

Meeting Date:	April 21, 2009	[X]	Consent	[]	Regular
		[]	Ordinance	[]	Public Hearing
Department:	Palm Tran				
Submitted By:	Palm Tran				
Submitted for:	Palm Tran				

Motion and Title: **Staff recommends motion to approve:** Amendment No. 3 to the Interagency Lease Agreement (R97-20489) with the Solid Waste Authority (SWA) to exercise the option to extend the term of the lease agreement through November 17, 2012.

Summary: In November 1997, the Board of County Commissioners (BOCC) entered into a lease agreement (R97-2048D) with the Solid Waste Authority (SWA) for the storage of Palm Tran buses at the Belle Glade Regional Transfer Station at a cost of ten dollars (\$10) per year. Section 1.03 of the agreement granted an option to extend the Terms and Conditions of the lease for four (4) additional periods of five (5) years each. Palm Tran needs to continue utilization of the SWA facility for bus storage, fueling, and cleaning of its buses. Countywide DR

Background and Justification: Palm Tran operates three (3) routes in the Western regions of Palm Beach County. In November 1997, the Board of County Commissioners (BOCC) entered into a lease agreement with the Solid Waste Authority (SWA) for the parking and fueling of the Palm Tran buses at the Belle Glade Regional Transfer Station. This lease included options to extend the Terms and Conditions of the lease for four (4) additional periods of five (5) years each. In April 2000, the existing agreement was amended (Amendment No. 1, R2000-0549) to include installation of a fueling facility and a 6,000 gallon fuel tank that would accommodate sufficient capacity to fuel Palm Tran buses stored at the SWA. The SWA facility has served as an ideal location for Palm Tran's bus storage and fueling requirements. Palm Tran is planning to build a bus operations/maintenance facility in Belle Glade. This garage is scheduled to open by the end of FY 2010, and will replace our need for use of the SWA facility.

Attachment(s): 1. Amendment No. 3 Lease Agreement (3 copies)

Recommended By: _____
Department Director

April 1, 2009
Date

Approved By: 
Assistant County Administrator

4/13/05
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Grant Expenditures					
Operating Costs	\$10	\$10	\$10	\$10	\$10
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	\$10	\$10	\$10	\$10	\$10
# ADDITIONAL FTE POSITIONS (Cumulative)	0	0	0	0	0

Is Item Included In Current Budget? Yes X No
Budget Account No.: Fund 1340 Dep't. 540 Unit 5160 Object 4901
Program Reporting Category

B. Recommended Sources of Funds/Summary of Fiscal Impact:
Palm Tran Operating Budget

C. Departmental Fiscal Review: Tarraine Szyns for
John Murphy, Finance Manager


III. REVIEW COMMENTS

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

4-7-09
OFMB
4/2/09

A. S. Jacobs 4/17/09
Contract Dev. and Control
E. Jones 4/17/09

B. Legal Sufficiency:


Assistant County Attorney

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

C. Other Department Review:

Department Director

AMENDMENT NO. 3
TO
LEASE AGREEMENT BETWEEN
PALM BEACH COUNTY AND THE SOLID WASTE AUTHORITY
Glades Regional Transfer Station Lease
Dated November 18, 1997, Amended April 18, 2000 & December 16, 2003
(R97-2048D, R2000-0549, R2003-2074)

THIS AMENDMENT NO. 3 is made and entered into this day of _____, 2009 to the Glades Regional Transfer Station Lease Agreement dated November 18, 1997, by and between the SOLID WASTE AUTHORITY OF PALM BEACH COUNTY, a governmental entity created pursuant to Chapter 75-473, Laws of Florida, hereinafter referred to as "Lessor" and PALM BEACH COUNTY, a political subdivision of the State of Florida, by and through its Board of County Commissioners, hereinafter referred to as "Lessee".

WITNESSETH

WHEREAS, on November 18, 1997, the Solid Waste Authority of Palm Beach County as "Lessor" and Palm Beach County as "Lessee" entered into that certain Lease Agreement under which Palm Beach County was permitted to use the Glades Regional Transfer Station (Premises) owned by the Solid Waste Authority for the parking and fueling of Palm Tran vehicles;

WHEREAS, the parties amended said Lease Agreement on April 18, 2000, to enable the County to install an above-ground diesel fueling facility, and again on December 13, 2003 to extend the term of the Lease Agreement; and

WHEREAS, the Lease Agreement expired on November 17, 2007, and the parties desire to reinstate the Lease Agreement, as previously amended, without interruption or lapse in its term or effect, to waive the time limits set forth in Section 1.03 of the Lease Agreement establishing the period during which the Lessee may exercise its option to extend the term of the Lease Agreement and to permit the Lessee to exercise its option to extend the term of the Agreement for an additional five (5) year period; and

WHEREAS, the parties desire that this Amendment shall be retroactive in its effect until November 17, 2007, so as to effectuate the reinstatement and continuation of the Lease Agreement, as amended, and the Lessee's exercise of its option to extend the term of the lease to November 17, 2012.

NOW, THEREFORE, in consideration of the premises and the mutual obligations taken herein, the parties hereby agree as follows:

1. The statements set forth in the Preamble to this Agreement are true and correct and

incorporated into and made a part of this Amendment No. 3.

2. The provisions of this Amendment No. 3 shall relate back and take effect as of November 17, 2007, and the Lease Agreement, as previously amended, is hereby reinstated and continued without interruption or lapse in its term or effect.
3. Lessor hereby waives the time period established for the exercise of the option granted to County under Section 1.03 Option to Extend of ARTICLE 1, BASIC LEASE PROVISIONS, of the Lease Agreement and County does hereby exercise its second option to extend the term of the Lease Agreement, as amended, for an additional five (5) year period.
4. The term of the Lease Agreement, as amended, is extended until November 17, 2012.
5. All other terms and conditions of the Lease Agreement, as previously amended, are hereby confirmed and shall remain unchanged and in full force an effect except as expressly provided in this Amendment No. 3.

(Remainder of Page Intentionally Left Blank)

IN WITNESS WHEREOF, the undersigned parties have executed this Amendment No. 3 on the day and year first written above.

ATTEST:

Sharon R. Bock, Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA, by
its BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: John E. Gorm
Chair

ATTEST:

By: SA
Authority Clerk

SOLID WASTE AUTHORITY
OF PALM BEACH COUNTY

By: Mark M. Hammond
Mark Hammond,
Executive Director

Approved as to Form and
Legal Sufficiency

Samuel R. Bock
Authority Counsel (Special)

Approved as to Form and
Legal Sufficiency

[Signature]
County Attorney

Approved as to Terms
and Conditions

[Signature]
Chuck Cohen, Executive Director
Palm Tran