PALM BEACH COUNTY **BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

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Meeting Date:	January 13, 2009	Consent [X]	Regular []

Submitted By:

Water Utilities Department

Submitted For: Water Utilities Department

Public Hearing []

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: A) A one (1) year extension to Water Utilities Department Development Agreements eligible for renewal that are expiring between September 1, 2008, and September 30, 2013, and B) An extension of one (1) year to Water Utilities Department Development Agreements at the end of their ten (10) year life that are expiring between September 1, 2008, and September 30, 2013.

Summary: Developers that meet certain criteria as outlined in the Water Utilities Department's Uniform Policies and Procedures Manual (UPAP) are required to enter into Development Agreements (Agreement) to reserve potable water, wastewater, and/or reclaimed water capacity (Capacity) for their projects. The terms of the Agreement require the submittal of a Mandatory Agreement Payment (MAP) to reserve Capacity for a period of five (5) years. Any unused Capacity remaining in the Agreement after five (5) years can be renewed for one (1) additional five (5) year term upon payment of another MAP and execution of a Renewal Agreement. No further renewals are available after ten (10) years. Due to the current economic crisis, the payment of the renewal MAP adversely impacts the development community, as does the loss of the MAP after ten (10) years. Granting the extension will assist the development community in weathering the economic downturn while not severely impacting the Water Utilities Department's operations. Any Agreements entered into on or after October 1, 2008, will not be granted the additional one (1) year extension. Districts 1,2,3,5,6 (MJ)

Background and Justification: The Department Director has been delegated the authority to enter into Standard Development Agreements on behalf of the County. However, Board authorization is being sought in this case due to the desire to extend expiration dates of all Standard and non-Standard Development Agreements executed prior to October 1, 2008, for a 1-year period in recognition of the current economic downturn. The extension also will provide an additional year before the MAP must be paid, or, in the case of an Agreement at the end of its 10-year life, prevent forfeiture of the MAP associated with any remaining Capacity.

Attachments:

No Attachments

Recommended By:

Department Director

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures External Revenues Operating Expenses In-Kind Match County	0 (\$820,000.00) 0 0	0 0 87 <u>0</u> '000	<u>o</u> o	<u>O</u> <u>O</u> <u>O</u>	<u>o</u> o
NET FISCAL IMPACT	(\$820,000.00)	820,000	<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 Rsrc 6992

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

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

Reduction in revenue estimated to be received in FY 2009 based on a discounted value of Mandatory Agreement Payments (MAP) associated with Development Agreement that were projected to be renewed during FY 2009.

C. Department Fiscal Review:

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III. REVIEW COMMENTS

A.	OFMB Fiscal and/or Contract Development and Control Comments:				
	OFMB Fiscal and/or Contract Development and Control Comments: In year 2010 the amount deferred from year 2009	will			

be paid

DEMB TO ON 1/30

Contract Development and Control

B. Legal sufficiency:

Assistant County Attorney

C. Other Department Review:

Department Director

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