

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

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Meeting Date: January 12, 2010	Consent [X] Public Hearing []	Regular []
Submitted By: Water Utilities Department Submitted For: Water Utilities Department		

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I. EXECUTIVE BRIEF

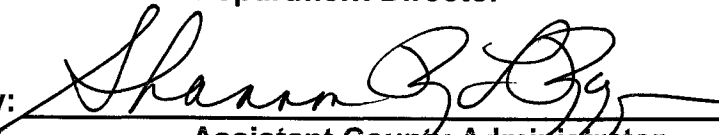
Motion and Title: Staff recommends motion to approve: a First Amendment to the Agreement (R2008-0208) with Cen West Communities, Inc. for Water Quality Monitoring (Agreement) for an on-site water distribution system at Century Village – Boca Raton.

Summary: On February 5, 2008, the County and Cen West Communities, Inc. (Century) entered into the Agreement (R2008-0208) for an initial term of two (2) years. The Agreement is scheduled to expire on February 4, 2010; however, the County and Century have the option to extend the Agreement for two (2) additional years if Century requests an extension in writing sixty (60) days prior to expiration. Century has fulfilled this requirement. The Water Utilities Department requests Board approval in order to amend the Agreement and extend the expiration date through February 4, 2012. 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 5 (MJ)

Background and Justification: The Department provides contract services with other entities, including Lion Country Safari, the School Board, and the Department of Airports for operation and maintenance of various water and wastewater facilities. Century entered into an agreement to have the Department provide water quality monitoring and reporting services for their onsite water distribution system to assure full compliance with all applicable rules and requirements governing the operation of consecutive (privately owned) water distribution system. Century continues to pay for all direct costs, plus other fees at cost. Water Utilities Department staff continues to make scheduled routine visits to collect water quality samples, laboratory analysis and all related required reporting to regulatory agencies to insure that the onsite water distribution meet permit requirements. Additional services that may be requested by Century will be billed for direct costs plus 25%.

Attachments:

1. Location Map
2. Three (3) Original Amendments

Recommended By: <u></u> <div style="text-align: center;">Department Director</div>	<u>1/4/10</u> <div style="text-align: center;">Date</div>
Approved By: <u></u> <div style="text-align: center;">Assistant County Administrator</div>	<u>1/11/10</u> <div style="text-align: center;">Date</div>

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
External Revenues	<u>(\$35,448.00)</u>	<u>(\$35,448.00)</u>	<u>0</u>	<u>0</u>	<u>0</u>
Operating Expenses	<u>\$35,448.00</u>	<u>\$35,448.00</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 4000 Dept 720 Unit 2330 Object 3431

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

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

Century will compensate the Department for monitoring and reporting of on-site water quality for period of two years.

C. Department Fiscal Review: Debra M West

III. REVIEW COMMENTS

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

1-8-10.
OFMB
1-7-10

Erwin L. Jacobowitz/E.L. 1/8/10
Contract Development and Control

B. Legal sufficiency:

1/11/10
Assistant County Attorney

This amendment complies with
our review requirements.

C. Other Department Review:

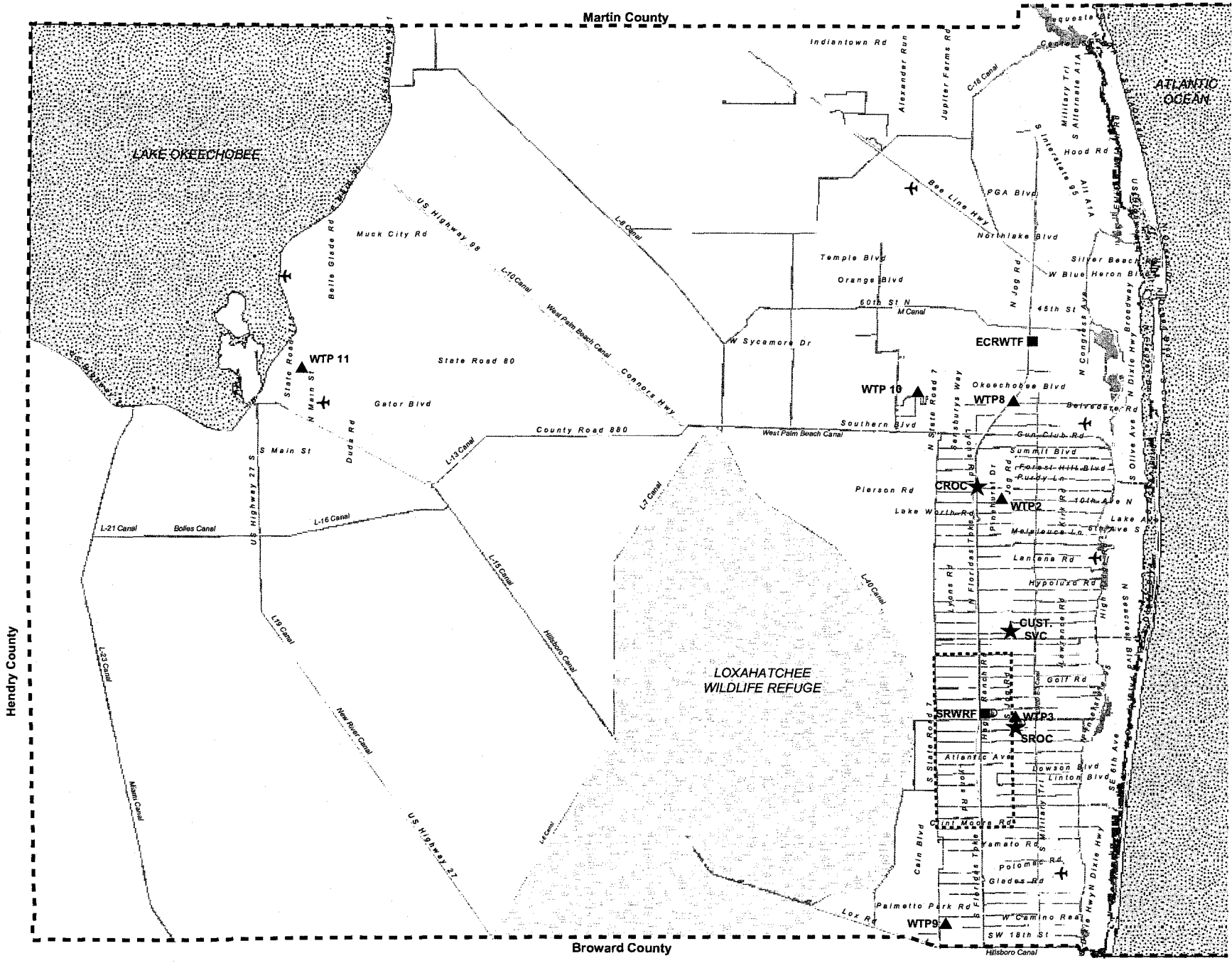
Department Director

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

PALM BEACH COUNTY, FLORIDA
WATER UTILITIES DEPARTMENT
SERVICE AREA (SA) AND MAJOR FACILITIES



ATTACHMENT 1



- Legend**
- P.B.C.W.U.D. SA
 - Mandatory Reclaimed SA
 - County Limits
 - Administration
 - Water Reclamation Plant
 - Water Treatment Plant
 - Wetlands



**FIRST AMENDMENT TO AGREEMENT BETWEEN PALM BEACH COUNTY AND
CEN WEST COMMUNITIES, INC. FOR WATER QUALITY MONITORING**

This FIRST AMENDMENT is made and entered into this _____ day of _____, 2010, by and between Palm Beach County, a political subdivision of the State of Florida ("County") and Cen West Communities, Inc. ("Century").

WITNESSETH:

WHEREAS, on February 5, 2008, County and Century entered into an Agreement for Water Quality Monitoring ("Agreement")(County Resolution No. R2008-0208); and

WHEREAS, the Agreement will expire on February 4, 2010; and

WHEREAS, the Agreement provides for a two (2) year extension upon mutual written agreement of the parties, provided that Century provides the County with written notice at least sixty (60) days prior to expiration; and

WHEREAS, Century has provided the required notice, and the parties desire to extend the Agreement for an additional two (2) year term.

NOW, THEREFORE, in consideration of the premises and mutual covenants herein contained, the parties hereby covenant and agree:

1. Recitals.

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

2. Term.

The term of the Agreement shall be extended for an additional two (2) year term. The expiration date of the Agreement shall be February 4, 2012.

3. Effect on Agreement.

All other provisions of the Agreement, dated February 5, 2009, are hereby confirmed and,

except as provided herein, are not otherwise altered or amended and shall remain in full force and effect.

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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

PALM BEACH COUNTY FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Burt Aaronson, Chair

(SEAL)

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS

By: _____
County Attorney

By: _____
Department Director

CEN WEST COMMUNITIES, INC.

WITNESSES:

Signature

Typed or Printed Name

Signature

Typed or Printed Name

By: _____
Signature
JOANNE JACKSON

Typed or Printed Name
VICE PRESIDENT

Title

{ Corporate
Seal }

STATE OF Florida
COUNTY OF Palm Beach

NOTARY CERTIFICATE

The foregoing instrument was acknowledged before me this 4th day of January, 20 10 by
_____. He/she is personally known to me or has produced _____ as

identification.

My Commission

Expires: _____

Paula L. Allen

Signature of Notary

Paula L. Allen

Typed, Printed, or Stamped Name of Notary

Notary Public

Serial Number: _____

