

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

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Meeting Date:	December 16, 2008	Consent [X]	Regular []
		Public Hearing []	
Submitted By:	Water Utilities Department		
Submitted For:	Water Utilities Department		

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I. EXECUTIVE BRIEF

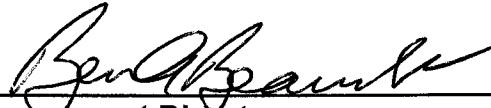
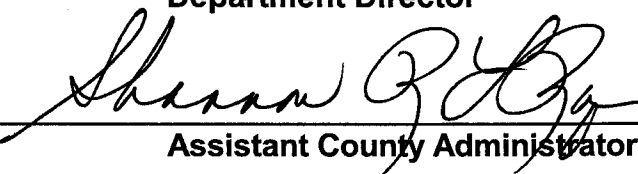
Motion and Title: Staff recommends motion to approve: a Second Amendment to the Agreement between Palm Beach County (PBC) and Lion Country Safari for the operation and maintenance of wastewater treatment facilities.

Summary: On December 5, 2006 (R2006-2674), 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 requires LCS to permanently connect to PBC Water Utilities Department's wastewater system prior to the end of its term. On December 18, 2007, the Agreement was amended (R2007-2267) to extend the expiration date through December 4, 2008. The extension terms of the Agreement have been exhausted. However, due to delays in LCS' pre-construction design work for replacement facilities and a delay in determining the location for installation of the required force main, the Water Utilities Department recommends extending the Agreement for an additional one (1) year term. The Water Utilities Department requests Board approval in order to amend the Agreement and extend the expiration date through December 4, 2009, 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
3. One (1) Copy of November 6, 2008 correspondence from Lion Country Safari

Recommended By:	 Department Director	11/19/08 Date	
Approved By:	 Assistant County Administrator	12/1/08 Date	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	(13,612.50)	(4,537.50)	<u>0</u>	<u>0</u>	<u>0</u>
Operating Expenses	<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	(13,612.50)	(4,537.50)	<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 4000 Dept 720 Unit 4200 Object 4369

Is Item Included in Current Budget?	Yes	No X	Reporting Category	N/A
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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: *Delia M. Foster*

III. REVIEW COMMENTS


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

The fiscal impact includes the original contract amount of \$16,500 and 10% increase.

Atwillhite 11-25-08
OFMB  11/24 CN 11/24/08

Ann S. Jones 11/26/08
Contract Development and Control
E. Jones 11/25/08

B. Legal sufficiency:

 12/1/08
Assistant County Attorney

This amendment complies with our review requirements.

C. Other Department Review:

Department Director

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



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

This Second Amendment is made and entered into this _____ day of _____, 2008, 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, Owner and County entered into a First Amendment to the Operation and Maintenance of Wastewater Treatment Facilities Agreement on December 18, 2007 (County Resolution No R2007-2267), to extend the Agreement for a 1-year period through December 4, 2008,

WHEREAS, the Agreement expired on December 4, 2008; and

WHEREAS, due to delays in Owner's pre-construction design work of replacement facilities and in the location for installation of the required force main, County and Owner wish to extend the Agreement through December 4, 2009.

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, 2009. The rates for the period December 5, 2008 - December 4, 2009, 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: _____
John F. Koons, Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By: _____
Department Director

LION COUNTRY SAFARI, INC.

WITNESSES:

Signature

Typed or Printed Name

Signature

Typed or Printed Name

By: _____
Signature

Typed or Printed Name

Title

{ Corporate Seal }

NOTARY CERTIFICATE

STATE OF Florida
COUNTY OF Palm Beach

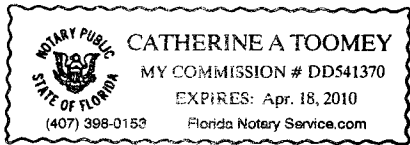
The foregoing instrument was acknowledged before me this 1st day of November, 2008 by Harold Kramer. He is personally known to me or has produced _____ as identification.

My Commission Expires: 4/18/2010

Signature of Notary

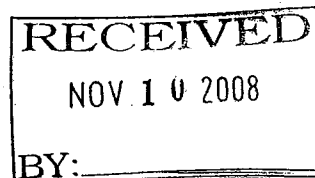
Typed, Printed, or Stamped Name of Notary

Notary Public
Serial Number: DD541370





OC
in
Lenny
Fred



November 6, 2008

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

Re: **Lion Country Safari – Sewer Service Commitment**

Dear Bevin:

We confirm our intent to connect to PBC WUD wastewater system by December 31, 2009. 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. We have enclosed a letter from Arcadis G&M, Inc. which confirms that they believe we will be able to connect to PBC WUD wastewater system by December 31, 2009.

I would appreciate it if you could assist Arcadis with any issues they may encounter going forward with the project, 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
lioncountrysafari.com

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