Agenda Item #: 3D-4

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	07/01/2014	[X] Consent [] Regular [] Public Hearing
Department		[] I dono ricaring
Submitted By: Submitted For:	COUNTY ATTORNE	Y .
	I. <u>EXE</u> C	UTIVE BRIEF
Agreement (R-2016 provide bond couns	0-1219) with the law sel and related legal se	motion to approve: Amendment No. 4 to the firm of Bryant Miller Olive P.A. ("Attorney"), to ervices for the not-to-exceed \$110 Million Public, Series 2014 (the "Bonds").
Financing Committe selection by amend Palm Beach County bond issuance will	ee at the June 5, 2014 ing the Agreement for and the Attorney. Pay be as provided for in	as bond counsel for the Bonds by the County meeting. This Amendment No. 4 confirms that bond counsel and related legal services between ment for the legal services in connection with the the Agreement. This amendment also revises th current County policies. Countywide (PFK)
Background and J referenced financin	ustification : Legal se g.	rvices are required by the County for the above-
Attachments:		
1. Amendment	No. 4 to Agreement (I	R-2010-1219)
Recommended by:	County Attori	bey Date
Ammuossalli		, 2
Approved by:	N/A	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:						
	Fiscal Years	2014	2015	2016	2017	2018
-	al Expenditures ating Costs					
Progr	nal Revenues ram Income (County nd Match (County)	y)				· · · · · · · · · · · · · · · · · · ·
NET	FISCAL IMPACT	*See Belo		-		
	DDITIONAL FTE SITIONS (Cumulativ					
ls Iter	n Included in Curre	nt Budget?	Yes_	No	_	
Budg	et Account No.:	Fund	Department	t 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:						
(Cusa Na (D) Sp OFME (D) (1) Ce/11	any 4/11/	Cont		lo low ment and Co	Oss 3114 Cour rura Us nox
B.	Legal Sufficiency:		H	e sende	ullant a	lus not
	Assistant Conf	ty Attorney	110/14	eren	ACC c	
C.	Other Department	Review:				
	 Department	Director				

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

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AMENDMENT NO. 4 TO AGREEMENT BETWEEN PALM BEACH COUNTY AND BRYANT MILLER OLIVE P.A. FOR BOND COUNSEL AND RELATED LEGAL SERVICES

This Amendment No. 4, dated	, 2014, amends Agreement R-2010-		
1219 ("Agreement"), as amended by R-2012-0306, R-2012-1358, and by R-2013-0852, by ar			
between Palm Beach County ("County") and Bryant Miller Olive P.A. ("Attorney"), as follows:			
Attorney shall serve as bond counsel	l for the not to exceed \$110 Million Public		
Improvement Revenue Refunding Bonds, Series	2014. Attorney shall be compensated as		
provided for in the Agreement.			

Subsection 5(e) of the Agreement is replaced with the following language:

Palm Beach County has established the Office of the Inspector General in Palm Beach County Code, Section 2-421 - 2-440, as may be amended. The Inspector General's authority includes but is not limited to the power to review past, present and proposed County contracts, transactions, accounts and records, to require the production of records, and to audit, investigate, monitor, and inspect the activities of the Attorney, its officers, agents, employees, and lobbyists in order to ensure compliance with contract requirements and detect corruption and fraud.

Failure to cooperate with the Inspector General or interfering with or impeding any investigation shall be in violation of Palm Beach County Code, Section 2-421 - 2-440, and punished pursuant to Section 125.69, Florida Statutes, in the same manner as a second degree misdemeanor.

Section 10(a) of the Agreement is replaced with the following language:

The Attorney represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance of

services required hereunder, as provided for in Chapter 112, Part III, Florida Statutes, and the Palm Beach County Code of Ethics. The Attorney further represents that no person having any such conflict of interest shall be employed for said performance of services.

Section 11 of the Agreement is amended to add the following language:

No provision of this Agreement is intended to, or shall be construed to, create any third party beneficiary or to provide any rights to any person or entity not a party to this Agreement, including but not limited to any citizen or employees of the County and/or Attorney.

Section 13 of the Agreement is replaced with the following language:

The Attorney warrants and represents that all of its employees are treated equally during employment without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity and expression, or genetic information.

The last paragraph of Section 19 of the Agreement is replaced with the following:

The Attorney agrees to maintain all relevant records and information necessary to document compliance with the Palm Beach Code and will allow the County to inspect such records.

This amendment is effective as of June 5, 2014.

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

ATTEST:	PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
Sharon R. Bock, Clerk & Comptroller	DOTALO OF COOKITY COMMISSIONERS
By:	By: Priscilla A. Taylor, Mayor
WITNESS: Paul F : War a	ATTORNEY: BRYANT MILLER OLIVE P.A. By: A Mary Mary Mary Mary Mary Mary Mary Mary
Name (Type or Print)	JoLinda_Herring Name (Type or Print)
	Shareholder Title
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	

ATTEST:

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