

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

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Meeting Date:	December 18, 2007	Consent <input checked="" type="checkbox"/>	Regular <input type="checkbox"/>
		Public Hearing <input type="checkbox"/>	
Submitted By:	Water Utilities Department		
Submitted For:	Water Utilities Department		

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I. EXECUTIVE BRIEF



Motion and Title: Staff recommends motion to approve: a First Amendment to the Agreement between Palm Beach County and Lion Country Safari for the Operation and Maintenance of Wastewater Treatment Facilities.

Summary: On December 5, 2006 (R06-2674), the County and Lion Country Safari, Inc. (LCS) entered into an agreement (Agreement) for the operation and maintenance of LCS' wastewater treatment facility. The Agreement is scheduled to expire December 4, 2007; however, LCS has the option to extend the Agreement for one (1) additional year if LCS commits, in writing and prior to December 5, 2007, to connect to the County's wastewater collection system. LCS has fulfilled the requirements to extend the Agreement. The Water Utilities Department requests Board approval in order to amend the Agreement and extend the expiration date through December 5, 2008, with an upward adjustment of 10% for all charges. Capital improvements required at the facilities are not included in this Agreement and either party may cancel the Agreement with a 90-day written notice. District 6 (MJ)

Background and Justification: The Water Utilities Department currently provides contract operations and maintenance services for water and wastewater treatment plants owned by Seminole Improvement District, the School Board, and the Department of Airports. LCS entered into an agreement to have the Department provide similar services for their treatment facilities in anticipation of connection to the County wastewater system. They will continue to pay for all direct costs, plus other fees at cost. Water Utilities Department staff will make scheduled routine visits for operation and maintenance purposes, provide necessary chemicals, provide testing services, and insure that the facilities meet permit requirements. Additional services that may be requested by Lion Country Safari will be billed for direct costs plus 25%.

Attachments:

1. Location Map
2. Three (3) Original Amendments

Recommended By:		11/28/07	
	Department Director	Date	
Approved By:		12/5/07	
	Assistant County Administrator	Date	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Operating Costs	\$16,500.00				
Capital Expenditures	0	0	0	0	0
External Revenues	(\$16,500.00)	0	0	0	0
Operating Expenses	0	0	0	0	0
In-Kind Match County	0	0	0	0	0
NET FISCAL IMPACT	0	0	0	0	0
# ADDITIONAL FTE POSITIONS (Cumulative)	0	0	0	0	0

Budget Account No.: Fund 4000 Dept 720 Unit 4200 Rev Source 4369

Is Item Included in Current Budget? Yes No X Reporting Category N/A

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

Lion Country Safari will compensate the Department for operation and maintenance services.

C. Department Fiscal Review: Delora M West

III. REVIEW COMMENTS

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

Jim Orl 11-30-07
OFMB
11/21/07 11/29/07

Jim J. J. J. J. J. 12/4/07
Contract Development and Control
12/4/07

B. Legal sufficiency:

This amendment complies with our review requirements.

QWJ 12/5/07
Assistant County Attorney

C. Other Department Review:



**FIRST AMENDMENT TO THE AGREEMENT BETWEEN PALM BEACH
COUNTY AND LION COUNTRY SAFARI FOR THE OPERATION AND
MAINTENANCE OF WASTEWATER TREATMENT FACILITIES**

This First Amendment is made and entered into this _____ day of _____, 2007, by and between Palm Beach County, a political subdivision of the State of Florida ("County") and Lion Country Safari, Inc., a Florida corporation ("Owner").

WITNESSETH:

WHEREAS, Owner and County previously entered into an Agreement for the Operation and Maintenance of Wastewater Treatment Facilities ("Agreement") (County Resolution No R2006-2674); and

WHEREAS, the Agreement will expire on December 4, 2007; and

WHEREAS, in accordance with the terms of the Agreement, the Agreement may be extended for one additional year, but only if Owner has committed, in writing and prior to December 5, 2007, to permanently connect to County's wastewater system; and

WHEREAS, Owner has committed, in writing and prior to December 5, 2007, to permanently connect to the County's wastewater system, as set forth in the letter attached hereto and incorporated herein as Exhibit "1"; and

WHEREAS, County and Owner wish to extend the Agreement through December 4, 2008.

NOW, THEREFORE, in consideration of the premises and mutual covenants herein contained, the parties hereby covenant and agree:

1. The foregoing statements are true and correct and are incorporated herein by specific reference.
2. The term of the Agreement is hereby extended for one additional year, to run through December 4, 2008. The rates for the period December 5, 2007 - December 4, 2008, shall be increased by 10% as set forth in Section 5 of the Agreement.
3. All other provisions of the Agreement are hereby confirmed and, except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties, by and through their duly authorized agents, have set their hands and seals on the date indicated above.

ATTEST:

SHARON R. BOCK, CLERK &
COMPTROLLER

By: _____
Deputy Clerk

(SEAL)

PALM BEACH COUNTY FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

APPROVED AS TO TERMS AND
CONDITIONS

By: _____
Department Director @

LION COUNTRY SAFARI, INC.

WITNESSES:

Anna M Daniels
Signature

ANNA M. DANIELS
Typed or Printed Name

Nancy M May
Signature

NANCY M. MAY
Typed or Printed Name

By: Harold Kramer
Signature

HAROLD KRAMER
Typed or Printed Name

V.P. GENERAL MANAGER
Title

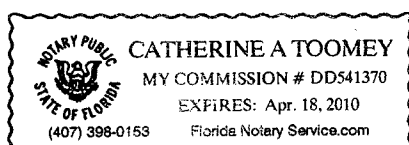
{ Corporate
Seal }

NOTARY CERTIFICATE

STATE OF Florida
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 1 day of November, 2007 by Harold Kramer. He/she is personally known to me or has produced _____ as identification.

My Commission
Expires: _____



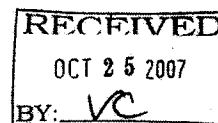
Catherine A. Toomey
Signature of Notary
Catherine A. Toomey
Typed, Printed, or Stamped Name of Notary

Notary Public
Serial Number: _____

EXHIBIT "1"

ROUTING ☐ ☐ ☐
☒ Mark Fallon

320 WILD ACRES OF ANIMALS, RIDES, GAMES AND THRILLS



October 24, 2007

Bevin Beaudet, Director
Water Utilities Department
PO Box 16097
West Palm Beach, FL 33416

Re: Lion Country Safari – Sewer Service Commitment

Dear Bevin:

This letter confirms our intent to connect to PBC WUD wastewater system at the earliest feasible opportunity. Our commitment is subject to obtaining easements, construction permitting approvals, regulatory approvals and budgetary constraints.

Lion Country Safari has authorized William Reese, PE of Arcadis G&M, Inc to prepare the necessary engineering design drawings and to obtain all the applicable approvals and permits. I since have been informed by Arcadis that they have requested from the county a copy of the ITID agreement since they can not proceed with the design work without obtaining permission from ITID to do surveying and also boring tests. As of today they have not received any information and therefore no progress has been made on the design work. A copy of the memo dated August 21, 2007 is enclosed.

The construction of the proposed wastewater system improvements (including a lift station and a force main connecting to the existing PBC WUD owned force main on Seminole Pratt Whitney Road) can't be commenced until Arcadis has received the information they have requested.

I would appreciate it if you could provide Arcadis with all the necessary information, as we would like to proceed with the construction as soon as possible.

Yours sincerely,

Harold Kramer
Vice President/General Manager

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Lion Country Safari, Inc. Fla., 2003 Lion Country Safari Road, Loxahatchee, Florida 33470-3977
Lion Country (561) 793-1084 FAX (561) 793-9603 Campground (561) 793-9797
lioncountryssafari.com

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