PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:

August 14, 2012

Consent [X]
Public Hearing []

Regular []

Department:

Water Utilities Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: an one (1) year extension to all Water Utilities Department (WUD) Development Agreements and Renewal Agreements that were scheduled to expire on or after September 30, 2012, and before September 30, 2013.

Summary: Developers who meet certain criteria as outlined in the Water Utilities Department's Uniform Policies and Procedures Manual (UPAP) are required to enter into Development Agreements (Agreement) to reserve potable water, wastewater, and/or reclaimed water capacity (Capacity) for their projects. The terms of the Agreement require the submittal of a Mandatory Agreement Payment (MAP) to reserve Capacity for a period of five (5) years. Any unused Capacity remaining in the Agreement after five (5) years can be renewed for one (1) additional five (5) year term upon payment of another MAP and execution of a Renewal Agreement. No further renewals are available after ten (10) years as prescribed by UPAP.

However, the Palm Beach County Board of County Commissioners (Board) recognized the impact the downturn in the economy was having on development in the Board and approved a one (1) year extension of these Agreements on January 13, 2009 (Agenda Item 3K-1). An additional extension was approved by the Board through its authorization to include these Agreements as part of Section 14(1), Chapter 2009-06, Laws of Florida. This measure provided a two (2) year extension for Agreements expiring between September 1, 2008, and January 1, 2012.

Although the economy is showing signs of improvement, development activity in the County is projected to remain sluggish for the foreseeable future. Therefore, WUD is once again recommending to the Board the approval of a one (1) year extension on these Agreements.

Districts

1,2,3,5, and 6 (MJ)

Background and Justification: The Department Director has been delegated the authority to enter into Standard Development Agreements on behalf of the County. However, Board authorization is being sought in this case due to the desire to extend expiration dates of all Standard and non-Standard Development Agreements in recognition of the continued economic downturn

Standard and non-Standard Development Agreements in recognition of the continued economic downturn.					
Attachments:					
None					
Recommended By:	Brabeande	7/10/12			
	Department Director	Date			
Approved By:	Hann R. Ly	0/2/12			
•	Assistant County Administrator	Date			

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures External Revenues Operating Expenses In-Kind Match County	<u>0</u> <u>0</u> <u>0</u> <u>0</u>	<u>0</u> <u>0</u> <u>0</u> <u>0</u>	<u>0</u> <u>0</u> <u>0</u> <u>0</u>	<u>0</u> <u>0</u> <u>0</u>	<u>O</u> <u>O</u> <u>O</u>
NET FISCAL IMPACT	<u>0</u>	<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 4000 Dept 720 Unit 4200 Rsrc 6990

Is Item Included in Current Budget? Yes No \underline{X} Reporting Category $\underline{N/A}$

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

MAP was paid in full for the first 10 years as prescribed by UPAP. These extensions, if granted, do not require an additional MAP payment from the developers. Extending these SDAs will have no impact on WUD. There is no opportunity cost for allowing this capacity to remain reserved.

C.	Department Fiscal Review:	
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III. REVIEW COMMENTS

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

	Solf Whit	Dr. J. Juster 7,1812
	OFMB ON >	Contract Development and Control 7-18-16 B Whath
В.	Legal sufficiency:	
	1/19/12	

C. Other Department Review:

Department Director

Assistant County Attorney

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