

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

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Meeting Date:	December 1, 2009	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 adopt: a Resolution consenting to the renewal of the East Central Regional Wastewater Treatment Facility (ECR) Interlocal Agreement for a term of thirty years.


Summary: On September 9, 1992, the County approved an Interlocal Agreement (R92-1228D) among the County, the City of Lake Worth, the City of Riviera Beach, the Town of Palm Beach, and the City of West Palm Beach (the "Entities") establishing the duties and responsibilities among the Entities for the operation of the ECR Wastewater Treatment Facility. The County has a 36.7% ownership share in the ECR, which treats wastewater flows from the northern portion of the Water Utilities Department's service area. The ECR Interlocal Agreement has an initial term of thirty years, expiring in the year 2022, and has a provision for renewal of the term for an additional thirty years with the consent of all of the Entities. The ECR Board has developed a twenty-year capital plan to replace significant components of the treatment facilities which are nearing the end of their useful lives. However, in order to execute the necessary contractual agreements and obtain financing for the capital plan, the Interlocal agreement must be extended beyond the current expiration date. This Resolution provides the County's consent to extend the term of the Interlocal Agreement for an additional thirty years to the year 2052. Countywide (MJ)

Background and Justification: The ECR allocates to the Entities the costs associated with the operation and maintenance of the treatment plant based on each Entity's proportionate share of total wastewater flow into the plant. In addition to the operating costs, the County makes annual deposits to a Renewal and Replacement Fund and is responsible for its share of major renewal and replacement projects based on the County's percentage of ownership in the ECR Joint Venture. In order to execute contracts and provide funding for the ECR's capital improvement plan, which will likely require 30-year financing, the ECR Interlocal Agreement needs to be extended beyond the current expiration date.

Attachments:

- 1. Resolution
- 2. Letter from ECR Board Chair

Recommended By:  11/20/09
 Department Director Date

Approved By:  11/30/09
 Assistant County Administrator 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>
Operating Expenses	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Program Income (County)	<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	* <u>0</u>	<u>0</u>	<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 Dept Unit Object

Is Item Included in Current Budget? Yes No

Reporting Category N/A

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

* This item has no current fiscal impact. In the years covered by the term extension, the County will continue to pay its share of the costs based on the County's percentage of ownership in the ECR Joint Venture.

C. Department Fiscal Review: *Sam Egata* _____

III. REVIEW COMMENTS

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

 Paul S. Hill 11/23/09
 PM 11-23-09
 11/23/09 OFMB

 Dr. J. J. J. J. J. 11/24/09
 Contract Development and Control

B. Legal Sufficiency:

 [Signature] 11/24/09
 Assistant County Attorney

C. Other Department Review:

 Department Director

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

RESOLUTION NO. 2009-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, CONSENTING TO THE RENEWAL OF THE EAST CENTRAL REGIONAL WASTEWATER TREATMENT FACILITY INTERLOCAL AGREEMENT FOR A TERM OF THIRTY YEARS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 9, 1992, Palm Beach County, by and through its Board of County Commissioners ("County"), approved an Interlocal Agreement ("Interlocal Agreement") (County Resolution R92-1228D) by and among the County, the City of Lake Worth, the City of Riviera Beach, the Town of Palm Beach, and the City of West Palm Beach (the "Entities") establishing the duties and responsibilities among the Entities for the operation of the East Central Regional Wastewater Treatment Facility ("ECR"); and

WHEREAS, the ECR Interlocal Agreement has an initial term of thirty years with a renewal term of thirty years upon the consent of all of the Entities; and

WHEREAS, significant component parts of the ECR treatment facilities will soon reach the end of their useful lives and need to be replaced as part of ECR's capital improvement plan in order to maintain the safe operation of the facilities; and

WHEREAS, the necessary contractual agreements and financing for the capital improvement plan will require that the Interlocal Agreement be extended beyond the existing 2022 term expiration date.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. The Board of County Commissioners of Palm Beach County hereby consents to the renewal of the ECR Interlocal Agreement, which term shall commence upon the expiration of the initial thirty year term of the ECR Interlocal Agreement.

Section 3. The provisions of this Resolution shall be effective immediately upon adoption hereof.

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

Commissioner Burt Aaronson, Chairman	-
Commissioner Karen T. Marcus, Vice Chair	-
Commissioner John F. Koons	-
Commissioner Shelley Vana	-
Commissioner Steven L. Abrams	-
Commissioner Jess R. Santamaria	-
Commissioner Priscilla A. Taylor	-

The Chair thereupon declared the resolution duly passed and adopted this
_____ day of _____, 2009.

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

Sharon R. Bock, Clerk & Comptroller

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

East Central Regional Water Reclamation Facility

4325 North Haverhill Road
P.O. Box 220507
West Palm Beach, FL 33422-0507
Phone: 561-835-7400 Fax: 561-835-7420



OPERATIONS BOARD

August 6, 2009

Chair

Eduardo Balbis
Assist. City Administrator
City of West Palm Beach
P.O. Box 3366
West Palm Beach, FL
33402-3366

Chairman Jeff Koons
Palm Beach County
301 N. Olive Ave., Suite 1201
West Palm Beach, FL 33401

Vice-Chair

James M. Bowser, P.E.
Town Engineer
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL
33480-2029

Re: East Central Regional Water Reclamation Facility (ECR)
Extension of Term of Interlocal Agreement

Dear Chairman Koons;

The Board of the ECR wishes to request Palm Beach County to consent to the renewal of the Term of the ECR Interlocal Agreement.

Member

Dr. Edward E. Sierra,
CEP, REP
Utility Director
City of Riviera Beach 600
W. Blue Heron Blvd
P.O. Box 9737
Riviera Beach, FL 33419

Pursuant to the Interlocal Agreement dated September 9, 1992, which established the duties and responsibilities among the participating entities (Cities of Lake Worth, Riviera Beach, and West Palm Beach, Town of Palm Beach, and Palm Beach County) in the ECR treatment facilities, the Interlocal Agreement has an initial term of thirty years which can be renewed by the Entities for an additional term of thirty years upon consent of the Entities.

Member

Brian Shields
Deputy Director
Palm Beach
County Water
Utilities
8100 Forest Hill
Boulevard
P.O. Box 16097
West Palm Beach, FL
33416

The current term of the Interlocal Agreement does not expire until 2022, however the ECR Board's twenty year capital improvement plan provides for the necessary renewal and replacement of significant component parts of the ECR treatment facilities that have or shortly will reach the end of their useful lives. These projects and the necessary contractual agreements and financing related to these projects are projected to extend beyond the initial 2022 term expiration. Accordingly, to assure that the ECR can execute these required capital improvements and maintain the safe operation of the facilities in accordance with all permit and environmental health, safety and welfare requirements, the term of the Interlocal Agreement would need to be extended beyond the 2022 term expiration date.

Member

Rebecca Matthey
Utilities Director
City of Lake Worth
Utilities
1900 2nd Ave. North
Lake Worth, FL 33461

We have attached for your convenience a form Term renewal consent Resolution that could be utilized in the event your County determines to grant its consent to the Interlocal Agreement renewal Term.

Executive Manager

Joseph Carlini
Waste Water Treatment
Plant
4325 N. Haverhill Road
P.O. Box 220507
West Palm Beach, FL
33422-0507

Thank you for your consideration.

Eduardo E. Balbis, P.E.
ECR Chairman

Secretary

Leiding
City of West Palm Beach
PO Box 3366
West Palm Beach, FL
33402-3366