referred to as the "Facilities") under the conditions set forth in this Agreement. A listing of the Facilities is attached hereto and incorporated herein as Exhibit "A".
 - 3.1 The emergency generator shall be a portable emergency generator meeting the specifications for portable emergency generators incorporated in the latest revision of the Uniform Policies and Procedures Manual (UPAP).
 - 3.2 County shall locate the emergency generator at the Facilities prior to the start of hurricane season and retain it there during the hurricane season,

Attn: Department Director

and if to Property Owner, shall be mailed or delivered at:

Name Indian Spring Master Association Address 5995 Bannock Terrace Address Boynton Beach, Florida 33437 Attn: Edward R. O'Connell

- 11. This Agreement may only be amended, modified, changed, supplemented or discharged by an instrument in writing signed by the parties hereto.
- 12. County and Property Owner agree that this Agreement and any Exhibits hereto set forth the entire agreement between the parties, and that there are no promises or understandings other than those stated herein. None of the provisions, terms and conditions contained in this Agreement may be added to, modified, superseded or otherwise altered, except by written instrument executed by the parties.
 - 13. This Agreement is not assignable.

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IN WITNESS WHEREOF, County and Property Owner have executed or have caused this Agreement, with the named Exhibits attached, to be duly executed in several counterparts, each of which counterpart shall be considered an original executed copy of this Agreement.

As to County: WITNESS PALM BEACH COUNTY Witness Name Bevin A. Beaudet, P.E. Director of Water Utilities Signature rolen Shanblin Signature As to Property Owner: PROPERTY OW Edward ønnell Title: **Print Name** (Seal) Signature Steve Lytal Print Name NOTARY CERTIFICATE STATE OF FLORIDA COUNTY OF PALM BEACH was acknowledged before me this foregoing instrument who is/are per produced as identification. My Commission Expires: NOTARY PUBLIC-STATE OF FLORIDA Netary Signature L. Martin Victoria L. Martin Commission # DD543690 Expires: JUNE 09, 2010 Bonded Thru Atlantic Bonding Co., Inc. Typed, Printed or Stamped Name of Notary APPROVED AS TO FORM AND WATER UTILITIES DEPARTMENT LEGAL SUFFICIENCY <u> xulua m West</u> County Atterney

Director, Finance and Administration PBC Water Utilities Department

PALM BEACH COUNTY WATER UTILITIES DEPARTMENT

Agreement for Emergency Generator Purchase, Operation, and Maintenance

Homeowner's Association (HOA): Indian Spring Master HOA, Inc.

Mailing Address:

5995 Bannock Terrace

Boynton Beach, Fl 33437

Contact:

Edward R. O'Connell

Phone Number:

561-734-8005

Lift Stations in HOA Community: 5

<u>LS#</u>	LS Address	
511	Indian Springs #1	
512	Indian Springs #2	
513	Indian Springs #3	
516	Indian Springs #4	
524	Indian Springs #5	