

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: July 19, 2011

☒ 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: fully executed Amendment No. 1 to Agreement with the Florida Fish and Wildlife Conservation Commission (FFWCC) for Florida Boating Improvement Program (FBIP) Contract No. 09030 for the Waterway Park boat launching facility extending the project completion date from March 31, 2011, to March 31, 2012.

**Summary:** On October 9, 2009, a grant agreement with the FFWCC was fully executed, R-2009-2078, for a FBIP grant for a Phase 1 design project for the Waterway Park boat launching facility with a completion deadline of March 31 2011. Due to uncontrollable delays in obtaining environmental permits, the County requested a one year time extension to complete Phase 1 design services for this project. The time extension was granted, and the fully executed Amendment No. 1 to Agreement is now being submitted to the Board for receive and file. District 1 (AH)

**Background and Justification:** In October 2009, the County was awarded a \$170,000 FBIP grant for Waterway Park Phase 1 design, and the Director of the Parks and Recreation Department executed the Grant Agreement on behalf of the County as authorized, R-2009-0672. The agreement required the completion of Phase 1 services on or before March 31, 2011. Due to environmental permitting delays, the County requested a one year time extension to complete Phase 1 design services for this project. The plans for Waterway Park are now at 50% completion and include a boat launching basin with three boat ramps and four 50'+/- boarding docks, 300'+/- of staging docks, 60 car/trailer parking spaces, 29 car parking spaces, and fishing pier.

**Attachment:** Amendment No. 1 to Agreement

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

  
Department Director

6/16/11  
Date

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

  
Assistant County Administrator

7/1/11  
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>
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>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_  
Object \_\_\_\_\_ Program N/A

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

\* There is no fiscal impact associated with this item as the Amendment is for a time extension only.

### C. Departmental Fiscal Review:

## III. REVIEW COMMENTS

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

[Signature] 6/22/11  
OFMB  
JB 6/22/11  
SN 6/22/11  
CE 6/22/11

[Signature] 6/23/11  
Contract Development and Control

### B. Legal Sufficiency:

Anne Helgent 6/29/11  
Assistant County Attorney

### C. Other Department Review:

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

REVISED 9/2003  
ADM FORM 01

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

g:\jmatthew\parks1\waterway property\active grants\awarded - active grants\fbip grant 2009\1st amendment to agreement\receive and file agenda - first amendment to the agreement granting a time extension.docx

**AMENDMENT NO. 1 TO AGREEMENT**

This AMENDMENT TO AGREEMENT is entered into by and between the FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION ("COMMISSION") and the PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS ("GRANTEE"), and amends that Agreement entered into between the COMMISSION and the GRANTEE dated October 8, 2009, and hereinafter referred to as the "ORIGINAL AGREEMENT".

IN CONSIDERATION of the mutual covenants and conditions set forth herein and in the ORIGINAL AGREEMENT, the parties agree to amend the ORIGINAL AGREEMENT as follows, which amendments shall govern to the exclusion of any provision of the ORIGINAL AGREEMENT to the contrary:

1. Paragraph 22 of the ORIGINAL AGREEMENT is hereby amended to read as follows:

**TERM OF AGREEMENT:** This Agreement shall begin upon execution by both parties and end **June 30, 2032**, inclusive. **However, the GRANTEE shall complete all Phase I project services on or before March 31, 2012.** The GRANTEE shall not be eligible for reimbursement for services rendered prior to the execution date of this Agreement nor after the termination date of the Agreement.

2. No funds in addition to those provided for in the ORIGINAL AGREEMENT are authorized or allocated by this AMENDMENT TO AGREEMENT.

All provisions of the ORIGINAL AGREEMENT not specifically amended herein shall remain in full force and effect.


IN WITNESS WHEREOF, the parties have executed this AMENDMENT TO AGREEMENT on the date and year last written below.

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

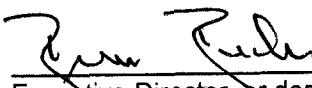
  
\_\_\_\_\_  
Mayor, or designee

5-17-11  
\_\_\_\_\_  
Date

Approved as to form and legality:

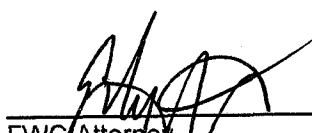
  
\_\_\_\_\_  
Grantee Attorney

**FLORIDA FISH AND WILDLIFE  
CONSERVATION COMMISSION**

  
\_\_\_\_\_  
Executive Director, or designee

6/7/11  
\_\_\_\_\_  
Date

Approved as to form and legality:

  
\_\_\_\_\_  
FWC Attorney