

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 12, 2010 [] Consent [X] Regular
[] Workshop [] Public Hearing

Department:

Submitted By: ADMINISTRATION

Submitted For: ADMINISTRATION

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida, establishing a policy on time limits for the development of facility projects owned and/or operated by a non-County entity, funded in part or in whole by the County.

Summary: This Resolution was developed at the request of Commissioner Aaronson with the approval of the Board of County Commissioners. The County periodically funds in part or in whole the development of facilities, including but not limited to parks and museums, which will be the ownership responsibility of other public or non-profit entities. It is wasteful to allocate funds to such projects if they do not proceed in a timely manner. The Board wishes to establish a policy to assure reasonable implementation timeframes. The Board hereby establishes a policy that requires the non-county owner/operator to submit an application for funding and to adhere to milestones for development. Countywide (PFK)

Background and Policy Issues:

The application will include: 1) the scope of the Project, 2) the amount of funding requested, 3) the source and status of non-County funding sources necessary for the Project and 4) a preliminary development and occupancy schedule. Based on this application, the Board will consider whether to approve an appropriation for the Project. The Resolution requires an Agreement with development details and a schedule with the award of a construction contract within thirty six (36) months. The Agreement shall also include language that states the failure to achieve these milestones will result in Staff initiating termination of the funding commitment by bringing such termination to the Board for consideration.

Attachments:

Resolution

Recommended by:

Department Director

Date

Approved By:

County Administrator

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
# 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 Budget and/or Contract Development and Control Comments:

 12-23-09
OFMB/Budget *aw*

 12/23/09
Contract Development and Control

B. Legal Sufficiency:

 12/28/09
Assistant County Attorney

C. Other Department Review:

Department Director

REVISED 9/03
ADM FORM 01

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

RESOLUTION NO. R-2010-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ESTABLISHING A POLICY ON TIME LIMITS FOR THE DEVELOPMENT OF FACILITY PROJECTS OWNED AND/OR OPERATED BY A NON-COUNTY ENTITY ("NON-COUNTY FACILITY" OR "PROJECT") FUNDED IN PART OR IN WHOLE BY THE COUNTY.

WHEREAS, the County periodically funds in part or in whole the development of facilities, including but not limited to parks and museums, which will be the ownership responsibility of other public or non-profit entities, and

WHEREAS, it is wasteful to allocate funds to such projects if they do not proceed in a timely manner, and

WHEREAS, the Board wishes to establish a policy to assure reasonable implementation timeframes.

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

The Board hereby establishes a policy that requires the non-county owner/operator to submit an application for funding to the County in order for the Board to consider appropriating funds for the requested Project. Such application shall include at a minimum: 1) the scope of the Project, 2) the amount of funding requested, 3) the source and status of non-County funding sources necessary for the Project (if applicable) and 4) a preliminary development and occupancy schedule. Based on this application, the Board will consider whether to approve an appropriation for the Project.

Within one hundred and twenty (120) days of the approval of any County appropriation for a Project, the public or non-profit entity must enter into an Agreement ("Agreement") with the County which memorializes the representations contained in the application as well as contain additional details to fully explain the scope of use and manner of operation, the conceptual appearance and design of the facility, all information necessary to allow for detailed design of the Project and a detailed development schedule.

The Agreement shall contain terms that require: 1) the design plans to be completed within twenty four (24) months of the approval of the Agreement and 2) the award of a fully

funded and FSS 255.05 bonded construction contract within thirty six (36) months of the approval of the Agreement. The Agreement shall also include language that states the failure to achieve any of these milestones will result in Staff initiating termination of the funding commitment by bringing such termination to the Board for consideration.

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, Chair	-
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 _____, 2010.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: Paul F. [Signature]
County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

By: [Signature]
Department Director