3FE-2 Agenda Item #:

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

| Meeting Date: | October 2, 2012 | (X) Consent () Workshop | () Regular () Public Hearing | |
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| Department | Y | al D'assumes Managamen | 4 | |
| Submitted B | | Environmental Resources Management | | |
| Submitted F | or: Westgate Con | Westgate Community Development Agency | | |
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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

- A) approve Amendment No. 2 to Interlocal Agreement No. R2010-1432 with the Westgate/Belvedere Homes Community Redevelopment Agency (CRA) to allow reimbursement for costs incurred by the CRA for the construction of Phases IV, V and VI infrastructure improvements through the Lake Worth Lagoon Partnership Grant Program (LWLPGP) and to extend the Agreement to December 31, 2012; and
- B) authorize the County Administrator, or his designee, to sign all future time extensions, task assignments, certifications, statements and other forms associated with this Agreement and any necessary minor amendments that do not change the scope of work, terms or conditions of this Agreement.

Summary: The County and the CRA previously entered into an Interlocal Agreement (R2010-1432), which was amended by R2012-0834, for infrastructure improvements in the CRA which will benefit the restoration of the Lake Worth Lagoon (LWL). The first Amendment expires on October 31, 2012. A new Amendment is necessary to extend the project completion date to December 31, 2012, and allow the disbursement of grant funds from the LWLPGP for costs incurred for the implementation of phases IV, V, and VI. The total grant funding for the projects is \$1,496,442. A 100% match is required from the CRA. District 2 (SF)

Background and Justification: The Florida Department of Environmental Protection (FDEP) Grant Agreement No. LP6046 (R2006-05830) will reimburse \$1,496,442 for the CRA's North Westgate Infrastructure Improvement Project for Phases IV, V, and VI. The FDEP Agreement is part of the State Legislature's disbursement of funds for restoring and protecting the surface waters of the State. The funds are being allocated and managed under the LWLPGP. The County acts as the pass through agency for the Westgate/Belvedere Homes CRA reimbursement.

Attachments: Amendment No. 2 to the Interlocal Agreement with CRA

Recommended by:

Approved by:

Department Director

County Administrator

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact: Fiscal Years 2013 2014 2015 2016 2017 Capital Expenditures **Operating Costs External Revenues** Program Income (County) Cash Match (County) NET FISCAL IMPACT # ADDITIONAL FTE POSITIONS (Cumulative) Yes_ Is Item Included in Current Budget? X Fund1229 Department 380 Unit 3068 Budget Account No.: Program_ Recommended Sources of Funds/Summary of Fiscal Impact LWLPGP matched by Westgate CRA. No fiscal impact associated with the time C. Department Fiscal Review: III. REVIEW COMMENTS **OFMB Fiscal and /or Contract Administrator Comments:** A. **OFMB** B. Legal Sufficiency: **Assistant County Attorney** C. Other Department Review: **Department Director**

INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND WESTGATE/BELVEDERE HOMES CRA AGREEMENT #R2010-1432 North Westgate Infrastructure Improvements Project

AMENDMENT NO. 2

GRANTEE
RONALD L. DANIELS, CHAIRMAN
WESTGATE/BELVEDERE HOMES CRA
1280 N. CONGRESS AVENUE, SUITE 215
WEST PALM BEACH, FLORIDA 33409

of ______, 2012, by and between Palm Beach County, Florida, a Political Subdivision of the State of Florida, by and through its Board of County Commissioners, and the Westgate/Belvedere Homes Community Redevelopment Agency (CRA), a public entity, located in Palm Beach County, Florida (hereinafter "Grantee").

WITNESSETH:

WHEREAS, the original agreement was executed on May 16, 2006 (R-2006-0881) and amended on February 6, 2007 (R-2007-0169) to increase the funding and extend the completion date to March 31, 2010;

WHEREAS, the Agreement was reinstated on September 14, 2010 (R-2010-1432) to extend the date for completion of all services to April 30, 2012;

WHEREAS, the Agreement (R-2010-1432) was amended in April 30, 2012 (R2012-0834) to extend the date for completion of all services from April 30, 2012 to October 31, 2012;

WHEREAS, the parties desire to amend the Agreement to allow reimbursement for costs incurred by CRA for phases IV, V and VI of the project from the date of the original agreement up to the completion date of December 31, 2012;

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

Article 1 of the Agreement, entitled Effective Date and Term, is hereby deleted and replaced with the following:

The term of this Agreement shall be effective on the date of execution of this Agreement by both parties and shall continue in full force and effect until December 31, 2012, unless otherwise terminated as provided in Article 3 & 12 herein. Notwithstanding the effective date of this Agreement, CRA may seek reimbursement for costs incurred for phases IV, V and VI of the project, which were incurred after the effective date of the original agreement (R-2007-0169).

All other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Amendment on behalf of the County and Grantee has hereunto set its hand the day and year above written.

| By: Koneld January Ronald Daniels, Chairman Date Westgate Board of Commissioners | PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS By: Shelley Vana, Chairperson Date |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| ATTEST: By: <u>Uizeé Uichel</u> Date | ATTEST: By: Sharon R. Bock, Clerk & Comptroller Date |
| APPROVED AS TO FORM AND LEGAL SUFFICIENCY: By: Westgate RA Attorney | APPROVED AS TO FORM AND LEGAL SUFFICIENCY: By: Assistant County Attorney |

APPROVED AS TO TERMS AND CONDITIONS:

Ву: 🗸

Director, Department of

Environmental

Resources Management