

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: February 5, 2013 [X] Consent [] Regular
[] Ordinance [] Public Hearing

Department: Department of Economic Sustainability

I. EXECUTIVE BRIEF

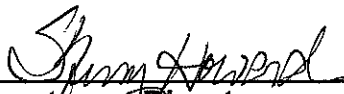
Motion and Title: Staff recommends motion to Receive and File: One (1) Agreement, 11 Amendments to Agreements, and one (1) Release and Cancellation of Declaration of Restrictions, as follows:


- A) Agreement with the City of Delray Beach under the 2005 Disaster Recovery Initiative Program - Supplemental Appropriation (DRI3);
- B) Amendment No. 002 to the Agreement (R2012-1252) with the City of Riviera Beach under the 2005 Disaster Recovery Initiative Program (DRI2);
- C) Amendment No. 001 to the Agreement (R2012-1798) with the Pahokee Housing Authority under DRI2;
- D) Amendment No. 002 to the Agreement (R2011-1795) with the Town of Jupiter under the 2008 Disaster Recovery Initiative – Supplemental Appropriation (DRI4);
- E) Amendment No. 002 to the Agreement (R2011-1796) with West Palm Beach Housing Authority under (DRI4);
- F) Amendment No. 005 to the Agreement (R2010-0903) with Community Land Trust of Palm Beach County, Inc. under the Neighborhood Stabilization Program (NSP1);
- G) Amendment No. 006 to the Agreement (R2010-1036) with the Village of Wellington under NSP1;
- H) Amendment No. 005 to the Agreement (R2010-0900) with Housing Partnership, Inc. under NSP1;
- I) Amendment No. 005 to the Agreement (R2012-0127) with the Florida Conference Association of Seventh Day Adventists under NSP1;
- J) Amendment No. 001 to the Agreement (R2012-1255) with the City of Riviera Beach under NSP1;
- K) Amendment No. 003 to the Agreement (R2011-1030) with Community Land Trust of Palm Beach County, Inc. under the Neighborhood Stabilization Program 2 (NSP2);
- L) Amendment No. 001 to the Loan Agreement (R2012-1800) with HTG Palm Beach II, LLC under NSP2 and the Home Investment Partnership Program (HOME); and
- M) Release and Cancellation of Declaration of Restrictions for Tapper's Oar House, Inc., and Hugh W. Bayless under the Community Development Block Grant (CDBG) Program.

Summary: 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 Agreement, Amendments and Release and Cancellation of Declaration of Restrictions have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator, or designee, in accordance with Agenda Items R2006-1351, R2007-1524, R2009-1122, R2009-1677, R2011-1384 and Agenda Item 5C-2, approved by the Board on July 18, 2006, September 11, 2007, July 7, 2009, October 6, 2009, September 13, 2011 and June 5, 2012, respectively. These executed documents are now being submitted to the Board to receive and file. **These Federal DRI2, DRI3, DRI4, NSP1, NSP2, HOME and CDBG funds require no local match.** (DES Contract Development) Districts 1, 2, 3, 6 and 7 (TKF)

Background and Justification: (Continued on Page 3)

Attachments: Documents as listed in A through M above.

Recommended By:  1-22-13
Department Director Date

Approved By:  2-4-13
Assistant 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	\$21,367				
External Revenues	(\$21,367)				
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	-0-				
# ADDITIONAL FTE POSITIONS (Cumulative)	-0-				

Is Item Included In Current Budget? Yes X No _____

Budget Account No.:

City of Delray Beach:

Fund 1108 Dept 143 Unit 1422 Object 8101 Prog Code/Period DR38/GY07: \$81,311.02

Florida Conference Association of Seventh Day Adventists:

Fund 1109 Dept 143 Unit 1423 Object 8201 Prog Code/Period NS40A-PI/GY08: \$68,000

Community Land Trust

Fund 1112 Dept 143 Unit 1426 Object 8201 Prog Code/Period N213BI/GY09: (\$39,236)

Fund 1112 Dept 143 Unit 1426 Object 8201 Prog Code/Period N213B/GY09: (\$88,708)

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

Approval of this agenda item will allocate \$81,311.02 to the City of Delray Beach, an additional \$68,000 to the Florida Conference Association of Seventh Day Adventists and decrease funding to the Community Land Trust by \$127,944.

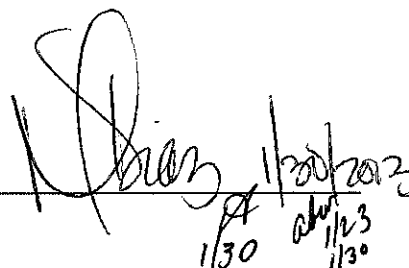
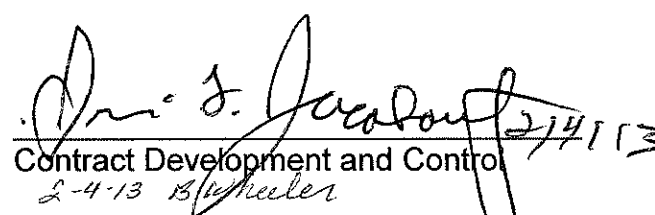
C. Departmental Fiscal Review:



 Shairrette Major, Fiscal Manager I

III. REVIEW COMMENTS

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

OFMB  1/30
 Contract Development and Control  2/4/13
 2-4-13 B. Wheeler

B. Legal Sufficiency:


 Senior Assistant County Attorney

C. Other Department Review:

Department Director

Background and Justification: (Continued from Page 1)

On December 6, 2012, the County entered into an Agreement with the City of Delray Beach, to continue a project begun through an expired Agreement (R2011-0625). The Agreement provides \$81,311.02 of DRI3 funds for street improvements along Auburn Avenue.

On June 27, 2012, the County entered into an Agreement (R2012-1252) with the City of Riviera Beach, as Amended by Amendment No. 001 (R2012-1803) on September 11, 2012, to provide \$1,105,745 of DRI2 funds to implement a housing rehabilitation program. Amendment No. 002 increases the maximum rehabilitation limit per house from \$45,000 to \$80,000.

On September 24, 2012, the County entered into an Agreement (R2012-1798) with the Pahokee Housing Authority to provide 1,998,170.60 of DR2 funds to demolish and reconstruct certain housing units at the McClure Village housing complex. Amendment No. 001 increases the maximum compensation by \$50,000, increases the scope of work by five (5) additional units to be constructed, and provides the additional \$50,000 to the reconstruction budget.

On August 9, 2011, the County entered into an Agreement (R2011-1795) with the Town of Jupiter, as amended by Amendment No. 001 (R2012-1259) on May 29, 2012, to provide \$210,000 of DRI4 funds for the repair of an existing storm water structure. Amendment No. 002 provides approximately three (3) additional months to the term of the Agreement.

On August 27, 2011, the County entered into an Agreement (R2011-1796) with the West Palm Beach Housing Authority, as amended by Amendment No. 001 (R2012-1260) on June 12, 2012, to provide \$703,098 of DRI4 funds for on-site infrastructure improvements at the Colony Oaks and Southridge Public Housing Developments. Amendment No. 002 provides a six (6) month extension to the term of the Agreement.

On April 1, 2010, the County entered into an Agreement (R2010-0903) with Community Land Trust of Palm Beach County, Inc. (CLT), as amended by Amendment No. 001 (R2011-0395), Amendment No. 002 (R2011-0396) on March 15, 2011, Amendment No. 003 (R2012-0128) on October 28, 2011, and Amendment No. 004 (R2012-1008) on April 23, 2012 to provide \$1,115,851.70 of NSP1 funds for the acquisition and rehabilitation of properties. Amendment No. 005 provides for the matters described below.

On May 26, 2010, the County entered into an Agreement (R2010-1036) with the Village of Wellington, as amended by Amendment No. 001 (R2010-1283) on August 17, 2010, Amendment No. 002 (R2011-0398) on March 15, 2011, Amendment No. 003 (R2011-0399) on March 15, 2011, Amendment No. 004 (R2012-0129) on January 24, 2011, and Amendment No. 005 (R2012-1261) on June 8, 2012, to provide \$680,141.30 of NSP1 funds for the acquisition and rehabilitation of four (4) homes. Amendment No. 006 provides for the matters described below.

On April 1, 2010, the County entered into an Agreement (R2010-0900) with Housing Partnership, Inc., as amended by Amendment No. 001 (R2011-0390) on March 15, 2011, Amendment No. 002 (R2011-0391) on March 15, 2011, Amendment No. 003 (R2012-0126) on October 31, 2011, and Amendment No. 004 (R2012-1007) on April 18, 2012, to provide \$809,868.03 of NSP1 funds for the acquisition and rehabilitation of six (6) properties. Amendment No. 005 provides for the matters described below.

The Amendments with the CLT, the Village of Wellington and the Housing Partnership, Inc., under NSP1 extend the period of time to complete the rehabilitation and expend the allocated funds, extend the period of time to resell the properties, allow for the rental of properties, and provide for updating of recorded Declarations of Restrictions. In addition, the Amendment with the Village of Wellington allows for the transfer ownership of property to other entities approved by DES.

On April 1, 2010, the County entered into an Agreement (R2010-0902) with the Florida Conference Association of Seventh Day Adventists, as amended by Amendment No. 001 (R2010-1118) on July 20, 2010, Amendment No. 002 (R2011-0393) on March 15, 2011, Amendment No. 003 (R2011-0394) on March 15, 2011, and Amendment No. 004 (2012-0127) on October 31, 2011, to provide \$183,955.14 of NSP1 funds for the acquisition and rehabilitation of four (4) apartments. Amendment No. 005 provides an additional \$68,000 to complete the rehabilitation of the property, extends the period of time to complete the rehabilitation, expend the additional funds, and occupy the apartments by tenants.

On May 1, 2010, the County entered into an Agreement (R2010-0904) with the City of Riviera Beach, as amended by Amendment No. 001 (R2011-0397) on March 15, 2011, and as continued by a second Agreement (R2012-1255) on June 27, 2012, to provide \$577,400 of NSP1 funds for the acquisition and rehabilitation of four (4) properties. Amendment No. 001 extends the period of time to complete the rehabilitation and expend the allocated funds, extends the period of time to resell the properties, and provides for updating of recorded Declarations of Restrictions.

On May 5, 2011, the County entered into an Agreement (R2011-1030) with the CLT, as amended by Amendment No. 001 (R2012-0135) on December 20, 2011, and Amendment No. 002 (R2012-0854) on June 5, 2012, to provide \$2,465,395 of NSP2 funds for the acquisition and rehabilitation of properties. Amendment No. 003 decreases the funding by \$127,944.

On October 9, 2012, the County entered into a Loan Agreement (R2012-1800) with HTG Palm Beach II, LLC to provide \$5,536,818 of NSP2 and HOME funds for the construction of 63 affordable rental units. Amendment No. 001 corrects a scrivener's error.

On June 17, 2003, the County entered into an Agreement (R2003-0868) with Tapper's Oar House, Inc., and Hugh W. Bayless, to provide \$160,070 of CDBG funds for the renovation of a building operated as a restaurant in exchange for which they were to create 10.67 jobs. They executed a Declaration of Restrictions against the property to secure these funds, of which \$1,915.60 was expended before they withdrew from the project. A Release and Cancellation of Declaration of Restrictions was executed upon the repayment of the expended amount to the County.