

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: February 23, 2010

Consent  
 Ordinance

Regular  
 Public Hearing

Department: Parks and Recreation

Submitted By: Parks and Recreation Department

Submitted For: Parks and Recreation Department

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to receive and file: First Amendment to Agreement (R2009-1108) with the City of Boynton Beach for the 2009 Boynton Beach Heritage Celebration event to expand the project timeframe from February 6, 2009, through June 30, 2009, to November 5, 2008, through June 30, 2009.

**Summary:** This fully executed First Amendment to Agreement expands the project initiation date from February 6, 2009, to include project expenses incurred subsequent to November 5, 2008. Although the project was completed by the required date of March 30, 2009, and the reimbursement was submitted by the required date of June 30, 2009, the amendment is needed in order to finalize the reimbursement process by accommodating dates of payments made for the project before the original project initiation date. The Amendment is in accordance with Resolution R2005-1738 authorizing the delegation of authority for amending RAP agreements to the County Administrator or his designee. All other terms of the Agreement, including the funding amount of \$7,000, remain the same. Funding for the project is from the Recreation Assistance Program (RAP) District 7 Funds. District 7 (AH)

**Background and Justification:** Resolution R-2005-1738 was adopted by the Board on September 13, 2005, to streamline the RAP reimbursement process. It establishes terms and conditions for amending RAP projects and delegates authority for the execution of the amendments to the County Administrator or his designee, which is the Director of the Parks and Recreation Department. The criteria for delegated signature of amendments on behalf of the Board include:

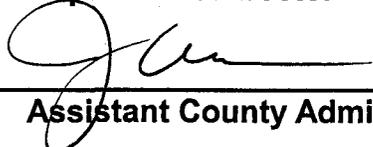
- Changes in project scope/elements within the intent of the approved RAP project;
- Adjustments in budgetary line items within the intent of the approved RAP Project which do not change the contractual amount;
- Changes to the approved project time frame including the initiation date and/or project completion date for periods of less than one year; and
- Other miscellaneous modifications approved by the awarding Commissioner within the overall intent of the approved RAP project.

This delegation of authority allows for more efficient and timely reimbursements for RAP projects by streamlining the existing RAP process for amendments to agreements. The attached Amendment meets criteria listed above, and was executed on behalf of the Board of County Commissioners by the Director of the Parks and Recreation Department.

**Attachment:** First Amendment to Agreement

Recommended by:   
Department Director

1/29/10  
Date

Approved by:   
Assistant County Administrator

2/10/10  
Date



**FIRST AMENDMENT TO AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF BOYNTON BEACH FOR THE 2009 HERITAGE CELEBRATION**

**THIS AMENDMENT** is entered into on \_\_\_\_\_, by and between Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as "County", and the City of Boynton Beach, a Florida Municipal Corporation, herein referred to as "Boynton Beach".

**WHEREAS**, on July 7, 2009, County entered into an Agreement (R-2009-1108) with Boynton Beach, hereinafter referred to as the "Agreement" to provide Recreation Assistance Program (RAP) funding in an amount not to exceed \$7,000 to assist with the Boynton Beach Heritage Festival, hereinafter referred to as the "Project"; and

**WHEREAS**, Boynton Beach has requested that County expand the project timeframe for this completed project by changing the project initiation date from February 6, 2009, to November 5, 2008, to allow for the County to provide reimbursement of pre-Agreement expenses for Project expenses required to be paid prior to the Project; and

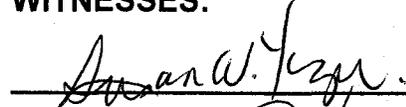
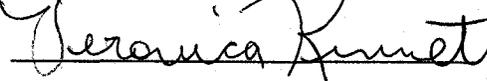
**WHEREAS**, the Project benefitted all citizens of Palm Beach County.

**NOW THEREFORE**, the parties hereby agree as follows:

1. Section 3 of the Agreement is amended to read, "Boynton Beach incurred expenses for the Project beginning on November 5, 2008. Those costs incurred by Boynton Beach for the Project, approved and submitted accordingly by Boynton Beach subsequent to November 5, 2008, are eligible for reimbursement by County pursuant to the terms and conditions hereof.
2. The first sentence of Section 10 of the Agreement is amended to read "Boynton Beach shall complete the Project by March 30, 2009, and invoices and checks submitted for reimbursement must be dated within the project time frame of November 5, 2008, through March 30, 2009.
3. Except as provided herein, each and every other term of the Agreement shall remain in full force and effect and the Agreement is reaffirmed as modified herein.

**IN WITNESS WHEREOF**, the parties, by and through their duly authorized agents, have hereunto set their hands and seals on the date indicated above.

**WITNESSES:**

  
 \_\_\_\_\_  
  
 \_\_\_\_\_

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

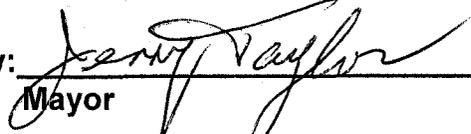
By:   
 \_\_\_\_\_  
 Dennis L. Eshleman, Director  
 Parks and Recreation Department

**ATTEST:**

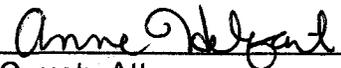
  
 \_\_\_\_\_  
 City Clerk



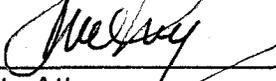
**CITY OF BOYNTON BEACH**

By:   
 \_\_\_\_\_  
 Mayor

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY**

By:   
 \_\_\_\_\_  
 County Attorney

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY**

By:   
 \_\_\_\_\_  
 City Attorney