

3H-1

Agenda Item #:

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: October 20, 2009 [X] Consent [] Regular
[] Ordinance [] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Notice of Termination of Use Agreement (R2007-2084) with the Criminal Conflict and Civil Regional Counsel – Fourth Region (Conflict Counsel) for the Conflict Counsel’s use and occupancy of 6,209 square feet in Airport Center, Building 2.

Summary: During the 2007 legislative session, the Office of Criminal Conflict and Civil Regional Counsel was created by statute and Palm Beach County was required to provide funding for Conflict Counsel. The County entered into a Use Agreement with Conflict Counsel on November 20, 2007, for the Conflict Counsel’s use and occupancy of 6,209 square feet of space in Airport Center, Building 2. The initial term of the Agreement extended until June 30, 2008, with an option to renew for three (3) successive periods of one (1) year each. The County provided the space at Airport Center to Conflict Counsel at no cost commencing on July 1, 2008. Palm Beach County joined other counties in a lawsuit challenging the constitutionality of the law requiring counties to fund the Regional Conflict Counsel Office. Conflict Counsel was advised that it would have to commence payment for its space immediately if the counties prevailed. The counties prevailed at the appellate level in July, 2009, and Conflict Counsel vacated Airport Center. The Conflict Counsel completed its vacation of the space at Airport Center by August 1, 2009, and the County does not have any outstanding issues with Conflict Counsel. County’s Notice of Termination of Use Agreement is being delivered to Conflict Counsel as a formality. (FDO Admin) Countywide/District 2 (HJF)

Background and Justification: County and Conflict Counsel entered into the Use Agreement in order to provide Conflict Counsel with work space despite the legal challenges to the creation of the Office. The Agreement included an acknowledgment from both parties regarding the ongoing litigation. After County became a party to new litigation regarding the funding of the Office, Conflict Counsel was notified that it would have to commence payment for its Airport Center space immediately and enter into a new agreement with County if County prevailed. Conflict Counsel chose to find new space after the resolution of the litigation.

Attachments:

- 1. Location Map
- 2. Notice of Termination of Use Agreement

Recommended By: Army Wray 9/27/09
Department Director Date

Approved By: [Signature] 10/13/09
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>0 * See below</u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget:	Yes _____	No _____			
Budget Account No:	Fund _____	Dept _____	Unit _____	Object _____	
	Program _____				

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

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

** No Fiscal Impact since there was no budget in FY 2010.*

[Signature]
 OFMB *10/16/09*
10/16/09 10/16/09 10/16/09

[Signature]
 Contract Development and Control *10/19/09*

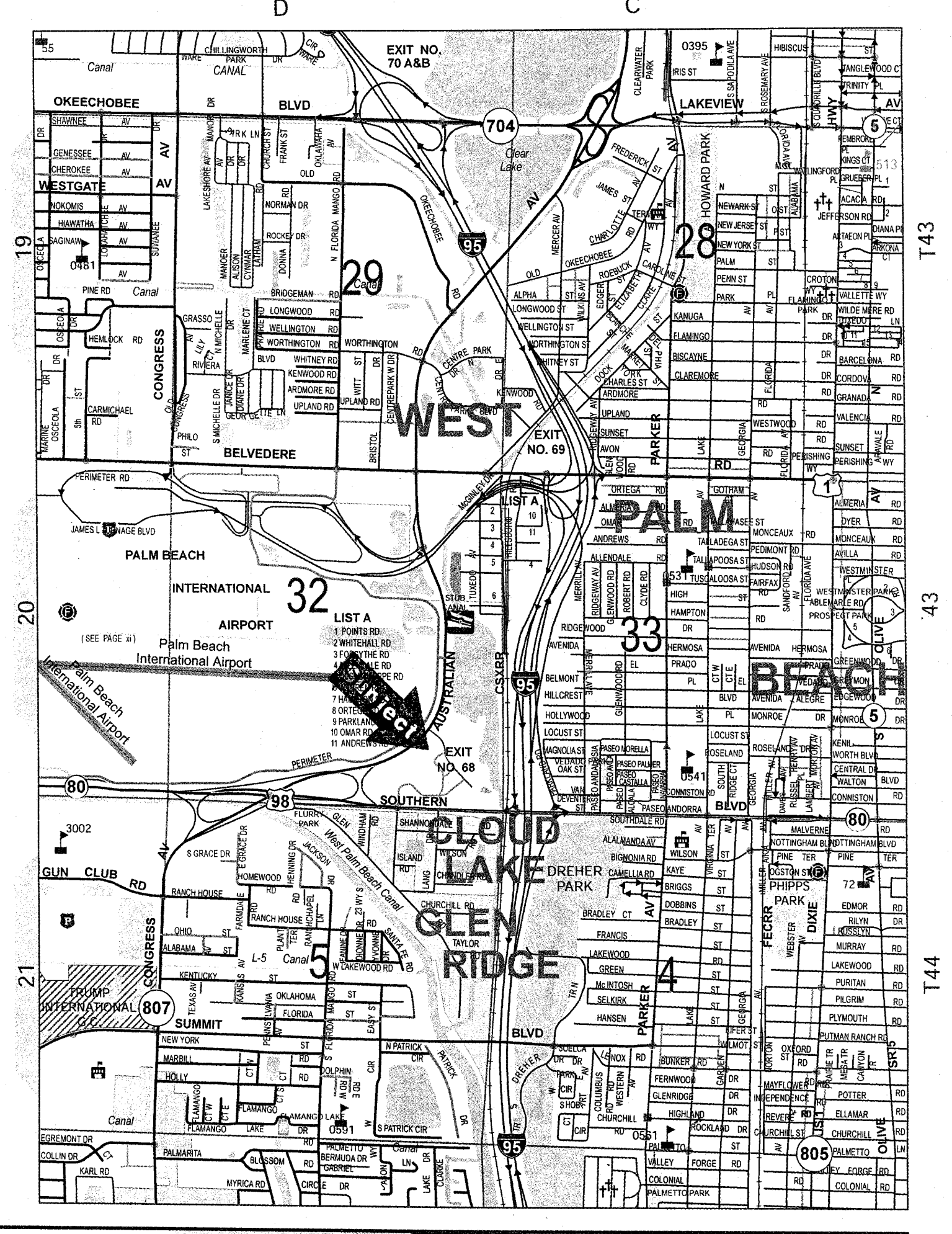
B. Legal Sufficiency:

[Signature]
 Assistant County Attorney *10/13/09*

C. Other Department Review:

 Department Director

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



- LIST A**
- 1 POINTS RD
 - 2 WHITEHALL RD
 - 3 FOXTHE RD
 - 4 ...
 - 5 ...
 - 6 ...
 - 7 ...
 - 8 ORTEGA RD
 - 9 PARKLAND
 - 10 OMAR RD
 - 11 ANDREWS

LOCATION MAP

ATTACHMENT # 1





Facilities Development &
Operations Department

Property & Real Estate
Management Division

2655 Vista Parkway

West Palm Beach, FL 33411-5605

(561) 255-0200

FAX: (561) 255-0210

www.pbcgov.com/fdo

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October 20, 2009

**Certified Mail
Return Receipt Requested**

Criminal Conflict and Civil Regional Counsel –
Fourth Region
P.O. Box 1654
Tallahassee, FL 32302
Attn: Director

Re: Notice of Termination of Use Agreement

Dear Sir:

Palm Beach County ("County"), and the Criminal Conflict and Civil Regional Counsel – Fourth Region ("Conflict Counsel") entered into a Use Agreement (R2007-2084) dated November 20, 2007, for the Conflict Counsel's use and occupancy of office space identified as the Premises in the Use Agreement. As Conflict Counsel has vacated the Premises and has fulfilled all of its obligations under the Use Agreement, County hereby notifies Conflict Counsel of County's termination of the Use Agreement, which termination shall be effective immediately upon approval of this Notice by the Board of County Commissioners.

Please direct any questions concerning this matter to Ross C. Hering, Director, Property & Real Estate Management, who may be reached at (561) 233-0217.

ATTACHMENT #2



October 20, 2009
Notice of Termination of Use Agreement
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ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER

PALM BEACH COUNTY, a political
subdivision of the State of Florida

By: _____
Deputy Clerk

By: _____
John F. Koons, Chairman

APPROVED AS TO FORM
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS

By: _____
Assistant County Attorney

By: Audrey Wolf
Audrey Wolf, Director
Facilities Development &
Operations

cc: Howard J. Falcon, Assistant County Attorney