# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:

March 25, 2008

Consent []

Regular [X]

Public Hearing [ ]

Submitted By:

Water Utilities Department Water Utilities Department

Submitted For: Water Utilities Department

## I. EXECUTIVE BRIEF

**Motion and title: Staff recommends motion to approve:** an Amendment to the State Financial Assistance Agreement No LP0528 with the State of Florida Department of Environmental Protection (FDEP) for construction of the Lake Region Water Treatment Plant (LRWTP).

Summary: The Agreement provides grant funding through the State of Florida General Appropriations Act for Fiscal Year 2004-2005 in the amount of \$2,500,000, for construction of the LRWTP. This funding is being matched by the County utilizing funds that the Board of County Commissioners (Board) previously committed to this project. These grant funds are being used to reduce the net cost of the LRWTP to the Cities of Belle Glade, Pahokee and South Bay. This Amendment is to extend the funding period date from March 31, 2008 to September 30, 2008 to secure funding availability. (WUD Project No. 03-169) <u>Districts 6</u> (MJ)

Background and justification: The cities of Belle Glade, Pahokee and South Bay, as well as the unincorporated areas of the Lake Region, are facing many challenges regarding public water supply. These challenges include outdated treatment plants, a rapidly changing regulatory environment and funding shortages. In order to help resolve this situation, the Board approved Bulk Water Service Agreements on February 3, 2004 with the cities of Belle Glade (R-2004-0245), Pahokee (R-2004-0246) and South Bay (R-2004-0247) for the construction of a new Lake Region Water Treatment Plant. The \$2,500,000 in FDEP grant funding is being used to lower the net cost of the LRWTP to the three cities.

## Attachments:

1. Two (2) O	riginal Amendments		
Recommended E	By:	3/17/08	
	Department Director	Date	
Approved By:	Palulenn		
	Assistant County Administrator	Date	-

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2008	200	9 2010	2011	2012
Capital Expenditures External Revenues Program Income (County) In-Kind Match County	<u>0</u> <u>0</u> <u>0</u> <u>0</u>	<u>0</u> <u>0</u> <u>0</u>	<u>0</u> <u>0</u> <u>0</u>	<u>0</u> <u>0</u> <u>0</u>	<u>0</u> <u>0</u> <u>0</u>
NET FISCAL IMPACT	0	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Budget Account No.:	Fund	Agency	Org.	Re	v Source
Is Item Included in Current	Budget?	Yes No			
		Reporting Ca	itegory <u>N/A</u>		
B. Recommended So	urces of Fund	ds/Summary	of Fiscal Im	pact:	
This item has no Fis	scal Impact.	4 ^	i i		
C. Department Fiscal	Review:	Sur Egy	zet 3)	11/08	
	III. RE	VIEW COM	MENTS		

## III. REVIEW COMMENTS

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

San Only 3	3-19-08	Du J. Jowet 3/30/05
ОРМВ	7m CN 11/08	Contract and Development Control
and Cufficians	2/19	m:

B. Legal Sufficiency:

This amendment complies with our review requirements.

Assistant County Attorney

C. Other Department Review:

Department Director

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

### STATE FINANCIAL ASSISTANCE AGREEMENT DEP AGREEMENT NO. LP0528 PALM BEACH COUNTY AMENDMENT NO. 1

THIS AGREEMENT as entered into on the 7<sup>th</sup> day of March, 2005, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "Department") and PALM BEACH COUNTY (hereinafter referred to as the "Grantee" or "Recipient") is hereby amended.

WHEREAS, the Grantee has requested an extension of the term of the Agreement in order to complete the disbursement materials; and,

WHEREAS, it has been determined that an extension of time to complete the project would be in the best interest of the State; and,

WHEREAS, the Grantee understands that certification forward of State Fiscal Year 2004-2005 funds supporting this Amendment beyond June 30<sup>th</sup> of each year is subject to the approval of the Governor's Office; and,

WHEREAS, the Grantee has requested an end date that extends beyond the current authorized funding period; and,

WHEREAS, the Grantee understands that if the Governor's Office does not approve the Department's request to certify the funds forward, the Grantee will not be eligible for reimbursement for the activities covered by the remaining unpaid State Fiscal Year 2004-2005 funds.

NOW, THEREFORE, the parties hereto agree as follows:

1. Section 2. is hereby revised to change the completion date of the Agreement from March 31, 2008 to September 30, 2008, and to include the following language as a separate paragraph.

The Grantee understands and agrees that certification forward of the State Fiscal Year 2004-2005 funds supporting this Agreement beyond June 30<sup>th</sup> of each year is subject to the approval of the Governor's Office.

2. Attachment A, Project Work Plan, is hereby amended to include Attachment A-1, Revised Project Work Plan, attached hereto and made a part of the Agreement. All references in the Agreement to Attachment A, Project Work Plan, shall hereinafter refer to Attachment A, Project Work Plan, and Attachment A-1, Revised Project Work Plan.

In all other respects, the Agreement of which this is an Amendment, and attachments relative thereto, shall remain in full force and effect.

This Amendment 1 to State Financial Assistance Agreement LP0528 shall be executed in two or more counterparts, either of which shall be regarded as an original and all of which constitute but one and the same instrument.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Department has caused this amendment to the State Financial Assistance Agreement to be executed on its behalf by the Deputy Director of the Department and the Grantee has caused this amendment to be executed on its behalf by its Authorized Representative. The effective date of this amendment shall be as set forth below by the Deputy Director of the Department of Environmental Protection, Division of Water Resource Management.

PALM BEACH COUNTY FLOR BY ITS BOARD OF COUNTY COMMISSIONERS	RIDA	ATTEST:
By: Chair		By: Deputy Clerk
APPROVED AS TO TERMS AN CONDITIONS	ND	APPROVED AS TO FORM AND LEGAL SUFFICIENCY
By: Director, Water Utilities D	Department	By: County Attorney
FEID No.:		
DONE AND ORDERE Palm Beach County, Florida.	D this day	of, 2008, Ir
	STATE OF FLORIDA DEP. ENVIRONMENTAL PROT	
ì	By: Deputy Director Division of Water R	Lesource Management
1	Date:	
1	By: Thomas E. William:	s, Grant Manager
*For Agreements with governmental Agreement, a resolution, statement governmental board/commission	nt or other document authori	: If someone other than the Chairman signs this zing that person to sign the Agreement on behalf of the nent.
List of attachments/exhibits inclu	ded as part of this Agreemen	t:
Specify Letter/ Type Numbe Attachment A-1		n (include number of pages) oject Work Plan (1 Page)

## ATTACHMENT A-1 REVISED PROJECT WORK PLAN

Please complete this form with as much detail as possible and if additional funds have been appropriated make this cumulative

Grantee:	Palm Beach County	
Project Title:	Lake Region Water Treatment Plant	
DEP Grant #:	LP0326	

II. FUNDING PLAN: No Change in Funding Plan

Category of Expenditure	LP Grant Funds Provided	Match Required	Total Funding
Professional Services			
Construction & Demolition			17
Equipment			
Land			
Other (Specify)			
Total			

III. SCOPE OF WORK: (e.g., specifications, task timeline within current authorized Agreement period, method or manner of performance, requirements, quarterly cash needs, etc.)

Scope Detail: No change in Scope

IV. PROJECT MILESTONES:

No change in Project Milestones

V. LOCAL MATCH & OTHER GRANT FUNDS:

No change in Item V.

Completion Date 9/30/08