

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-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) _____

Is Item Included in Current Budget? Yes _____ No ____
 Budget Acct No.: Fund _____ Dept. _____ Unit _____ Object _____
 Program _____

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

This item has no fiscal impact.

C. Departmental Fiscal Review: _____ *Prof*

III. REVIEW COMMENTS

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

John D. ... 12-8-08
 OFMB
S.P. 12/8/08
12/8/08

Jim J. Jacobson 12/9/08
 Contract Dev. and Control
6/12/08

This amendment complies with our review requirements.

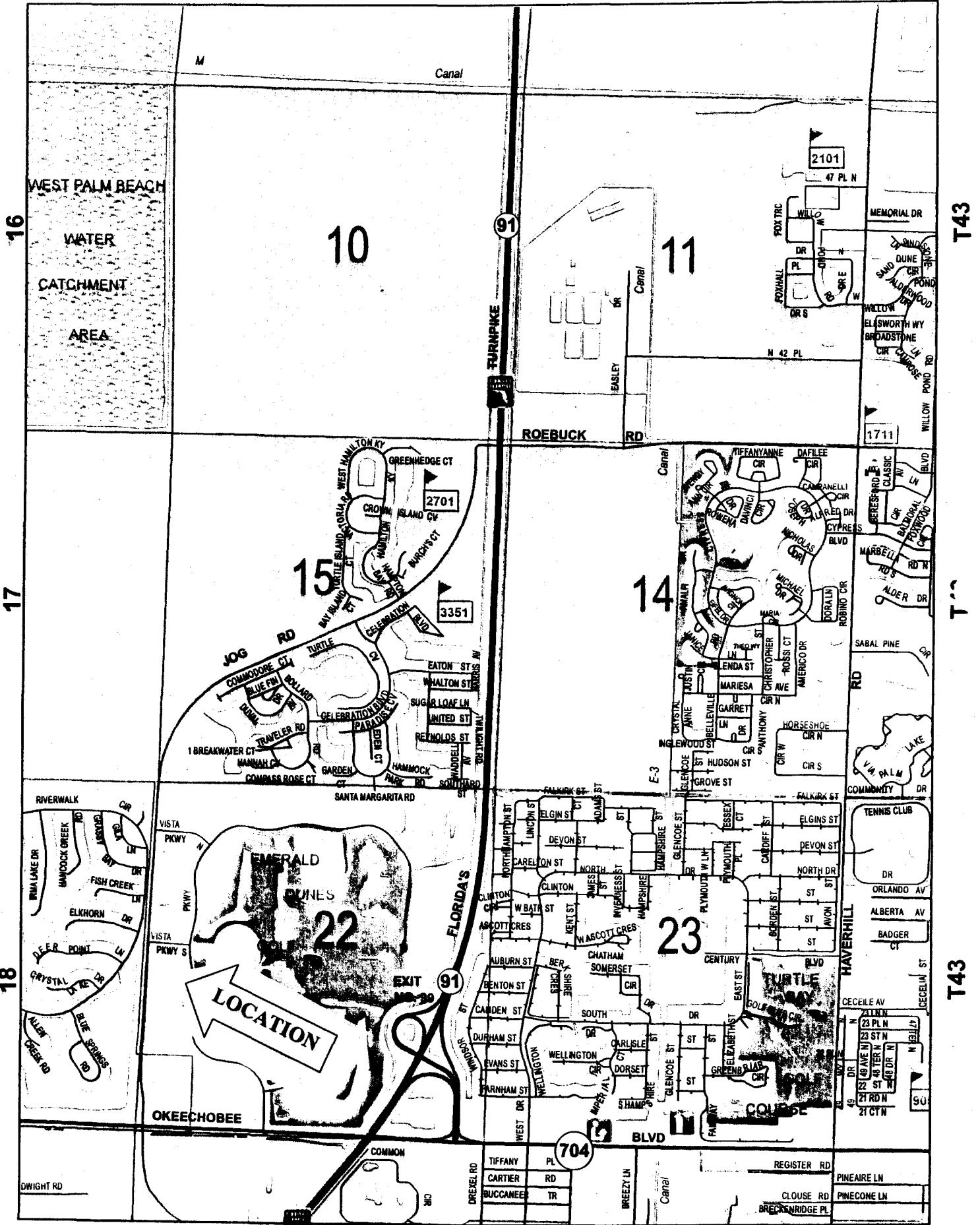
B. Approved as to Form and Legal Sufficiency:

Marlene R. ... 12/10/08
 Assistant County Attorney

C. Other Department Review:

 Department Director

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



RESOLUTION NO. R-2008-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY FLORIDA, AUTHORIZING EXECUTION OF THE FIFTH AMENDMENT TO A JOINT PARTICIPATION AGREEMENT WITH THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF FLORIDA AND PROVIDING WHEN THIS RESOLUTION WILL TAKE EFFECT.

WHEREAS, the State of Florida Department of Transportation (FDOT) and Palm Beach County (County) desire to amend a Joint Participation Agreement (JPA) entered into on April 7, 2003 by both parties, and;

WHEREAS, the Agreement provides funding for design, construction, and construction administration of the Intelligent Transportation System (ITS) Operational Facility at the County's Vista Center Offices, and;

WHEREAS, this Amendment extends the time limits to the Agreement from December 31, 2008 to June 30, 2009, and allows the transfer of ownership of the ITS equipment listed in Exhibit A of the Agreement to FDOT for further maintenance, and;

WHEREAS, the State of Florida has requested the County execute and deliver to the State of Florida, Department of Transportation, Amendment Number Five to the Agreement.

NOW, THEREFORE be it resolved by the Board of County Commissioners of Palm Beach County, Florida, that the Chairperson is hereby authorized to execute, and deliver to the State of Florida Department of Transportation, Amendment Number Five to the aforementioned JPA.

1. The recitations set forth herein above are true, accurate and correct and are incorporated herein, and will take effect upon adoption.
2. This resolution will take effect upon its adoption.

The foregoing resolution was offered by Commissioner _____ who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, was as follows:

District 1: Karen T. Marcus

District 2: John F. Koons

District 3:

District 4: Mary McCarty

District 5:

District 6: Jess R. Santamaria

District 7:

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2008.

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

SHARON R. BOCK,
CLERK & COMPTROLLER
CIRCUIT COURT

By: _____
Assistant County Attorney

By: _____
Deputy Clerk

Contract No.: AN-554
FM No: 231930-1-A8-01
404825-1-A8-01
Vendor No: VF 596-000-783

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
PALM BEACH COUNTY
JOINT PARTICIPATION AGREEMENT
AMENDMENT NUMBER FIVE**

THIS AMENDMENT, made and entered into this _____ day of _____, 200____, by and between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, hereinafter called the **DEPARTMENT**, and **PALM BEACH COUNTY**, located at 2300 North Jog Road, West Palm Beach, Florida 33411, hereinafter called the **COUNTY**.

WITNESSETH

WHEREAS, on April 7, 2003, the parties entered into a Joint Participation Agreement, hereinafter referred to as the **AGREEMENT**, wherein the **COUNTY** agreed to provide certain improvements in connection with the **Palm Beach County Intelligent Transportation System (ITS) Operations Facility** for FM No. **231930-1-A8-01** and hereinafter referred to as the **PROJECT**; and,

WHEREAS, the parties amended the Agreement on December 12, 2006 (**AMENDMENT NUMBER ONE**), March 19, 2007 (**AMENDMENT NUMBER TWO**), December 27 2007 (**AMENDMENT NUMBER THREE**), and June 27, 2008 (**AMENDMENT NUMBER FOUR**); and

WHEREAS, the parties desire to further amend the **AGREEMENT**; and

WHEREAS, the parties hereto mutually agree that this Amendment is in their best interest;

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations herein, the parties agree to further amend the Agreement dated April 7, 2003, as follows:

1. The recitals set forth above are true and correct and are deemed incorporated herein.
2. Paragraph 4, 3rd subparagraph, of the Agreement which states: All equipment incorporated into the ITS Operations Facility shall become the property of the **COUNTY**. The cost of repair or replacement to equipment within the Facility shall be as agreed pursuant to a separate agreement between the **COUNTY** and the **DEPARTMENT**., is amended to read as follows:

The **COUNTY** will transfer ownership by document acceptable to the **DEPARTMENT** together with warranties, if any, of all equipment listed in **Exhibit A** of this Amendment, attached hereto and made of hereof. The **DEPARTMENT** will be responsible for the replacement of all equipment, which is used exclusively by the **DEPARTMENT**.

3. Paragraph 2, of Amendment Number Three is amended to read as follows:

This Agreement shall continue in effect and be binding to the COUNTY and the DEPARTMENT until the PROJECT is completed as evidenced by the written acceptance of the DEPARTMENT or June 30, 2009 whichever occurs first.

All provisions, covenants, terms and conditions of the AGREEMENT between the parties theretofore entered into on April 7, 2003 and amended on December 12, 2006, March 19, 2007, December 27, 2007, and June 27, 2008, respectively as originally set forth therein, and which are not hereby expressly amended or modified and not in conflict with the terms hereof, are hereby ratified and confirmed and shall remain the same and be unaffected by these presents.

IN WITNESS WHEREOF, this AMENDMENT to be executed by the parties below for the purposes specified herein. Authorization has been give to enter into and execute this Amendment by Resolution No. _____, hereto attached.

**PALM BEACH COUNTY, Florida, A
Political Subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS**

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

BY: _____
NAME: _____
TITLE: CHAIR
_____ day of _____, 20__

BY: _____
ROSIELYN QUIROZ
DIRECTOR OF TRANSPORTATION SUPPORT

**ATTEST:
SHARON R. BOCK**

APPROVED: (AS TO FORM)

**CLERK & COMPTROLLER (SEAL)
CIRCUIT COURT**

BY: _____
DISTRICT GENERAL COUNSEL

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

APPROVED:

BY: _____
COUNTY ATTORNEY

BY: _____
PROFESSIONAL SERVICES ADMINISTRATOR

APPROVED AS TO TERMS AND CONDITIONS:

BY: [Signature]
DIRECTOR, TRAFFIC ENGINEERING

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