Agenda Item #: 5 G み

REVISED

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS <u>AGENDA ITEM SUMMARY</u>

Meeting Date:	October 22, 2013	[] Consent	[X] Regular
B		[] Ordinance	[] Public Hearing

Department: Facilities Development & Operations

I. <u>EXECUTIVE BRIEF</u>

Motion and Title: Staff recommends motion to approve: Amendment Number 3 to Interlocal Agreement (R2007-0349) with the City of Riviera Beach for funding of improvements to the City Marina, to extend the project completion date to December 31, 2013.

Summary: This Amendment Number 3 extends the project completion date to allow for completion of the reimbursement process. No additional funding is being requested or contemplated by this Amendment. The City completed construction of the project and the project was open to the public by December 31, 2012 as required by Amendment Number 2 (R2012-1032). However, not all invoices were received and paid by the City by that date. The Clerk's Office has taken the position that only invoices paid by the City prior to the project completion date are eligible for reimbursement. This extension of the project completion date will allow for full and final reimbursement of the balance of the grant funding. (PREM) District 7 (HJF)

Background and Policy Issues: Amendment Number 2 to the Interlocal Agreement with the City of Riviera Beach (R2012-1032) provided \$5 million in grant funding to the City for Phase 1 of the City's project to completely replace the existing seawall and docks at the Marina. The City completed Phase 1 by December 31, 2012 as required. The project turned out exceptionally well.

While Phase 1 of the project was timely completed and open for use by the public by the December 31, 2012 completion deadline, not all invoices were received and paid by the City by that date. The Interlocal Agreement only required construction to be complete and open to the public, and does not address processing of invoices after the completion date. The Clerk's Office has taken the position that only invoices paid by the City prior to the December 31, 2012 project completion date are eligible for reimbursement. Approval of this Amendment Number 3 which extends the project completion date to December 31, 2013, will allow for the processing of full and final reimbursement to the City.

Attachments:

1. Amendment Number 3

Recommended By:	+ Army Work	10/17/12
-	Department Director	Date
Approved By:	Aa	10-18-13
	County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures	<u> 0 </u>	. <u> </u>			
Operating Costs		<u> </u>			
External Revenues	-0-				
Program Income (County)	-0-				
In-Kind Match (County			<u></u> .		##
NET FISCAL IMPACT	* -0				
# ADDITIONAL FTE POSITIONS (Cumulative)	-0				
Is Item Included in Current B	udget: Yes		No		
Budget Account No: Fund	Dept Program		Unit	Object	

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

X There is no fiscal impact associated with this Amendment Number 3 – Funding was provided under the \$50M Waterfront Access Bond and was encumbered by the original Interlocal Agreement (R2007-0349).

C. Departmental Fiscal Review:

III. <u>REVIEW COMMENTS</u>

A. OFMB Fiscal and/or Contract Development Comments:

OFME

18/13 Contract Development and Control At the fine of our nerrew, the Amendment was not

B. Legal Sufficiency:

Assistant County Attorney Amendment not executed frome of CAO review

C. Other Department Review:

Department Director

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

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AMENDMENT NUMBER 3 TO INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF RIVIERA BEACH FOR FUNDING OF THE EXPANSION AND RENOVATION OF THE RIVIERA BEACH MARINA

THIS AMENDMENT TO INTERLOCAL AGREEMENT is made and entered into on ______, 2013, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY", and the City of Riviera Beach, a Florida municipal corporation, hereinafter referred to as "MUNICIPALITY".

WITNESSETH:

WHEREAS, MUNICIPALITY owns property located at 200 E 13 Street in Riviera Beach; and

WHEREAS, on November 2, 2004, a bond referendum was passed by the voters of Palm Beach County for the issuance of general obligation bonds for the purpose of financing the acquisition, construction, and/or improvements to waterfront access in Palm Beach County, in the principal amount of \$50 Million ("the \$50 Million Waterfront Access Bond"); and

WHEREAS, the COUNTY allocated MUNICIPALITY \$5 Million Dollars for expansion and renovation of the City Marina; and

WHEREAS, COUNTY and MUNICIPALITY entered into an Interlocal Agreement dated February 27, 2007 (R-2007-0349) which established the \$5 Million Dollar grant to MUNICIPALITY, defined the scope of the project, and set forth the terms and conditions upon which the grant funds would be expended; and

WHEREAS, Amendment Number 1 to the Interlocal Agreement dated November 17, 2009 (R-2009-2012), changed the scope of the project and extended the time for completion of the project until October 1, 2011; and

WHEREAS, Amendment Number 2 to the Interlocal Agreement dated July 10, 2012 (R-2012-1032), changed the scope of the project and extended the time for completion of the project until December 31, 2012; and

WHEREAS, MUNICIPALITY has completed construction of the project and the project was open to the public by December 31, 2012; however, not all invoices were received and paid by that date, therefore additional time is needed to allow for full and final reimbursement for the project.

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

1. Section 2.06 of the Interlocal Agreement is hereby amended to extend the completion date for Phase 1 of the Project to December 31, 2013. This extension is solely to allow additional time for processing of reimbursement.

2. Terms not defined herein shall have the same meaning in this Amendment Number 3 as in the Interlocal Agreement.

3. Except as specifically modified by Amendment Number 1, Amendment Number 2 and this Amendment Number 3, all other terms, covenants and conditions of the Interlocal Agreement remain unmodified and in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment Number 3 to Interlocal Agreement to be executed on the day and year first above written.

ATTEST: SHARON R. BOCK, CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

By:

By:

Deputy Clerk

By: _______Steven L. Abrams, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

APPROVED AS TO TERMS AND **CONDITIONS:**

By

CITY OF RIVIERA BEACH

Mayor

By: _

Signature

Print Name

Signature

Print Name

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By:

Municipality Attorney

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County Attorney

WITNESSES:

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PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

By:

By: _

Deputy Clerk

By:

Steven L. Abrams, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

APPROVED AS TO TERMS AND CONDITIONS:

By:

Department Director

WITNESSES:

County Attorney

CITY OF RIVIERA BEACH

Mayor

Signature

By: _

Print Name

Signature

Print Name

APPROVED AS TO FORM AND **LEGAL SUFFICIENCY:**

By:

Municipality Attorney

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