

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

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**Meeting Date:** January 24, 2012       Consent       Regular  
 Ordinance       Public Hearing

**Department:** Housing & Community Development  
**Submitted By:** Housing & Community Development

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**I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to Receive and File:**

Four (4) Agreements and 20 Amendments to Agreements as follows:

- A) An Interlocal Cooperation Agreement with the City of South Bay in connection with the formulation of the Palm Beach County Community Development Block Grant (CDBG) Urban County jurisdiction;
- B) Amendment No. 004 to an Agreement (R2010-0899) with Riviera Beach Housing Authority under the Neighborhood Stabilization Program (NSP1);
- C) Amendment No. 003 to an Agreement (R2010-0900) with Housing Partnership, Inc. under NSP1;
- D) Amendment No. 004 to an Agreement (R2010-0902) with Florida Conference Association of Seventh-Day Adventists under NSP1;
- E) Amendment No. 003 to an Agreement (R2010-0903) with Community Land Trust of Palm Beach County, Inc. under NSP1;
- F) Amendment No. 004 to an Agreement (R2010-1036) with the Village of Wellington under NSP1;
- G) A Loan Agreement with Colonial Lakes Apartments, Ltd. under the Neighborhood Stabilization Program 2 (NSP2);
- H) Amendment No. 001 to the Loan Agreement with Colonial Lakes Apartments, Ltd. under NSP2;
- I) Amendment No. 002 to the Loan Agreement with Colonial Lakes Apartments, Ltd. under NSP2;
- J) A Subordination and Intercreditor Agreement with Citibank, N.A. (Citibank) in connection with the Colonial Lakes Apartments, Ltd. project under NSP2;
- K) Amendment No. 001 to an Agreement (R2011-1029) with Neighborhood Renaissance, Inc. under NSP2;
- L) Amendment No. 001 to an Agreement (R2011-1030) with Community Land Trust of Palm Beach County, Inc. under NSP2;
- M) Amendment No. 001 to an Agreement (R2011-1031) with Westgate/Belvedere Homes Community Redevelopment Agency under NSP2;
- N) An Agreement with the Housing Authority of the City of Belle Glade under the 2005 Disaster Recovery Initiative – Supplemental Appropriation (DRI3);
- O) Amendment No. 002 to an Agreement (R2011-0615) with West Palm Beach Housing Authority (Colony Oaks and Twin Lakes Project) under DRI3;
- P) Amendment No. 001 to an Agreement (R2011-0616) with Boca Raton Housing Authority (Banyan Place Project) under DRI3;
- Q) Amendment No. 001 to an Agreement (R2011-0617) with In the Pines, Inc. under DRI3;
- R) Amendment No. 001 to an Agreement (R2011-1618) with Boca Raton Housing Authority (Boca Island East and Dixie Manor Projects) under DRI3;
- S) Amendment No. 001 to an Agreement (R2011-0619) with West Palm Beach Housing Authority (Robinson Villas Project) under DRI3;
- T) Amendment No. 001 to an Agreement (R2011-0621) with Neighborhood Renaissance, Inc. under DRI3;
- U) Amendment No. 001 to an Agreement (R2011-0622) with Palm Beach County Housing Authority (Marshall Heights Project) under DRI3;
- V) Amendment No. 001 to an Agreement (R2011-0623) with Palm Beach County Housing Authority (Scattered Sites Project) under DRI3;
- W) Amendment No. 001 to an Agreement (R2011-0624) with Palm Beach County Housing Authority (Schall Landing and Seminole Manor Project) under DRI3; and
- X) Amendment No. 001 to an Agreement (R2011-0625) with the City of Delray Beach under DRI3.

**Summary: (Continued on Page 3)**

**Background and Justification: (Continued on Page 3)**

**Attachments:** Documents as listed in A through X above.

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**Recommended By:** Edward H. [Signature]      1/16/2012  
Department Director      Date

**Approved By:** Sharon [Signature]      1/23/12  
Assistant County Administrator      Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	\$8,280,129.20				
Operating Costs					
External Revenues	(\$8,280,129.20)				
Program Income					
In-Kind Match (County)					
<b>NET FISCAL IMPACT</b>	<b>-0-</b>				
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	<b>-0-</b>				

Is Item Included In Current Budget? Yes  X  No \_\_\_\_\_

Budget Account No.:

Colonial Lakes Apartments, Ltd.: Amendment 2

Fund 1112 Dept 143 Unit 1426 Object 8201 Prog Code/Period N217-GY09: \$3,765,814

Fund 1112 Dept 143 Unit 1426 Object 8201 Prog Code/Period N217A-GY09: \$3,081,120

Housing Authority of the City of Belle Glade - Okeechobee site:

Fund 1108 Dept 143 Unit 1422 Object 8101 Prog Code/Period DRI331-GY07: \$614,417

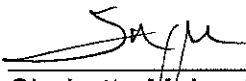
Housing Authority of the City of Belle Glade - Osceola site:

Fund 1108 Dept 143 Unit 1422 Object 8101 Prog Code/Period DRI332-GY07: \$818,778.20

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

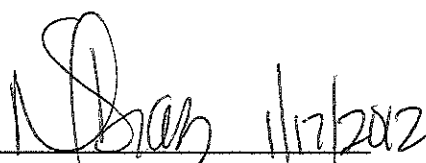
Approval of this agenda item will allocate \$6,846,934 in NSP2 funds to Colonial Lakes Apartments, Ltd. for the Colonial Lakes Apartments project and will allocate \$1,433,195.20 in DRI3 funds to the Housing Authority of the City of Belle Glade for the Okeechobee and Osceola Apartment complexes.

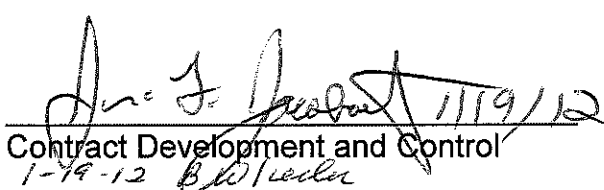
**C. Departmental Fiscal Review:**

 1-10-12  
Shairette Major, Fiscal Manager I

**III. REVIEW COMMENTS**

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

OFMB  1/17/12  
JA 1/17/12  
1/17/12

 1/19/12  
 Contract Development and Control  
1-19-12 B.W. Ueda

**B. Legal Sufficiency:**

 1/20/12  
Senior Assistant County Attorney

**C. Other Department Review:**

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

**Summary:** (Continued from Page 1)

In accordance with County PPM CW-0-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The attached Agreements and Amendments have been fully executed on behalf of the Board of County Commissioners (Board) by the Chair of the Board and by the County Administrator, or designee, in accord with Agenda Items R2001-340, R2007-1524, R2009-1122 and R2011-1384 approved by the Board on February 27, 2001, September 11, 2007, July 7, 2009, and September 13, 2011, respectively. These Agreements and Amendments are now being submitted to the Board to receive and file. **These are Federal CDBG, NSP1, NSP2, and DRI3 funds which require no local match.** (Contract Development) District 2 (TKF)

**Background and Justification:** (Continued from Page 1)

The Interlocal Cooperation Agreement with City of South Bay was executed on September 21, 2011. The City of South Bay is the thirtieth municipality to execute such an Agreement with the County. Execution of these Agreements is part of the U.S. Department of Housing and Urban Development's (HUD) triennial process to enable the County to receive CDBG funds from HUD as an Urban County.

The submitted Amendments to each of the following five (5) Agreements for the acquisition and rehabilitation of properties under NSP1 extend the expiration date to December 31, 2012, modify the program income definition, adjust the purchase price definition, delete the rehabilitation standards, update the resale options, update the asbestos requirements, incorporate maximum rent limits, and raise the construction retainage percentage: the Agreement (R2010-0899) with Riviera Beach Housing Authority executed on April 1, 2010, the Agreement (R2010-0900) with Housing Partnership executed on April 1, 2010, the Agreement (R2010-0902) with Florida Conference Association of Seventh-Day Adventists executed on April 1, 2010, the Agreement (R2010-0903) with Community Land Trust of Palm Beach County, Inc. executed on April 1, 2010, and the Agreement (R2010-1036) with the Village of Wellington executed on May 26, 2010.

On March 1, 2011, the Board approved the award of a \$5,846,934 loan in NSP2 funds to Colonial Lakes Apartments, Ltd. (CLA) for the construction of 120 affordable rental units to be located on Lake Worth Road in unincorporated Greenacres. On July 21, 2011, the County entered into a Loan Agreement with CLA to provide the \$5,846,934 in NSP2 funds. On September 22, 2011, the County executed Amendment No. 001 to the Loan Agreement with CLA to specify the distribution of the 120 units by bedroom size and by income level of the tenants. On November 1, 2011, the Board approved an additional loan amount of \$1,000,000 for CLA, and on November 4, 2011, the County executed Amendment No. 002 to the Loan Agreement with CLA to increase the loan amount from \$5,846,934 to \$6,846,934.

The Housing Finance Authority of Palm Beach County has approved the issuance of \$9,300,000 in multi-family revenue bonds to be secured by a first mortgage on the Colonial Lakes Apartments property and to be endorsed to Citibank. The Subordination and Intercreditor Agreement with Citibank, as required by the County's Loan Agreement with CLA, was executed by the Chair of the Board on November 30, 2011. The Subordination and Intercreditor Agreement places the County's mortgage in second position behind Citibank.

The submitted Amendments to each of the following three (3) Agreements for the acquisition and rehabilitation of properties under NSP2 modify the program income definition, adjust the purchase price definition, delete the rehabilitation standards, update the resale options, update the asbestos requirements, incorporate maximum rent limits, add a direct homebuyer subsidy option, and raise the construction retainage percentage: the Agreement (R2011-1029) with Neighborhood Renaissance, Inc. executed on May 5, 2011, the Agreement (R2011-1030) with Community Land Trust of Palm Beach County, Inc. executed on May 5, 2011, and the Agreement (R2011-1031) with Westgate/Belvedere Homes Community Redevelopment Agency executed on May 5, 2011.

The Agreement with the Housing Authority of the City of Belle Glade provides \$1,433,195.20 in DRI3 funds for hurricane hardening improvements at the Okeechobee and Osceola apartment complexes in Belle Glade.

The submitted Amendments to each of the following ten (10) Agreements which provide DRI3 funding extend the expiration date to October 21, 2012, incorporate project performance benchmarks and provisions to enable the adjustment of the amount allocated under the Agreement: the Agreement (R2011-0615) with the West Palm Beach Housing Authority executed on December 10, 2010, the Agreement (R2011-0616) with the Boca Raton Housing Authority executed on January 14, 2011, the Agreement (R2011-0617) with In The Pines, Inc. executed on February 1, 2011, the Agreement (R2011-0618) with the Boca Raton Housing Authority executed on February 4, 2011, the Agreement (R2011-0619) with the West Palm Beach Housing Authority executed on February 4, 2011, the Agreement (R2011-0621) with Neighborhood Renaissance, Inc. executed on January 14, 2011, the Agreement (R2011-0622) with the Palm Beach County Housing Authority executed on February 25, 2011, the Agreement (R2011-0623) with the Palm Beach County Housing Authority executed on February 25, 2011, the Agreement (R2011-0624) with the Palm Beach County Housing Authority executed on February 25, 2011, and the Agreement (R2011-0625) with the City of Delray Beach executed on March 11, 2011.