

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

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Meeting Date:	July 19, 2011	Consent <input checked="" type="checkbox"/> [X]	Regular <input type="checkbox"/> []
		Public Hearing <input type="checkbox"/> []	

Submitted By: Water Utilities Department
Submitted For: Water Utilities Department

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I. EXECUTIVE BRIEF

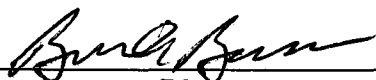
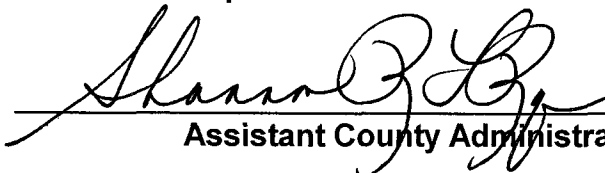
Motion and Title: Staff recommends motion to approve: Memorandum of Termination of Agreement between Palm Beach County and Cen-West Communities, Inc. for Water Quality Monitoring.

Summary: Cen-West Communities, Inc. (Century) operates an on-site potable water distribution system at Century Village – Boca Raton serving approximately 7,000 residential units. In order to comply with regulatory requirements, Century was required to monitor water quality throughout their system, including the sampling, testing, and reporting of water quality to the appropriate agencies. In June 2007, Century requested that the Water Utilities Department provide monitoring and reporting services for the on-site potable water distribution system. Pursuant to the recent guidance from the State of Florida Department of Health, Century is no longer required to perform the water quality monitoring and is no longer considered a consecutive distribution system. Century is therefore requesting the early termination of the Agreement, which will be retroactive to May 1, 2011. District 5 (MJ)

Background and Justification: On February 5, 2008, the County and Century entered into a two (2) year Agreement for Water Quality Monitoring ("Agreement") (County Resolution No. R2008-0208), which was extended for an additional two (2) year term on January 12, 2010, (County Resolution No. R2010-0094). The Department provides contract services with other entities, including Lion Country Safari, the School Board, and the Department of Airports for operation and maintenance of various water and wastewater facilities. Century entered into the Agreement to have the Department provide water quality monitoring and reporting services for their onsite water distribution system to assure full compliance with all applicable rules and requirements governing the operation of consecutive (privately owned) water distribution system.

Attachments:

1. Location Map
2. Three (3) Original Agreements

Recommended By:	 _____ Department Director	6/10/2011 _____ Date
Approved By:	 _____ Assistant County Administrator	6/28/11 _____ 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>
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> <i>\$ See below</i>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Budget Account No.:	Fund	Dept	Unit	Object
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Is Item Included in Current Budget?	Yes	No	Reporting Category	N/A
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B. Recommended Sources of Funds/Summary of Fiscal Impact:

~~✖~~ No Fiscal Impact

C. Department Fiscal Review: *Mr. Egan*

III. REVIEW COMMENTS


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

Contract was extended to February 4th, 2012 with an estimated revenue and expense of \$35,448.

OFMB

[Signature]
Contract Development and Control
C-2211 B. Wheeler

B. Legal sufficiency:

 6/27/11
Assistant County Attorney

C. Other Department Review:

Department Director

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

LOCATION MAP



Palm Beach County
Water Utilities
Department
Service Area (SA) and
Major Facilities

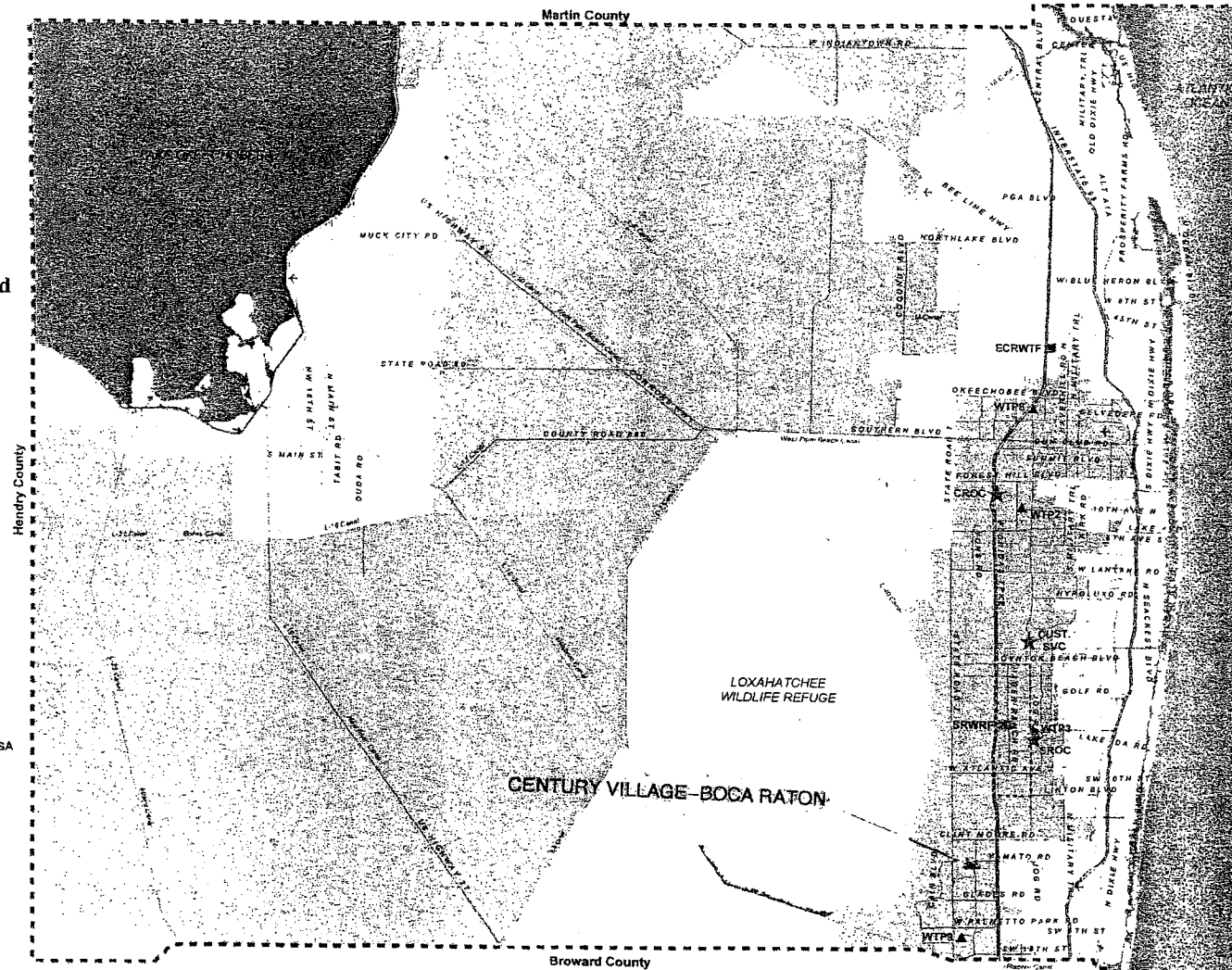
Attachment 1

Legend

- P.B.C.W.U.D. SA
- MANDATORY RECLAIMED SA
- COUNTY LIMITS
- ★ Administration
- Water Reclamation Plant
- ▲ Water Treatment Plant
- Wetlands



NOT TO SCALE



**MEMORANDUM OF TERMINATION OF AGREEMENT BETWEEN PALM BEACH
COUNTY AND CEN WEST COMMUNITIES, INC. FOR WATER QUALITY
MONITORING**

THIS MEMORANDUM OF TERMINATION is made and entered into this 23 day of May, 2011, by and between Palm Beach County, a political subdivision of the State of Florida ("County") and Cen West Communities, Inc. ("Century").

WITNESSETH:

WHEREAS, on February 5, 2008, County and Century entered into a two (2) year Agreement for Water Quality Monitoring ("Agreement")(County Resolution No. R2008-0208); and

WHEREAS, the Agreement was extended for an additional two (2) year term (County Resolution No. R2010-0094) through February 4, 2012; and

WHEREAS, pursuant to the recent guidance State of Florida Department of Health, Century is no longer required to perform the water quality monitoring set forth in the Agreement; and

WHEREAS, Century wishes to terminate the Agreement prior to its expiration date, and County consents to such termination.

NOW, THEREFORE, in consideration of the premises and mutual covenants herein contained, the parties hereby covenant and agree:

1. The foregoing recitals are true and correct and incorporated herein.
2. County and Century hereby agree that the Agreement shall be terminated as of May 1, 2011. With the exception of those terms and conditions which explicitly survive the expiration or termination of the Agreement, all other terms and conditions of the Agreement are null and void and of no further effect.

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

ATTEST:

Sharon R. Bock, Clerk & Comptroller

PALM BEACH COUNTY FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Karen T. Marcus, Chair

(SEAL)

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND
CONDITIONS

By: _____
County Attorney

By: _____
Department Director

CEN WEST COMMUNITIES, INC.

WITNESSES:

Signature _____
Typed or Printed Name
Joan De George

Signature _____
Typed or Printed Name
DENISE JAGODA

By: _____
Signature AS
Typed or Printed Name
MONICA D. WELLS
VP

Title

{ Corporate
Seal }

STATE OF Florida
COUNTY OF Palm Beach

NOTARY CERTIFICATE

The foregoing instrument was acknowledged before me this 23 day of May, 20 11 by
Monica D. Wells. He/she is personally known to me or has produced _____ as

identification.

My Commission

Expires:

4/5/2014



Signature of Notary

Typed, Printed, or Stamped Name of Notary

Notary Public

Serial Number:

DD 974042