

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: 10/2/2012 [X] Consent [ ] Regular  
[ ] Public Hearing  
Department  
Submitted By: COUNTY ATTORNEY  
Submitted For:

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: Amendment No. 2 to the Agreement (R-2010-1219) as amended by R-2012-0306, with the law firm of Bryant Miller Olive P.A. ("Attorney"), to provide bond counsel and related legal services for the not to exceed \$75 Million County Water Utility Series 2006A Refunding (the "Bonds").

**Summary:** The Attorney was selected as bond counsel for the Bonds by the County Financing Committee at the August 23, 2012 meeting. This Amendment No. 2 confirms that selection by amending the existing Agreement for bond counsel and related services between Palm Beach County and the Attorney. Payment for the legal services in connection with the bond issuance will be as provided for in the Agreement. Countywide (PFK)

**Background and Justification:** Legal services are required by the County from the Attorney for the above-referenced financing.

**Attachments:**

1. Amendment No. 2 to Agreement (R-2010-1219)

Recommended by: DM Veman 8/29/12  
County Attorney Date

Approved by: N/A  
Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	_____	_____	_____	_____	_____
	*See Below				
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_

Reporting Category \_\_\_\_\_

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

**C. Departmental Fiscal Review: \*Attorneys fees and costs will be paid from the proceeds of the sale of the bonds and cannot be estimated at this time.**

**III. REVIEW COMMENTS**

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

<p>_____ OFMB 8/7/12</p>	<p>_____ 8/30/12</p>	<p>_____ 8/31/12</p>	<p>_____ 8/31/12</p>	<p>_____ 9/17/12 Contract Development and Control At the time of our review the amendment was not executed.</p>
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**B. Legal Sufficiency:**

\_\_\_\_\_  
Paul F. J. 8/29/12  
Assistant County Attorney

**C. Other Department Review:**

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

**THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.**

**AMENDMENT NO. 2  
TO AGREEMENT BETWEEN PALM BEACH COUNTY  
AND BRYANT MILLER OLIVE P.A.  
FOR BOND COUNSEL AND RELATED LEGAL SERVICES**

This Amendment No. 2, dated \_\_\_\_\_, 2012, amends Agreement R-2010-1219 dated August 17, 2010, ("Agreement") as amended by R-2012-0306, by and between Palm Beach County ("County") and BRYANT MILLER OLIVE P.A ("Attorney"), as follows:

Attorney shall serve as Bond Counsel for the refinancing of the not to exceed \$75 Million County Water Utility Series 2006A Refunding. Attorney shall be compensated by County as provided for in the Agreement.

This Amendment is effective as of August 23, 2012.

Except as provided above, the Agreement, as amended, remains in full force and effect.

ATTEST:  
Sharon R. Bock, Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Shelley Vana, Chair

WITNESS:

ATTORNEY:  
BRYANT MILLER OLIVE, P.A.

Naomi E. Christian  
(Signature)

By: JoLinda Herring

Naomi E. Christian  
Name (Type or Print)

JoLinda Herring  
Name (Type or Print)

Shareholder  
Title

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: Paul F. J.  
County Attorney