

6D-1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a two-year extension to all Water Utilities Department Development Agreements and Renewal Agreements that were originally scheduled to expire between September 1, 2008, and January 1, 2012.

Summary: Developers who meet certain criteria as outlined in the Water Utilities Department's Uniform Policies and Procedures Manual (UPAP) are required to enter into Development Agreements (Agreement) to reserve potable water, wastewater, and/or reclaimed water capacity (Capacity) for their projects. The terms of the Agreement require the submittal of a Mandatory Agreement Payment (MAP) to reserve Capacity for a period of five years. Any unused Capacity remaining in the Agreement after five years can be renewed for one (1) additional five year term upon payment of another MAP and execution of a Renewal Agreement. No further renewals are available after ten years. The ten-year expiration provision puts a significant obstacle in the way of economic development in the current economic environment. On January 13, 2009, the Board approved a one-year extension for Agreements and Renewal Agreements expiring between September 1, 2008, and September 30, 2013. The recently enacted Section 14(1), Chapter 2009-96, Laws of Florida, provides for a two-year extension for development orders and building permits expiring between September 1, 2008, and January 1, 2012. Although the County Attorney's Office has determined that the law does not apply to Water Utilities Department (WUD) Development Agreements, granting an additional two-year extension will assist the development community while not significantly impacting WUD's operations. Countywide (MJ)

Background and Justification: The Department Director has been delegated the authority to enter into Standard Development Agreements on behalf of the County. However, Board authorization is being sought in this case due to the desire to extend expiration dates of all Standard and non-Standard Development Agreements in recognition of the current economic downturn.

Attachments:

1. Revised Expiration Dates for Development Agreements and Renewal Agreements

Recommended By: Bruce Baumbach 12/15/09
Department Director Date

Approved By: Sharon G. Boyce 12/22/09
Assistant County Administrator Date

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>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>
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)	0	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Budget Account No.: Fund 4000 Dept 720 Unit 4200 Rsrc 6992

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

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

- * This item has no fiscal impact on WUD's current year budget. The extension will allow for future connections and additional revenue when the economy recovers.

C. Department Fiscal Review: Shirley M. West

III. REVIEW COMMENTS

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

Jim Orin 12/21/09 Jim J. Jacoby 12/19/09
OFMB Contract Development and Control
12/17/09

B. Legal sufficiency:

[Signature] 12/22/09
Assistant County Attorney

C. Other Department Review:

Department Director

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

**REVISED EXPIRATION DATES FOR DEVELOPMENT AGREEMENTS
AND RENEWAL AGREEMENTS**

Original Expiration Date	Revised Expiration Date Per One-Year Extension Approved 1/13/09	Revised Expiration Date Per Additional One-Year Extension
September 2008	September 2009	September 2010
October 2008	October 2009	October 2010
November 2008	November 2009	November 2010
December 2008	December 2009	December 2010
January 2009	January 2010	January 2011
February 2009	February 2010	February 2011
March 2009	March 2010	March 2011
April 2009	April 2010	April 2011
May 2009	May 2010	May 2011
June 2009	June 2010	June 2011
July 2009	July 2010	July 2011
August 2009	August 2010	August 2011
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