

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date: October 5, 2010 Consent [X] Regular []
Public Hearing []

Submitted By: Water Utilities Department
Submitted For: Water Utilities Department
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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a resolution authorizing the conveyance of a certain 1998 Sewer / Vacuum Truck vehicle (Asset Number: 10113764), and transfer of its title, to the City of Pahokee, pursuant to Section 125.38, Florida Statutes; providing for an effective date.

Summary: Consistent with Palm Beach County Fleet Management's recommended guidelines for vehicle replacement, Palm Beach County Water Utilities Department has received a new Sewer Vacuum Truck which was ordered as a replacement for Asset No. 10113764. The Department has no further use for the replaced vehicle which was originally purchased in 1998, has been fully operational since that time and remains in fair condition. The City of Pahokee has requested that Palm Beach County donate this surplus vehicle to allow them to better manage stormwater runoff within their city limits. The current value of the vehicle is estimated at \$10,000. District 6 (MJ)

Background and Justification: The City of Pahokee has a serious limitation in their ability to manage stormwater runoff. This is partially due to the lack of available funds to secure adequate equipment to support their efforts. As a result, during heavy rains, this runoff infiltrates the underground wastewater infrastructure and greatly increases the amount of influent which enters the Glades Utility Authority (GUA) wastewater plant, increasing wastewater treatment and disposal costs and causing a significant increase in the wastewater operating costs of the GUA. The donation of the requested Sewer / Vacuum Truck to the City of Pahokee would allow them to decrease the amount of stormwater that infiltrates the wastewater system, thereby decreasing the operational costs of the GUA for wastewater treatment and disposal.

Attachments:

- 1. Resolution
- 2. Letter from the City of Pahokee Requesting Sewer Vacuum Truck
- 3. Request to Transfer Asset to Fixed Assets Management Office form
- 4. Statement of Current Valuation

Recommended By:  9/23/10
Department Director Date

Approved By:  9/30/10
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Operating Costs	<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>
Program Income (County)	<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>

see below

ADDITIONAL FTE
POSITIONS (Cumulative)

Is Item Included in Current Budget? Yes ___ No ___

Budget Account No.: Fund Agency Org. RSRC

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

No Fiscal Impact

C. Departmental Fiscal Review: Debra M. West

III. REVIEW COMMENTS

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

[Signature]
9/28/10 RAB
for F.A.M.O. OFMB
9/21/10
9/23/10

[Signature] 9/28/10
Contract Development and Control

B. Legal Sufficiency:

[Signature] 9/29/10
Assistant County Attorney

C. Other Department Review:

Department Director

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

RESOLUTION NO. 2010-_____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF A CERTAIN 1998 SEWER / VACUUM TRUCK VEHICLE (ASSET NUMBER: 10113764), AND TRANSFER OF ITS TITLE, TO THE CITY OF PAHOKEE, PURSUANT TO SECTION 125.38, FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Pahokee (hereinafter the "City") is an incorporated municipality within Palm Beach County, Florida; and

WHEREAS, a certain 1998 Sewer / Vacuum Truck vehicle owned by the County (Make: Vac-Con Sewer Cleaner, Vehicle Identification Number: 1HTGCADT6WH558982, Palm Beach County Asset Number: 10113764) (hereinafter the "Vehicle") has been replaced by another vehicle and is no longer of value to the County; and

WHEREAS, the City desires and has requested that the County convey the Vehicle to the City to be used by the City in response to incidents within their community; and

WHEREAS, the Board of County Commissioners of Palm Beach County (hereinafter the "Board") is satisfied that the Vehicle is not necessary or useful or profitable in the operation of the Palm Beach County Water and Sewer System, is not needed for County purposes, and is required by the City for the above stated intended use, which will enhance public services and benefit the public interest and welfare within the City.

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

Section 1. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Attached hereto and incorporated herein as Exhibit A is a Certificate of Director that the Vehicle is not necessary or useful or profitable in the operation of the Palm Beach County Water and Sewer System, is not needed for County purposes, and is required by the City for use in response to incidents within their community.

Section 3. Pursuant to Section 125.38, Florida Statutes, the Board hereby authorizes the conveyance of the Vehicle (Asset Number: 10113764), and transfer of its title, to the City, at no cost. The City's acceptance of the Vehicle is set forth in the attached Acceptance of Vehicle form (attached hereto and incorporated herein as Exhibit B).

Section 4. The provisions of this Resolution shall be effective immediately.

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:

- DISTRICT 1: Karen T. Marcus
- DISTRICT 2:
- DISTRICT 3: Shelley Vana
- DISTRICT 4: Steven L. Abrams
- DISTRICT 5: Burt Aaronson
- DISTRICT 6: Jess R. Santamaria
- DISTRICT 7: 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,
PALM BEACH COUNTY

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
County Attorney

Exhibit A

CERTIFICATE OF DIRECTOR

The undersigned is the Director of the Water Utilities Department (the "Department") of Palm Beach County, Florida (the "County"). The County intends to transfer to the City of Pahokee that certain vehicle more particularly described as follows:

1998 Sewer / Vacuum Truck; Vehicle Id. No. 1HTGCADT6WH558982; Palm Beach County Asset No. 10113764

(hereinafter the "Vehicle").

In accordance with the requirements of Section 4E of Resolution No. 84-1206, as amended, originally adopted by the Board of County Commissioners on August 23, 1984, I hereby find that the Vehicle to be transferred to the City of Pahokee is no longer necessary or useful or profitable in the operation of the Water and Sewer System.

IN WITNESS WHEREOF, the undersigned has executed this Certificate as of the date written below.

WITNESSES:

PALM BEACH COUNTY
WATER UTILITIES DEPARTMENT

Signature: W E Mundell

Print Name: Wendy E. Mundell

Signature: Debra M West

Print Name: Debra M. West

By: [Signature]
Department Director

Date: 9/23/10

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: [Signature]
County Attorney

Exhibit B

Acceptance of County Vehicle(s) and/or Equipment

The City of Pahokee ("City") does hereby receive and accept from Palm Beach County ("County") title, ownership and possession of the following vehicle(s) and/or equipment.

Description of Vehicle(s) and/or Equipment as applicable:

1997 Sewer / Vacuum Truck – Palm Beach County Asset Number 10113764

Type of Vehicle(s) and/or Equipment:

Make: Vac-Con Sewer Cleaner
Model: V311XHA, Serial No. 10971745
Year: 1998
Vin#: 1HTGCADT6WH558982
Engine Type and #: Navistar 700-2391
Equipment included on Vehicle:
N/A

Vehicle Mileage: 45,000

City acknowledges that it has inspected the vehicle(s) and/or equipment identified above and that it has accepted each one "as is". City further acknowledges that County has not made and does not make any representation, warranty, or covenant, express or implied, with respect to the fitness, merchantability, design, construction, capacity, suitability or performance of the transferred vehicle(s) and/or equipment as identified above.

Disclaimer of Warranties and Liability. City understands and agrees that the County is not the manufacturer or merchant of the transferred vehicle(s) and/or equipment as identified above, nor the agent of said manufacturer or merchant, and that no warranties, whether express or implied, are given by County.

THE VEHICLE(S) AND/OR EQUIPMENT TRANSFERRED TO CITY BY THE COUNTY, AND ACCEPTED BY CITY HEREUNDER, ARE TRANSFERRED, CONVEYED AND ACCEPTED "AS IS". NO WARRANTIES, WHETHER EXPRESS OR IMPLIED, ARE GIVEN. ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND/OR FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY EXCLUDED.


City acknowledges and agrees that it has fully inspected the vehicles and/or equipment identified above and is accepting said vehicle(s) and/or equipment in complete reliance upon City's inspection of said vehicles and/or equipment and upon City's own knowledge and expertise in evaluating the condition of the said vehicles and/or equipment and City's intended use of said vehicles and/or equipment. City acknowledges and agrees that in accepting said vehicles and/or equipment, City has not, and shall not, rely upon any statement, advice, information or representation made by the County or any of its employees, officers or agents. No oral or written statement, advice, information or representation from County or any of its employees, officers or agents, whether given before or after delivery of the vehicle(s) and/or equipment, shall create a warranty, and City acknowledges and agrees that it has not, and shall not, rely on any such advice, information or representation.

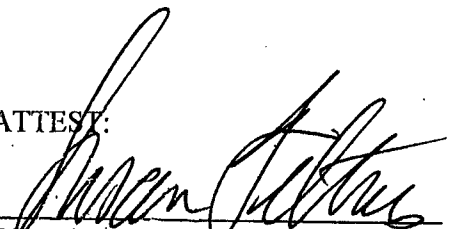
City understands and agrees that the County is not a seller engaged in the business of selling vehicles and/or equipment such as those identified above. City shall be solely responsible for inspecting the vehicle(s) and/or equipment identified above for any defects, either latent or patent, and for refurbishing and repairing said vehicle(s) and/or equipment as necessary prior to their use and operation, and that the County shall have no obligation or liability for such. City acknowledges

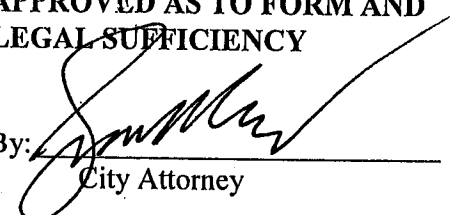
that the County has warned City, and City specifically understands, that the vehicle(s) and/or equipment identified above may not be suitable or safe for City's intended use and operation until inspected, repaired and refurbished by City, and City agrees to do so prior to allowing the use and/or operation of said vehicle(s) and/or equipment. City shall be solely responsible for continuing maintenance of the transferred vehicle(s) and/or equipment, and the County shall have no obligation or liability for such.

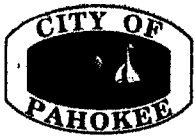
Hold Harmless and Indemnification. To the extent permitted by law, City shall indemnify, defend and hold harmless the County, including its employees, officers, and agents, against any actions, claims or damages arising out of City's use, possession, operation, maintenance or ownership of any vehicle(s) and/or equipment transferred to, and accepted by, City. The foregoing shall not constitute a waiver of sovereign immunity beyond the limits set forth in Section 768.28, Florida Statutes.

THE CITY OF PAHOKEE, FLORIDA

By: 
Name: J.P. Sasser
Title: Mayor

ATTEST:

City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**
By: 
City Attorney



City of Pahokee

Attachment 2

CITY HALL • 207 BACOM POINT RD. • PAHOKEE, FLORIDA 33476 • PHONE (561) 924-5534 • FAX (561) 924-8140

Office of the City
Manager

J.P. Sasser
Mayor

Henry Crawford Jr.
Vice Mayor

Keith Babb Jr.
Commissioner

Allie H. Biggs
Commissioner

Diane L. Walker
Commissioner

Derrek Moore
Interim City Manager

Susan Feltner
City Clerk

Gary Brandenburg
City Attorney

Herbert Crawford,
Director
Parks and Recreation

Art Ivester
Director
Port Mayaca
Memorial Gardens
Cemetery

Alvin Johnson
Director
Public Services

Kenneth Holley
Director
Community
Development

Mary Kendall
Director
Human Resources

Ted Roberts
Manager
USACE Liaison
& Special Project

July 29, 2010

Palm Beach County Water Utility
Bevin Beaudet, Director
8100 Forest Hill Blvd.
West Palm Beach, FL 33416

Dear Mr. Beaudet,

Subject: Request for Vacom Truck

In accordance with our telephone conversation on Monday July 26, 2010, the City of Pahokee's Commission unanimously approved the purchase of the vacom truck for the proposed \$10,000.00 during our regularly scheduled commission meeting on Tuesday July 27, 2010 at 7:00 p.m. While the Commission approved the \$10,000 fee, they have asked that I request you consider waving said fee. Please advise me of your requirements to take possession of the truck. The city is in immediate need of this truck.

Should you require any additional information, please feel free to contact me at your earliest convenience.

As always, the City of Pahokee thanks you for your continued support and willingness to extend yourself beyond the normal call of duty.

Sincerely,

Derrek A. Moore

Interim City Manager & Director of Finance

**REQUEST TO TRANSFER ASSET TO FIXED ASSETS MGT OFFICE
PALM BEACH COUNTY**

Attachment 3

OFMB/FINANCIAL MANAGEMENT DIVISION
FIXED ASSETS MANAGEMENT OFFICE
Form #2

DEPARTMENT/DIVISION NAME Water Utilities	CUSTODIAN CODE 7143	DATE 9/23/2010

ASSET NUMBER	DESCRIPTION	REASON CODE	CONDITION CODE	FAMO UPDATE REFERENCE	Z # ASSIGNED	ASSIGNED TO		
						INV	STORE	SCRAP
10113764	1998 Sewer / Vacuum Truck	4	3					
	VIN 1HTGCADT6WH558982							

REASON CODES
 1 - EXCESS 2 - OBSOLETE 3 - OTHER SURPLUS (specify) _____ 4 - STATUTORY/PUBLIC PURPOSE/BCC ACTION (Describe in Comments section below)
 CONDITION CODES
 1 - NEW 2 - GOOD 3 - FAIR 4 - POOR 5 - BROKEN/SERVICEABLE 6 - BROKEN/BEYOND REPAIR 7 - OTHER _____

COMMENTS (details on Reason 4 transfers, trade-ins, scrapping and thefts required here) **Board action on October 5, 2010**

REQUESTED BY - ORIGINATING DEPARTMENT	APPROVAL - FIXED ASSETS MANAGEMENT OFFICE
ORIGINATOR _____ DATE _____	INVENTORY OFFICER _____ DATE _____
INVENTORY OFFICER _____ DATE _____	
CUSTODIAN <u><i>Paul Ben</i></u> _____ DATE <u>9/23/10</u>	WAREHOUSE _____ DATE _____

Attachment 3



SOUTHERN SEWER EQUIPMENT SALES

3409 Industrial 27th St. • Ft. Pierce, FL 34946
(772) 595-9171 FAX • 1-800-782-4134 • (772) 595-6940

"A Certified MBE Woman Owned Business"

Mr. Jimmy Hartman
Line Maintenance Supervisor
Palm Beach County
8100 Forrest Hill Blvd
West Palm Beach, FL 33416
Via email: jhartman@pbcwater.com

August 4, 2010

Mr. Hartman,

Southern Sewer Equipment Sales estimates the value of the County's 1997 Vac-Con Sewer Cleaner model V311XHA, serial# 10971745 mounted on a 1998 International Chassis VIN# 1HTGCADT6WH558 is \$10,000.00, providing all components are in good working condition.

Sincerely,

Mike Wood
General Manager