

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

Meeting Date: February 7, 2012 Consent Regular
Public Hearing

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

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: an Amendment to the "Financial Assistance Award" with the U.S. Department of Commerce, Economic Development Administration (EDA) and the Glades Utility Authority (GUA) to add the City of Belle Glade as a co-recipient.

Summary: On January 12, 2010, the Board of County Commissioners (BCC) ratified the signature of the County Administrator on an application for Federal Assistance (SF-424) as "Co-Applicant" with the GUA for Federal Grant funding from the Department of Commerce, Economic Development Administration (R-2010-0139). On April 8, 2010, Palm Beach County was notified that the Grant was approved. A local match requirement of \$1,330,000 will be obtained from previously awarded State and local grants. On May 4, 2010, The BCC ratified a "Financial Assistance Award" with the EDA and GUA in the amount of \$3,990,000 for the design and construction of wastewater infrastructure owned by the GUA, within their utility service area. Water Utilities Department (WUD) will manage the project for the GUA. The project will be funded from WUD's Capital Improvement Fund. The GUA will be reimbursed by EDA for the project costs and repay WUD from these funds. The Amendment is necessary to add the City of Belle Glade as a co-recipient which is necessary since the City of Belle Glade has property rights within one of the project areas. These property rights relate to a reverter clause contained in a deed conveying property from the City of Belle Glade to GUA. District 6 (MJ)

Background and Justification: The Glades Communities have struggled with water quality issues, inadequate sewer infrastructure, lack of revenues and the inability to encourage business growth. This investment is intended to overcome many of the issues related to inflow and infiltration of the wastewater system, enhance regional productivity and innovation, enhance the area's economic base and provide necessary infrastructure to those industries new to the Glades area such as aerospace, pharmaceutical/medical, alternative energy and tourism.

Attachments:

- 1. Five (5) Original Amendments

Recommended By:  1/27/12
Department Director Date

Approved By:  2/7/12
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	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	0	0	0	0
# ADDITIONAL FTE POSITIONS (Cumulative)	0	0	0	0	0

Budget Account No.: 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: *R. Egan*

III. REVIEW COMMENTS

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

Expenses are budgeted in 4011-721-W026-6547

N. B. [Signature] 1/31/2012
OFMB

Dr. J. Jacobson [Signature] 2/11/12
Contract Development and Control
2-1-12 H. W. [Signature]

B. Legal Sufficiency:

[Signature] * 2/2/12
Assistant County Attorney

* At time of review, a copy was attached. Originals will be inserted after approval by Belle Glade.

C. Other Department Review:

Department Director

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



**UNITED STATES DEPARTMENT OF COMMERCE
Economic Development Administration
Atlanta Regional Office**

Suite 1820
401 West Peachtree St., N.W.
Atlanta, Georgia 30308-3510

619

January 17, 2012

In reply refer to:
Investment No.: 04-79-06327
Glades Utility Authority, FL

Mr. James C. Stiles, Executive Director
The Glades Utility Authority
8100 Forest Hill Boulevard
West Palm Beach, Florida 33416

and

Mr. Robert Weisman, County Manager
Palm Beach County Board
of County Commissioners
301 North Olive Avenue
West Palm Beach, Florida 33401

and

Mr. Lomax Harrelle, City Manager
City of Belle Glade
110 Dr. Martin Luther King Jr., West
Belle Glade, Florida 33430

IC COPY

RECEIVED

JAN 24 2012

TREASURE COAST
REGIONAL PLANNING COUNCIL

Dear Messrs. Stiles, Weisman and Harrelle:

The Economic Development Administration (EDA) approves the action requested to add the City of Belle Glade as a co-Recipient. This action was necessary because the City has retained certain property rights in the project site.

Enclosed are five signed copies of the Offer to Amendment to Financial Assistance Award. Your acceptance of the terms and conditions of the award should be indicated by the signature of your principal official on all four signed copies. All three co-Recipients (Glades Utility Authority, Palm Beach County, and the City of Belle Glades) need to sign each of the five copies. Two of the executed copies should be returned to the Asa R. Williams, Atlanta Regional Office, Economic Development Administration, 401 West Peachtree Street, N.W., Suite 1820, Atlanta, Georgia 30308-3510 no later than February 24, 2012.

Should you have any questions, please contact Asa R. Williams at 404-730-3821, or email awilliams3@eda.doc.gov.

Sincerely,

/s/ H. Philip Paradise, Jr.

H. Philip Paradise, Jr.
Director, Atlanta Region

Enclosures: Offer To Amend Financial Assistance Award Agreement (5)

cc: W/Encl
Gregory Vaday, AICP
Treasure Coast Regional Planning Council



**AMENDMENT TO
FINANCIAL ASSISTANCE AWARD**

CFDA NO. AND PROJECT TITLE
11.307 Economic Adjustment Program

AWARD NUMBER
04-79-06327

RECIPIENT NAME
Glades Utility Authority / Palm Beach County/City of Belle Glade

AMENDMENT NUMBER
One

STREET ADDRESS
8100 Forest Hill Boulevard/301 North Olive Avenue/110 Dr Martin Luther King Jr., West

EFFECTIVE DATE
Date of Award Amendment Approval

CITY, STATE, ZIP CODE
West Palm Beach, FL 33416/ West Palm Beach, FL 33401/Belle Glade, FL 33430

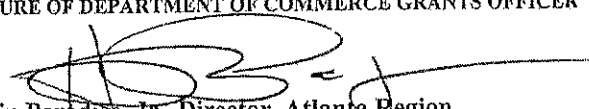
EXTEND AWARD PERIOD OF

BUREAU	FUND	FCFY	PROJECT-TASK	ORGANIZATION	OBJECT CLASS
20	40	10	0406327	04	4110
COSTS ARE REVISED AS FOLLOWS:		PREVIOUS ESTIMATED COST	ADD	DEDUCT	TOTAL ESTIMATED COST
FEDERAL SHARE OF COST		\$ 3,990,000	\$ 0	\$ 0	\$ 3,990,000
RECIPIENT SHARE OF COST		\$ 1,330,000	\$ 0	\$ 0	\$ 1,330,000
TOTAL ESTIMATED COST		\$ 5,320,000	\$ 0	\$ 0	\$ 5,320,000

REASON(S) FOR AMENDMENT

To add the City of Belle Glade as a co-recipient of the award since they have retained certain property rights to the project site.
This Amendment approved by the Grants Officer is issued in triplicate and constitutes an obligation of Federal funding. By signing the three documents, the Recipient agrees to comply with the Amendment provisions checked below and attached, as well as previous provisions incorporated into the Award. Upon acceptance by the Recipient, two signed Amendment documents shall be returned to the Grants Officer and the third document shall be retained by the Recipient. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally terminate this Amendment.

- Special Award Conditions
- Line Item Budget (Attachment 1, Form ED 508)
- Other(s) This Amendment is entered to add the City of Belle Glade as a co-recipient

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER 	DATE 1/18/12
H. Philip Paradise, Jr., Director, Atlanta Region	
TYPED NAME, TYPED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL James Stiles, Executive Director, The Glades Utility Authority	DATE
Robert Weisman, County Manager, Palm Beach County	DATE
Lomax Harrelle, City Manager, City of Belle Glade	DATE

OFFER TO AMEND FINANCIAL ASSISTANCE AWARD
(Amendment No. 1)

Investment No. 04-79-06327
Date: January 17, 2012

TO: Glades Utility Authority, Palm Beach County, and City of Belle Glade

WHEREAS, the United States of America, Department of Commerce, Economic Development Administration (herein the "Government") entered into a Financial Assistance Award (herein the "Award") on or about April 7, 2010 with The Glades Utility Authority and Palm Beach County for regional waste water system improvements (herein "Co-recipients"); and

WHEREAS, the City of Belle Glade will retain certain property rights as part of the waste water system improvements that are to be constructed pursuant to this Award. Government regulations require that the owner of property constructed or improved with funds from an award must be an award recipient. For this reason, it is now necessary to add the City of Belle Glade to the Award as a Co-recipient. The Co-recipients have requested that the Award be amended to reflect the addition of the City of Belle Glade as a Co-recipient. The City of Belle Glade is eligible for EDA Award assistance and is willing to abide by all terms and conditions of the Award.

WHEREAS, it is in the best interest of the Government and the Co-recipients to amend the Award and provide for such changes and revisions as are deemed necessary.


NOW, THEREFORE, for and in consideration of the mutual benefits flowing to the Government and the Co-recipients, the Government hereby offers to amend the Award as follows:

The addition of the City of Belle Glade to this Award as a Co-Recipient is hereby agreed to. To this end, the City of Belle Glade, Palm Beach County, and the Glades Utility Authority, upon execution of this Amendment, hereby agree to be bound by all the terms and conditions of the application to EDA and the Award pursuant thereto.

All other terms and conditions set forth in the original Award, and any amendments thereto, shall remain in full force and effect.

This Offer to Amend must be accepted not later than thirty days from the date of receipt of the Offer to Amend Financial Assistance Award.

U. S. Department of Commerce
Economic Development Administration

By: 
H. Philip Paradice, Jr.
Director, Atlanta Region

City of Belle Glade, Florida hereby accepts the foregoing Offer to Amend Financial Assistance Award (Amendment No. 1).

Dated this _____ day of _____, 2012.

By: _____
Signature of Accepting Official Title

Printed Name of Accepting Official

CERTIFICATION (By Official Other Than Accepting Official)

The person signing this acceptance is so authorized by the Governing Body or Board of Grantee.

By: _____
Signature of Certifying Official Title of Certifying Official

Printed Name of Certifying Official Date

Palm Beach County, Florida hereby accepts the foregoing Offer to Amend Financial Assistance Award (Amendment No. 1).

Dated this _____ day of _____, 2012.

By: _____
Signature of Accepting Official Title

Printed Name of Accepting Official

CERTIFICATION (By Official Other Than Accepting Official)

The person signing this acceptance is so authorized by the Governing Body or Board of Grantee.

By: _____
Signature of Certifying Official Title of Certifying Official

Printed Name of Certifying Official Date

The Glades Utility Authority, Florida hereby accepts the foregoing Offer to Amend Financial Assistance Award (Amendment No. 1).

Dated this _____ day of _____, 2012.

By: _____
Signature of Accepting Official Title

Printed Name of Accepting Official

CERTIFICATION (By Official Other Than Accepting Official)

The person signing this acceptance is so authorized by the Governing Body or Board of Grantee.

By: _____
Signature of Certifying Official Title of Certifying Official

Printed Name of Certifying Official Date