

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

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Meeting Date:	October 04, 2011	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 approve: an Interlocal Agreement with the Town of Jupiter establishing potable water service area boundaries.

Summary: In order to ensure the most efficient delivery of utility service countywide, the County encourages the use of cooperative agreements with other public utilities. This Agreement defines the service area for the provision of potable water service between the Town of Jupiter (Town) and Palm Beach County (County). This Agreement defines only the service area being transferred to the Town and does not change the statutory boundaries of the Town or provide to the Town any development approval rights beyond existing statutory authority, consistent with the County's Comprehensive Plan and the County Water Utilities Department Master Plan. District 1 (MJ)

Background and Justification: The Town and the County currently provide potable water service to adjacent geographic areas. It is mutually beneficial for the County and the Town to plan and coordinate the provision of potable water within their respective service areas so as not to duplicate capital investments. This Agreement provides a clearly defined service area to be transferred to the Town which is consistent with the County's Comprehensive Plan and the County Water Utilities Department Master Plan. This Agreement will benefit both parties through more efficient planning and coordination. At the September 6, 2011, Town Council meeting, the Agreement was approved and executed by the Town.

Attachments:

1. Location Map
2. Two (2) Original Agreements

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Recommended By:	<u>Bruce Bowen</u>	<u>9/20/11</u>
	Department Director	Date

Approved By:	<u>Sharon G. Byrnes</u>	<u>9/28/11</u>
	Assistant County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	0	0	0	0	0
External Revenues	0	0	0	0	0
Program Income (County)	0	0	0	0	0
In-Kind Match County	0	0	0	0	0
NET FISCAL IMPACT	0 <i>* see below</i>	0	0	0	0
# ADDITIONAL FTE POSITIONS (Cumulative)	0	0	0	0	0

Budget Account Nos.: Fund Dept Unit Object

Is Item Included in Current Budget? Yes No

Reporting Category N/A

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

No Fiscal Impact

C. Department Fiscal Review: *See Equator*

III. REVIEW COMMENTS

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

Customers are not being transferred, only area boundaries. no Fiscal Impact

[Signature] *9/13/11*
OFMB *9/9/11* *9/28/11*

[Signature] *9/14/11*
Contract Development and Control
9-14-11 B. [Signature]

B. Legal Sufficiency:

[Signature] *9/28/11*
Assistant County Attorney

*This Contract complies with our contract review requirements.
At the time of our review, the contract was not created.*

C. Other Department Reviews:

Department Director

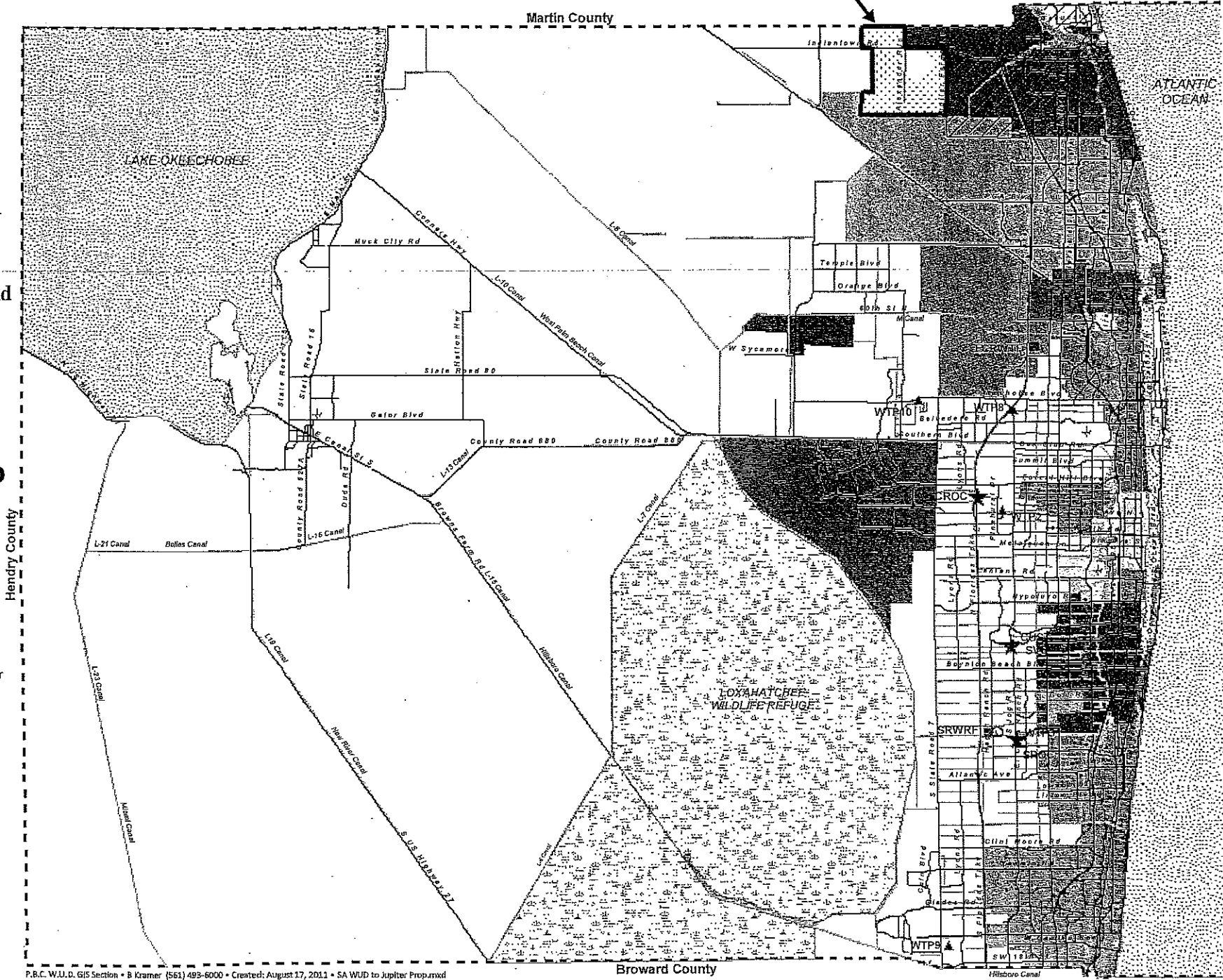


Palm Beach County Water Utilities Department Service Area (SA) and Major Facilities

Location Map

- Legend**
- PBCWJDSA to Town of Jupiter P.B.C.W.U.D. SA
 - Town of Jupiter SA
 - Loxahatchee River District
 - Palm Beach County Limits
 - Administration
 - Water Reclamation Facility
 - Water Treatment Facility
 - Wetlands

Portion of Palm Beach County Water Utility Service Area to become Town of Jupiter Water Utility Service Area



NOT TO SCALE

**INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND
THE TOWN OF JUPITER ESTABLISHING BOUNDARIES FOR
POTABLE WATER UTILITY SERVICE**

THIS AGREEMENT is made and entered into this _____ day of _____, 2011 by and between Palm Beach County, a political subdivision of the State of Florida, hereinafter referred to as 'COUNTY' and the Town of Jupiter, a Florida municipal corporation, hereinafter referred to as 'TOWN'.

WHEREAS, the COUNTY and the TOWN have adjoining potable water utility service areas; and

WHEREAS, it is mutually beneficial for the COUNTY and the TOWN to plan and coordinate the provision of potable water within their respective service areas so as not to duplicate capital investments; and

WHEREAS, utility service area boundaries must be established to assist the COUNTY and the TOWN in effective planning and coordination; and

WHEREAS, the COUNTY and the TOWN desire to define their respective boundaries for providing potable water utility service; and

WHEREAS, in accordance with Policy 3.1-c of the Future Land Use Element of the Palm Beach County Comprehensive Plan, the County shall provide potable water service to the unincorporated areas of Palm Beach county unless the County enters into a written agreement that provides service rights to a public or private utility or unless the County is prohibited by law from providing such service; and

WHEREAS, the COUNTY and TOWN agree that the TOWN is in the best position to efficiently provide potable water service to the service area defined herein and therefore wish to enter into this Agreement in accordance with the Palm Beach County Comprehensive Plan.

NOWHEREFORE, in consideration of the mutual promises contained herein, the COUNTY and the TOWN agree as follows:

1. The TOWN shall be the provider of potable water utility service within the service area depicted as "TOWN OF JUPITER POTABLE WATER SERVICE AREA" on Exhibit A, which is attached hereto and incorporated herein.
2. The COUNTY shall continue to be the provider of wastewater, reclaimed water and potable water utility service within the service area depicted as "PALM BEACH COUNTY UTILITIES SERVICE AREA/EXTREME NORTHERN PALM BEACH COUNTY" on Exhibit B, which is attached hereto and incorporated herein. COUNTY and TOWN acknowledge that the service area depicted in Exhibit B does not represent the COUNTY's entire utility service area, but only that portion of the COUNTY's utility service area which abuts the TOWN's service area.
3. The potable water utility service area being transferred from the COUNTY to the TOWN is fully described in Exhibit C attached hereto and incorporated herein.
4. This Agreement shall be binding upon and shall inure to the benefit of the COUNTY and the TOWN and their respective assigns and successors by merger, consolidation, conveyance or otherwise.
5. This water service area agreement defines only the service areas for the utilities herein specified, and does not change statutory boundaries of the TOWN, nor confer to the TOWN, any development approval rights beyond existing statutory authority nor will the utilities herein named be provided except as set forth in state law and the applicable TOWN/COUNTY ordinances. This agreement does not confer any rights to any third persons not a party to this agreement.
6. This Agreement supersedes all previous Agreements, if any, or representations, either verbal or written, heretofore in effect between the COUNTY and TOWN, made with respect to the matters herein contained, and when duly executed, constitutes the entire Agreement between the TOWN and the COUNTY. No additions, alterations or variations of the terms of this Agreement shall be valid, nor can provisions of this Agreement be waived by either party, unless such additions, alterations, variations or waivers are expressed in writing and duly signed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement on the date first above written.

ATTEST

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Karen T. Marcus, Chair

APPROVED AS TO FORM
CONDITIONS
AND LEGAL SUFFICIENCY

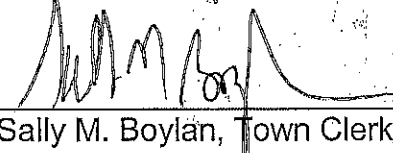
APPROVED AS TO TERMS AND

By: _____
County Attorney

By:  _____
Director of Water Utilities

ATTEST:

TOWN OF JUPITER,
BY ITS TOWN COUNCIL

By:  _____
Sally M. Boylan, Town Clerk

By:  _____
Karen J. Golonka, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

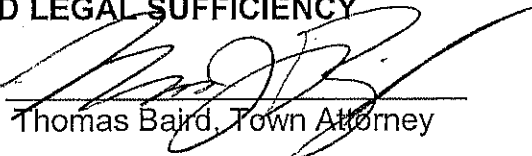
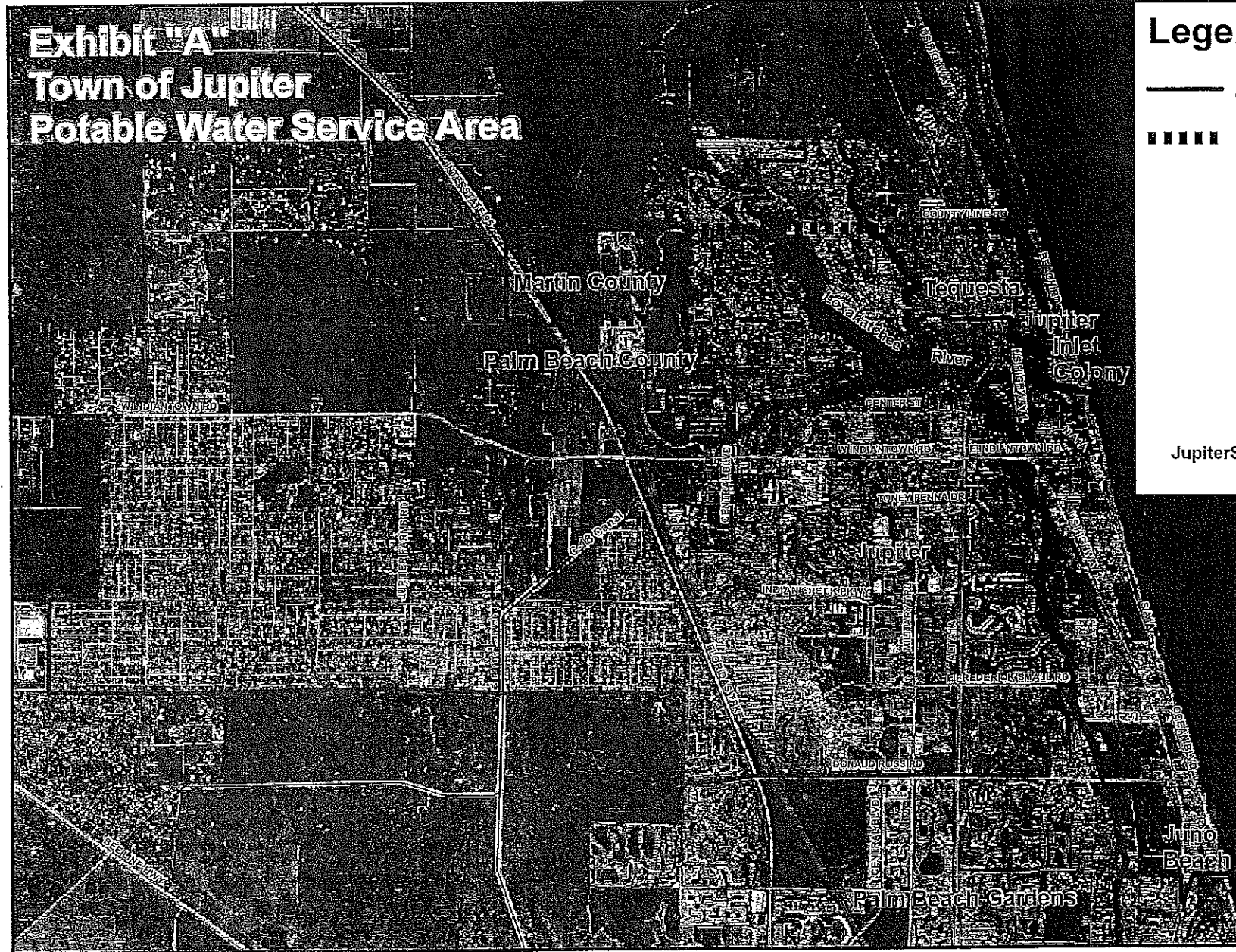
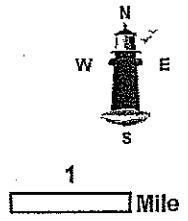
By:  _____
Thomas Baird, Town Attorney

Exhibit "A"
Town of Jupiter
Potable Water Service Area



Legend

- Jupiter Service Area
- County Boundary

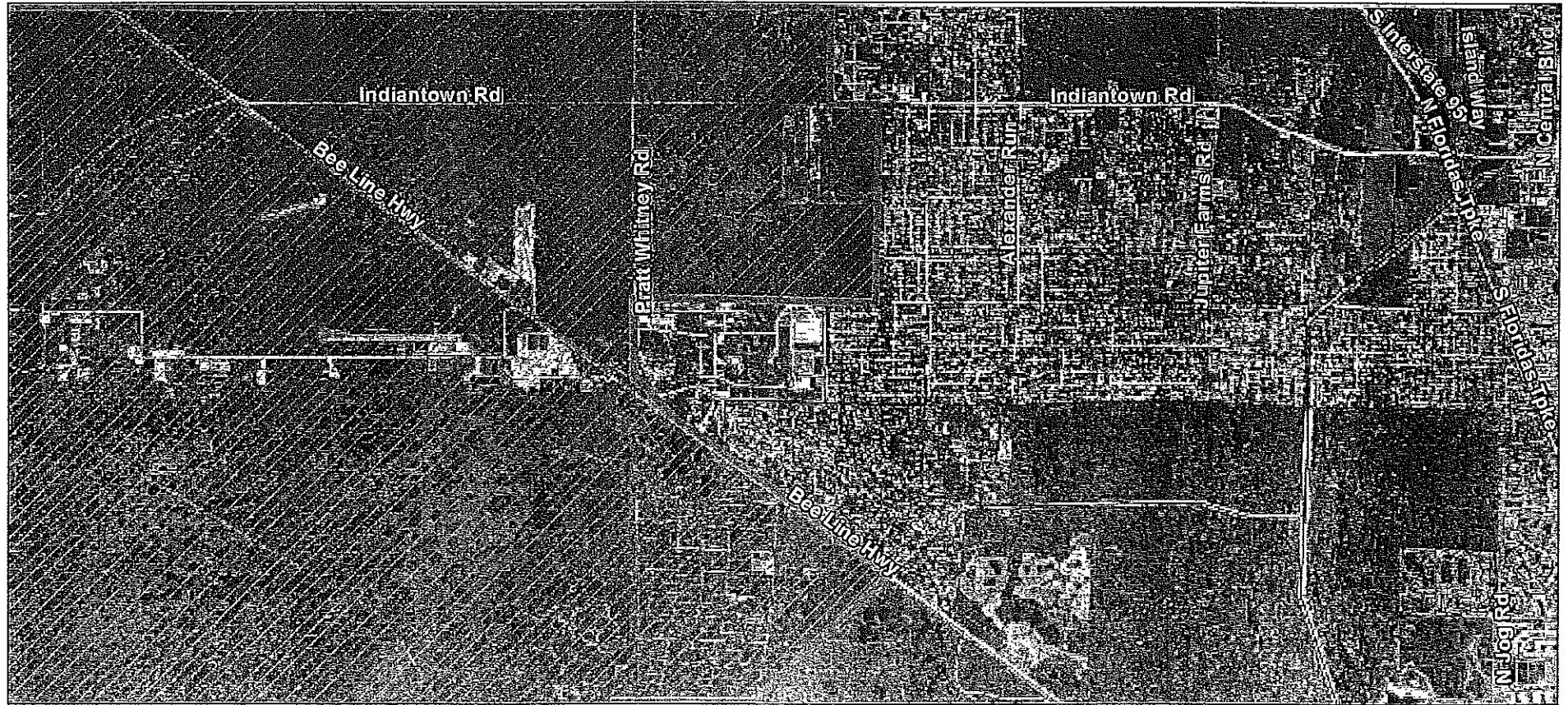


JupiterServiceAreaWWest.mxd/PDF
JupiterGIS August, 2011

Exhibit "B"

Palm Beach County Utilities Service Area

Extreme Northern Palm Beach County



Legend

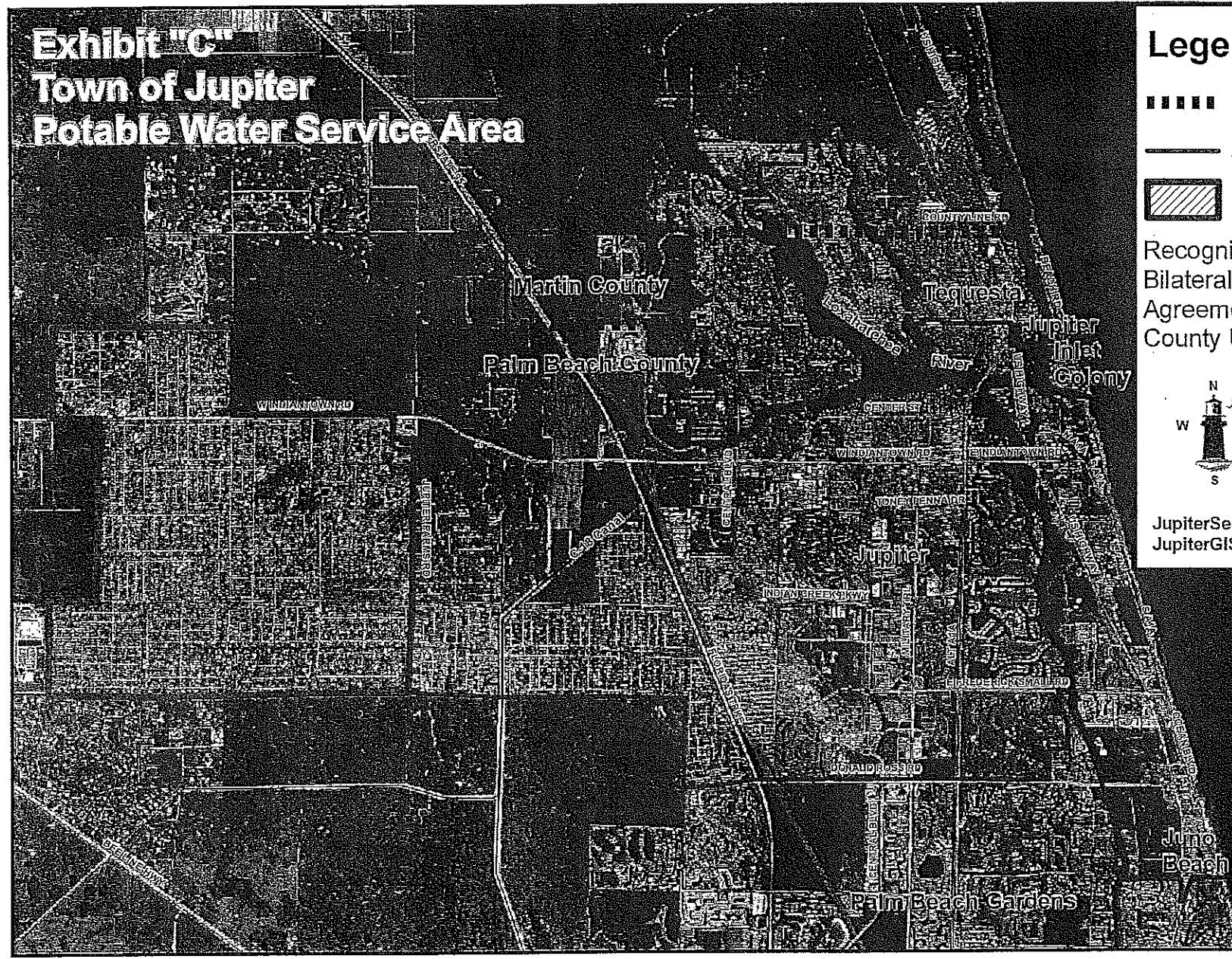
 PALM BEACH COUNTY WATER UTILITIES



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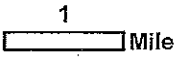

Miles

Exhibit "C" Town of Jupiter Potable Water Service Area



Legend

- County Boundary
- Jupiter Service Area
- ▨ Additional Jupiter Utilities Service Area Recognized through 2011 Bilateral Service Area Agreement with Palm Beach County Utilities



JupiterServiceAreaWestAdd.mxd/PDF
JupiterGIS August, 2011

EXHIBIT "C"

LEGAL DESCRIPTION OF ADDITIONAL LANDS TO NOW BE SERVED BY THE TOWN OF JUPITER WATER UTILITY:

Sections 33 and 34, Township 40 South, Range 41 East, Palm Beach County, Florida,

TOGETHER WITH:

Sections 1, 2, 3 and the East half of Section 4, Township 41 South, Range 41 East, Less the Plat of Jupiter Farms Community Shopping Center, P.C.D. as recorded in Plat Book 71, Pages 10 and 11, Public Records of Palm Beach County, Florida.

TOGETHER WITH:

The East half of Section 9, and all of Sections 10, 11, 12, 13, 14, 15 and 16, Township 41 South, Range 41 East, Palm Beach County, Florida.