

**PRINT COPY** PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date: June 29, 2010  Consent  Regular

Department: Housing and Community Development  Public Hearing

Submitted By: Housing and Community Development

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I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to approve:** Amendment No. 002 to an Agreement (R2007-1726) with Habitat for Humanity of Palm Beach County, Inc., to extend the expiration date from July 2, 2010, to March 31, 2011, and to add certain provisions relating to Ordinance No. 2009-049 pertaining to the Office of the Inspector General.

**Summary:** On October 2, 2007, Palm Beach County entered into an Agreement (R2007-1726) with Habitat for Humanity of Palm Beach County, Inc. (Habitat), for the conveyance of a parcel of County owned land (known as Kennedy Estates) to Habitat. In exchange for the receipt of title to the land, Habitat was to construct twenty-seven (27) zero lot line single family affordable housing units and to sell them by July 2, 2010, to low income households (whose household incomes are at or below 80% of the area median income). Habitat has constructed sixteen (16) units and is in the process of having the County income qualify the purchasers. In addition, Habitat is also in the process of completing the remaining units. This Amendment provides a time extension to allow for the completion of activities intended under the Agreement. The Amendment also incorporates certain provisions into the Agreement that relate to the Office of the Inspector General. **These are Federal Community Development Block Grant funds that require no local match.**  
District 1 (TKF)

**Background and Justification:** The parcel of land (known as Kennedy Estates) conveyed by the County to Habitat under the Agreement is located in unincorporated Palm Beach County south of Indiantown Road and west of Central Boulevard in the Jupiter area. The County acquired this parcel, with Community Development Block Grant (CDBG) funding from the U.S. Department of Housing and Urban Development (HUD).

**Attachments:**

1. Amendment No. 002 to the Agreement with Habitat for Humanity of Palm Beach County, Inc.
2. Amendment No. 001 (R2007-2264) to the Agreement w/Habitat for Humanity of Palm Beach County, Inc.
3. Agreement (R2007-1726) with Habitat for Humanity of Palm Beach County, Inc.

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Recommended by: Edmund W. Romo 6/18/2010

Department Director Date

Approved By: \_\_\_\_\_

Assistant County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
<b>NET FISCAL IMPACT</b>					

# ADDITIONAL FTE POSITIONS (Cumulative)					
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Is Item Included In Current Budget? Yes \_\_\_ No \_\_\_  
 Budget Account No.:

Fund \_\_\_ Unit \_\_\_ Org \_\_\_ Object \_\_\_ Program Code/Period BG \_\_\_-GY \_\_\_

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

**No fiscal impact**

C. Departmental Fiscal Review: Shairette Major 6-7-10  
 Shairette Major, Fiscal Manager I

**III. REVIEW COMMENTS**

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

\_\_\_\_\_  
 OFMB

\_\_\_\_\_  
 Contract Development and Control

B. Legal Sufficiency:

\_\_\_\_\_  
 Senior Assistant County Attorney

C. Other Department Review:

\_\_\_\_\_  
 Department Director

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

**AMENDMENT 002 TO THE AGREEMENT  
WITH  
HABITAT FOR HUMANITY OF PALM BEACH COUNTY, INC.**

Amendment 002 entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between Palm Beach County and Habitat for Humanity of Palm Beach County, Inc.

**WITNESSETH:**

WHEREAS, Palm Beach County entered into an Agreement (R2007-1726) with Habitat for Humanity of Palm Beach County, Inc., on October 2, 2007, as amended by Amendment 001 (R2007-2264) on December 18, 2007, to convey and develop a certain parcel of land known as Kennedy Estates; and

WHEREAS, the parties wish to modify the Agreement to extend the expiration date and to add certain provisions, and

WHEREAS, both parties mutually agree that the original Agreement entered into on October 2, 2007, as amended, is hereby further amended as follows:

**A. Part III - Section 1 - Time of Performance:**

Substitute "March 31, 2011" for "July 2, 2010".

**B. Part III - Section 7 - Data Becomes County Property:**

Add the following to Section 7 in Part III of the Agreement: Notwithstanding any other provision in this Agreement, all documents, records, reports and any other materials produced hereunder shall be subject to disclosure, inspection and audit, pursuant to the Palm Beach County Office of Inspector General Ordinance 2009-049, as may be amended.

**C. Part III - Section 27 - Palm Beach County Office of the Inspector General:**

Add the following Section 27 to Part III of the Agreement:

**27. PALM BEACH COUNTY OFFICE OF THE INSPECTOR GENERAL**

Pursuant to Ordinance No. 2009-049, Palm Beach County has established the Office of the Inspector General, which is authorized and empowered to review past, present and proposed County agreements, contracts, transactions, accounts and records. All parties doing business with the County and receiving County funds, including the Agency, shall fully cooperate with the Inspector General. The Inspector General has the power to subpoena witnesses, administer oaths, require the production of records, and to audit, investigate, monitor, and inspect the activities of the Agency, its officers, agents, employees, and lobbyists in order to ensure compliance with this Agreement and to detect waste, corruption and fraud.


**D. Exhibit A - Section I.C - Development of the Lots by the Agency:**

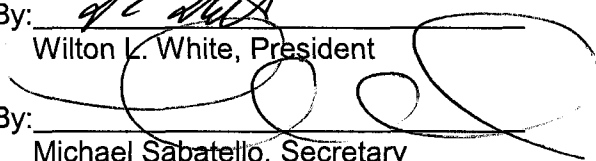
Replace all the dates shown in this Section with "March 31, 2011".

NOW THEREFORE, 1) all items in the previous Agreement in conflict with this Amendment shall be and are hereby changed to conform to this Amendment, and 2) all provisions not in conflict with this aforementioned Amendment are still in effect and shall be performed at the same level as specified in the Agreement.

(AGENCY SEAL BELOW)

**HABITAT FOR HUMANITY  
OF PALM BEACH COUNTY, INC.**

By:   
Wilton L. White, President

By:   
Michael Sabatello, Secretary

(COUNTY SEAL BELOW)

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

ATTEST: Sharon R. Bock,  
Clerk & Comptroller

By: \_\_\_\_\_  
Burt Aaronson, Chair  
Board of County Commissioners


By: \_\_\_\_\_  
Deputy Clerk

Document No.: \_\_\_\_\_

Approved as to Form and  
Legal Sufficiency

Approved as to Terms and Conditions  
Dept. of Housing and Community Development

By:   
Tammy K. Fields  
Senior Assistant County Attorney

By:   
Amin Houry, Manager  
Housing and Capital Improvements