

Agenda Item #:

5B4

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: September 14, 2010

☐ Consent

☒ Regular

☐ Public Hearing

Department

Submitted By: COUNTY ATTORNEY

Submitted For: Office of Finance Management & Budget

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to: adopt a Resolution amending Resolution No. R-2010-0816 (the "Original Resolution") adopted on May 18, 2010, to increase the maximum authorized amount of General Obligation Refunding Bonds, Series 2010 (Recreational and Cultural Facilities) (the "Bonds") from an aggregate principal amount of the Bonds of not exceeding \$32,000,000 to an aggregate principal amount of not exceeding \$35,000,000; and providing for an effective date.

**Summary:** The Original Resolution authorized the issuance of not exceeding \$32,000,000 in aggregate principal amount of the Bonds based on market conditions existing at that time. Market conditions are more favorable and thus more Bonds may be issued to increase the present value savings. The County's financial advisor recommends an increase in the Bonds authorized to be issued from \$32,000,000 to \$35,000,000. Countywide (PFK)

**Background and Policy Issues:** Increasing the authorized amount of Bonds that the County will issue will result in a greater present value savings to the County.

**Attachments:**

1. Amending Bond Resolution for Recreational and Cultural Facilities Bonds

Recommended by: \_\_\_\_\_

County Attorney

Date

Approved by: \_\_\_\_\_

N/A

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)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	(1) _____	_____	_____	_____	_____
# ADDITIONAL FTE	_____	_____	_____	_____	_____
POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_

Reporting Category \_\_\_\_\_

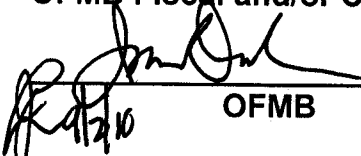
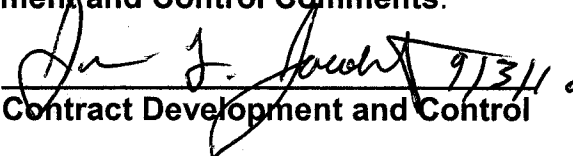
### B. Recommended Sources of Funds/Summary of Fiscal Impact:

(1) There is no fiscal impact at this time. The County will not refund any series of bonds unless a minimum of 3.5% net present value savings can be obtained. Ad valorem taxes will eventually fund debt service for G.O. refunding bonds.

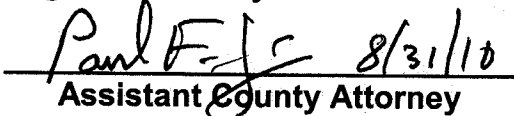
### C. Departmental Fiscal Review: \_\_\_\_\_

## III. REVIEW COMMENTS

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

 OFMB  Contract Development and Control

### B. Legal Sufficiency:

 8/31/10  
Assistant County Attorney

### C. Other Department Review:

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

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.  
\\pbcfs1\CATT\Common\WPDATA\ENG\PFK\BONDS\Bnds2010\Library\_Cultural 2010\Park Bonds 2010\ParkBonds2010A\9142010.docx

**RESOLUTION NO. R-2010-\_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION NO. R-2010-0816 TO INCREASE THE MAXIMUM AUTHORIZED AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS SERIES 2010 (RECREATIONAL AND CULTURAL FACILITIES) FROM AN AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$32,000,000 TO AN AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$35,000,000; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on May 18, 2010, the Board of County Commissioners of Palm Beach County, Florida (the "Board") as the governing body of Palm Beach County, Florida (the "County"), a political subdivision of the State of Florida, adopted Resolution No. 2010-0816 (the "Original Resolution"); and

**WHEREAS**, under the Original Resolution, the County authorized the issuance of not exceeding \$32,000,000 in aggregate principal amount of Palm Beach County, Florida, General Obligation Refunding Bonds, Series 2010 (Recreational and Cultural Facilities) (herein, the "Original Authorized Amount") to pay and defease certain Series 2003 and Series 2005 General Obligation Bonds of the County previously issued to finance recreational and cultural projects in the County (the "Prior Bonds"); and

**WHEREAS**, the Original Authorized Amount was determined based on market conditions existing at the time the Original Resolution was adopted; and

**WHEREAS**, based on the recommendations of the County's Financial Advisor, current market conditions have improved significantly from the time the Original Resolution was adopted and the principal amount of the Prior Bonds that can now be refunded has increased as a result thus maximizing the present value savings to the County; and

**WHEREAS**, the Board hereby adopts the recommendation of the County's Financial Advisor, and determines it is necessary and in the best interest of the County and its taxpayers to amend the Original Resolution to increase the Original Authorized Amount to a principal amount of not exceeding \$35,000,000.

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

**Section 1** - Section 5 of the Original Resolution is hereby deleted in its entirety and is replaced with the following:

**Section 5 - AUTHORIZATION OF BONDS.** Subject and pursuant to the provisions of this Resolution, obligations of the County, to be known as "General Obligation Refunding Bonds, Series 2010 (Recreational and Cultural Facilities)," are

hereby authorized to be issued in an aggregate principal amount at issuance not to exceed THIRTY-FIVE MILLION DOLLARS (\$35,000,000) (the "Bonds"), for the primary purpose of paying and defeasing the Refunded Bonds. The Bonds may be issued at one time or from time to time. If the Bonds are not issued at the same time, the County is authorized to change the series designation.

**Section 2 - EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

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	-
District 2	-
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

Agenda Item #: 5C-1

## I. Executive Brief

**C) Approve** the appointment of Greenberg Traurig, P.A. as bond counsel and Nabors, Giblin & Nickerson, P.A. as disclosure counsel for the both series of general obligation refunding bonds and to approve amendments to each firms respective contracts for legal services.

1. Bond Resolution for the Library District Refunding Bonds (On File in OFMB)
2. Bond Resolution for the Recreational and Cultural Facilities Refunding Bonds (On File in OFMB)
3. Amendment No. 5 to Agreement with Greenberg Traurig for Bond Counsel Services.
4. Amendment No. 5 to Agreement with Nabors Giblin for Disclosure Counsel Services.

Date \_\_\_\_\_

Date \_\_\_\_\_

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Debt Service Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	(1) _____	_____	_____	_____	_____
No. ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_  
 Object \_\_\_\_\_ Reporting Category \_\_\_\_\_

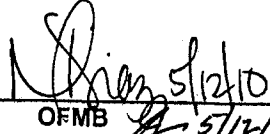
### B. Recommended Sources of Funds/Summary of Fiscal Impact:


(1) Board is authorizing the Resolution to Issue Refunding G.O. Bonds. There is no fiscal impact at this time. The County will not refund any series of bonds unless a minimum of 3.5% net present value savings, approximately \$725,000, can be obtained. Ad valorem taxes will eventually fund debt service for G.O. refunding bonds.

### C. Departmental Fiscal Review: \_\_\_\_\_

## III. REVIEW COMMENTS

### A. OFMB Fiscal and/or Contract Dev. and Control Comments:

 5/12/10  
 \_\_\_\_\_ OFMB 5/12/10

 N/A  
 \_\_\_\_\_ Contract Dev. and Control

### B. Legal Sufficiency:

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

### C. Other Department Review:

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

**Summary:** On April 2, 2010, the County Financing Committee (CFC) approved the advanced refunding of all or a portion of the County's General Obligation Bonds, Series 2003 (Library District Improvement Project) and all or a portion of the General Obligation Bonds, Series 2003 and 2005 (Recreational and Cultural Facilities) based on a target net present value savings of not less than 3.5%. Each series of general obligation refunding bonds will be sold on a competitive basis. Staff and the County's Financial Advisor will monitor market conditions and when the target level of net present value savings appears to be reasonably obtainable, obtain the ratings for the refunding bonds. In a competitive sale, the County will post electronically its preliminary official statements and official notices of sale. Such notice will set a date and time the bids by underwriters will be due which, under Florida law, must be at least 10 days from the date of the notice. The County will reserve the right to change the bid due date or cancel the sale, if market conditions should deteriorate. No bid will be awarded unless the Bonds of each series have a true interest cost of not more than 5% and achieve a net present value savings of at least 3.5%. The general obligation refunding bonds will be secured by ad valorem taxes. Countywide (PFK)

**Background and Justification:** The County's Debt Management Policy stipulates that the net present value savings on the debt service of the refunding bonds is at least 5% unless interest rates are at historically low levels and future opportunities to achieve more savings are not likely to occur. In mid-March, the County's financial advisor informed the CFC that current interest rates were unusually low and that all indications were that they would begin to rise, so the County should move quickly to refund these bonds to maximize savings. The CFC voted to move forward with the refundings through a competitive sale and instructed the financial advisor to monitor the market to determine the best time to move forward.

**AMENDMENT NO. 5  
TO AGREEMENT BETWEEN PALM BEACH COUNTY  
AND GREENBERG TRAUIG, P.A.  
FOR BOND COUNSEL AND RELATED LEGAL SERVICES**

This Amendment No. 5, dated \_\_\_\_\_, amends Agreement (R-2008-1852) dated October 21, 2008, ("Agreement"), as amended by Amendment No.1 (R-2008-2041) dated November 18, 2008, as amended by Amendment No. 2 (R-2009-0148) dated January 13, 2009, as amended by Amendment No. 3 (R-2009-0272), and as amended by Amendment No. 4 (R-2009-1205) by and between Palm Beach County ("County") and Greenberg Traurig, P.A. ("Attorney"), as follows:

Notwithstanding anything to the contrary in the Agreement or the Amendments, paragraph 1 of the Agreement is further amended as follows:

"County agrees to engage Attorney to provide bond counsel services for the issuance of General Obligation Refunding Bonds, Series 2010 (Recreation and Cultural Facilities) and General Obligation Refunding Bonds, Series 2010 (Library District Improvement Project). Pursuant to the terms and conditions herein, Attorney agrees to accept such engagement and will provide the legal services."

Except as provided above, the Agreement, as amended, remains in full force and effect.

ATTEST:

Sharon R. Bock, Clerk & Comptroller

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

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

By: \_\_\_\_\_  
Burt Aaronson, Chairman

WITNESS:

Gretchen V. Williams  
(Signature)

GRETCHEN V. WILLIAMS  
Name (Type or Print)

ATTORNEY:

GREENBERG TRAUIG, P.A.

By: Stephen D. Sanford

STEPHEN D. SANFORD  
Name (Type or Print)

Share holder  
Title

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: Paul F. J.  
County Attorney



**AMENDMENT NO. 5  
TO AGREEMENT BETWEEN PALM BEACH COUNTY  
AND NABORS, GIBLIN & NICKERSON, P.A.  
FOR DISCLOSURE COUNSEL AND RELATED LEGAL SERVICES**

This Amendment No. 5, dated \_\_\_\_\_, amends Agreement (R-2007-0019) dated January 9, 2007, ("Agreement"), as amended by Amendment No.1 (R-2007-2225) dated December 18, 2007, as amended by Amendment No. 2 (R-2008-2040) dated November 18, 2008, as amended by Amendment No. 3 (R-2009-0147) dated January 13, 2009, and as amended by Amendment No. 4 (R-2009-0741) dated May 5, 2009, by and between Palm Beach County ("County") and Nabors, Giblin & Nickerson, P.A. ("Attorney"), as follows:

Notwithstanding anything to the contrary in the Agreement or the Amendments, the following provision is added to the end of Paragraph 1 of the Agreement:

"County agrees to engage Attorney to provide disclosure counsel services for the issuance of General Obligation Refunding Bonds, Series 2010 (Recreation and Cultural Facilities) and General Obligation Refunding Bonds, Series 2010 (Library District Improvement Project). Attorney shall be compensated at fifty percent (50%) of the amount paid to bond counsel for this engagement. Pursuant to the terms and conditions herein, Attorney accepts such engagement and will provide the legal services."

Except as provided above, the Agreement, as amended, remains in full force and effect.

ATTEST:

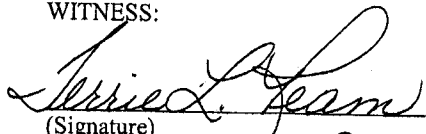
Sharon R. Bock, Clerk & Comptroller

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

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

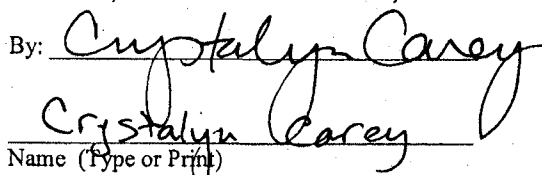
By: \_\_\_\_\_  
Burt Aaronson, Chairman

WITNESS:

  
(Signature)

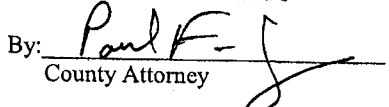
Terrie L. Ream  
Name (Type or Print)

ATTORNEY:  
NABORS, GIBLIN & NICKERSON, P.A.

By:   
Crystallyn Carey  
Name (Type or Print)

Shareholder  
Title

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By:   
County Attorney