

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: July 22, 2008

☒ Consent
☐ Ordinance

☐ Regular
☐ Public Hearing

Department: Parks and Recreation

Submitted By: Parks and Recreation Department

Submitted For: Parks and Recreation Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Third Amendment to Agreement (R2004-1761, R2007-1151, R2008-0081) with the City of Boynton Beach for funding of the Recreation Center at Wilson Park.

Summary: This Third Amendment to Agreement, as amended, extends the completion date from March 31, 2008, to September 30, 2008, in order to allow additional time to process the required reimbursement documentation for this completed project. Funding is from the 2002 \$50 Million Recreation and Cultural Facilities Bond referendum. District 7 (PK)

Background and Justification: The new Wilson Park Recreation Center, now named the Sims Center at Wilson Park, is complete and open to the public. The project completion date, as amended on January 15, 2008, was previously March 31, 2008. This extension to September 30, 2008, is necessary to allow additional time for the completion of the reimbursement process. All other terms of the Agreement, including the funding amount of \$1,000,000, remain the same.

The Amendment has been executed on behalf of the City of Boynton Beach, and now needs to be approved by the Board of County Commissioners.

Attachment: Third Amendment to Agreement

Recommended by: 

Department Director

6/30/08
Date

Approved by: 

Assistant County Administrator

7-9-08
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<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>
NET FISCAL IMPACT	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No _____
Budget Account No.: Fund _____ Department _____ Unit _____
Object _____ Program N/A

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

There is no fiscal impact created by this Amendment. Agreement is encumbered with document #KPO 581 PRCP091404*14.

C. Departmental Fiscal Review: ckopelakis

III. REVIEW COMMENTS

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

This amendment is for a time extension only.

Adwillhite 7-7-08
OFMB 88-71/08 *on 7/2/08*

Dr. J. Jacoby 7/8/08
Contract Development and Control
G. Jones 7/8/08

B. Legal Sufficiency:

**This amendment complies with
our review requirements.**

Paul F. Fe 7/9/08
Assistant County Attorney

C. Other Department Review:

Department Director

REVISED 10/95
ADM FORM 01

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

G:\SYINGER\Bond2002\Boynton Beach - Wilson Recreation Center and Pool REnovation\AGD 4.doc

**THIRD AMENDMENT TO AGREEMENT BETWEEN
PALM BEACH COUNTY AND THE CITY OF BOYNTON BEACH FOR FUNDING OF THE
RECREATION CENTER AT WILSON PARK**

THIS THIRD AMENDMENT TO AGREEMENT (R- 2004-1761) is entered into on _____, by and between Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY", and the City of Boynton Beach, a corporate body politic pursuant to the Constitution of the State of Florida, hereinafter referred to as "MUNICIPALITY".

WITNESSETH:

WHEREAS, on August 16, 2004, COUNTY entered into an Agreement with MUNICIPALITY (R-2004-1761) to provide funding in an amount up to \$1,000,000 for funding of a the Wilson Park Recreation Center (The Project) for the period August 16, 2004, through August 16, 2007; and

WHEREAS, on July 10, 2007, COUNTY entered into a First Amendment to Agreement to allow for a time extension of the Agreement until December 31, 2007, to complete construction of the Project; and

WHEREAS, on January 15, 2008, COUNTY entered into a Second Amendment to Agreement, as amended, to allow for a time extension of the Agreement until March 31, 2008, to complete construction of the Project; and

WHEREAS, MUNICIPALITY has requested that COUNTY provide a third Amendment to the Agreement, as amended, until September 30, 2008, to allow additional time to complete final payments and accounting for the completed Project and to finalize the reimbursement process with the County; and

WHEREAS, COUNTY desires to allow additional time for MUNICIPALITY to complete final payments and the County reimbursement process for the Project; and

WHEREAS, the parties desire to amend the Agreement.

NOW THEREFORE, the parties hereby agree as follows:

1. Section 2.06 of the Agreement, as amended shall be amended by deleting "until March 31, 2008", and inserting "until September 30, 2008" in its place.

2. Except as provided herein, each and every other term of the Agreement, as amended, shall remain in full force and effect and the Agreement is reaffirmed as modified herein.

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

ATTEST:

SHARON R. BOCK, CLERK & Comptroller

**PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY COMMISSIONERS**

By: _____
Deputy Clerk

By: _____
Commissioner Addie L. Greene, Chairperson

ATTEST:

By: Judith A. Pyle
City Clerk - ~~DEPUTY~~



By: James Taylor
Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY**

By: [Signature]
City Attorney

By: _____
County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: [Signature]
Dennis L. Eshleman, Director
Parks and Recreation Department