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PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 13, 2015 [ ] Consent [ ] Regular  
[ ] Workshop [X] Public Hearing

Department: County Attorney

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to: (a) conduct a TEFRA public hearing regarding a change in use of the proceeds of the County's Variable Rate Demand Revenue Bonds, Series 2004 (The Community Foundation for Palm Beach and Martin Counties, Inc. Project) (the "Bonds") and (b) authorize the Mayor's execution of an IRS Form 8038 with respect to the Bonds.

**Summary:** In 2004 the County issued the Bonds to finance and refinance the acquisition by the Community Foundation of land (the "Land") located at the northwest corner of Olive Avenue and Trinity Place in West Palm Beach to be used as additional parking for the Community Foundation's headquarters located at 700 S. Dixie Highway. The Community Foundation wishes to exchange a portion of the Land for adjacent land. The Internal Revenue Code requires that the County conduct a public hearing concerning the exchange, similar to the public hearing required for new industrial revenue bond issuances. No County funds are involved in this exchange nor will the terms of the existing Bonds be modified. District 7 (PFK)

**Background and Policy Issues:** This public hearing before the Board is required by the IRS Code. No County liability will result from this action.

**Attachments:** IRS Form 8038

Recommended By: [Signature] 12-11-14  
Department Director Date

Approved By: n/a  
Assistant County Administrator Date

## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2015	2016	2017	2018	2019
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income					
In-Kind Match (County)					
NET FISCAL IMPACT	0	0	0	0	0

# ADDITIONAL FTE POSITIONS (Cumulative)					
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**Is Item Included In Current Budget?**    Yes \_\_\_\_\_    No \_\_\_\_\_

Budget Account No.:

Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_ Program Code/Period \_\_\_\_\_

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

**\* No fiscal impact**

**C. Departmental Fiscal Review:** \_\_\_\_\_

### III. REVIEW COMMENTS

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

OFMB 12/12 12/12/14  
Contract Development and Control

**B. Legal Sufficiency:**

Paul F. [Signature] 12/11/14  
Assistant County Attorney

**C. Other Department Review:**

Department Director

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

Information Return for Tax-Exempt  
Private Activity Bond Issues  
(Under Internal Revenue Code section 149(e))  
▶ See separate instructions.

OMB No. 1545-0720

<b>Part I Reporting Authority</b>		Check if Amended Return ▶ <input type="checkbox"/>	
1 Issuer's name PALM BEACH COUNTY, FLORIDA		2 Issuer's employer identification number 59-6000785	
3a Name of person (other than issuer) with whom the IRS may communicate about this return (see instructions) MARK E RAYMOND		3b Telephone number of other person shown on 3a 561-775-8440	
4 Number and street (or P.O. box if mail is not delivered to street address) 4360 NORTHLAKE BLVD.;	Room/suite 204	5 Report number (For IRS Use Only) <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
6 City, town, or post office, state, and ZIP code PALM BEACH GARDENS, FL 33410		7 Date of issue (MM/DD/YYYY)	
8 Name of issue Variable Rate Demand Revenue Bonds, Series 2004(The Community Foundation for Palm Beach & Martin Counties )		9 CUSIP number 696547 DF2	
10a Name and title of officer or other employee of the issuer whom the IRS may call for more information PAUL F. KING, ESQ., ASS'T COUNTY ATTORNEY		10b Telephone number of officer or other employee shown on 10a 561-355-2225	

Part II Type of Issue (Enter the issue price.)		Issue Price
11 Exempt facility bond:		
a Airport (sections 142(a)(1) and 142(c)) . . . . .	11a	
b Docks and wharves (sections 142(a)(2) and 142(c)) . . . . .	11b	
c Water furnishing facilities (sections 142(a)(4) and 142(e)) . . . . .	11c	
d Sewage facilities (section 142(a)(5)) . . . . .	11d	
e Solid waste disposal facilities (section 142(a)(6)) . . . . .	11e	
f Qualified residential rental projects (sections 142(a)(7) and 142(d)) (see instructions) . . . . .	11f	
Meeting 20–50 test (section 142(d)(1)(A)) . . . . .		
Meeting 40–60 test (section 142(d)(1)(B)) . . . . .		
Meeting 25–60 test (NYC only) (section 142(d)(6)) . . . . .		
Has an election been made for deep rent skewing (section 142(d)(4)(B))? . . . . .	<input type="checkbox"/> Yes <input type="checkbox"/> No	
g Facilities for the local furnishing of electric energy or gas (sections 142(a)(8) and 142(f)) . . . . .	11g	
h Facilities allowed under a transitional rule of the Tax Reform Act of 1986 (see instructions) . . . . .	11h	
Facility type _____		
1986 Act section _____		
i Qualified enterprise zone facility bonds (section 1394) (see instructions) . . . . .	11i	
j Qualified empowerment zone facility bonds (section 1394(f)) (see instructions) . . . . .	11j	
k District of Columbia Enterprise Zone facility bonds (section 1400A) . . . . .	11k	
l Qualified public educational facility bonds (sections 142(a)(13) and 142(k)) . . . . .	11l	
m Qualified green building and sustainable design projects (sections 142(a)(14) and 142(l)) . . . . .	11m	
n Qualified highway or surface freight transfer facilities (sections 142(a)(15) and 142(m)) . . . . .	11n	
o Other (see instructions) _____		
p Qualified New York Liberty Zone bonds (section 1400L(d)) _____	11p	
q Other (see instructions) _____	11q	
12a Qualified mortgage bond (section 143(a)) . . . . .	12a	
b Other (see instructions) _____	12b	
13 Qualified veterans' mortgage bond (section 143(b)) (see instructions) . . . . . ▶	13	
Check the box if you elect to rebate arbitrage profits to the United States . . . . .	<input type="checkbox"/>	
14 Qualified small issue bond (section 144(a)) (see instructions) . . . . . ▶	14	
Check the box for \$10 million small issue exemption . . . . .	<input type="checkbox"/>	
15 Qualified student loan bond (section 144(b)) . . . . .	15	
16 Qualified redevelopment bond (section 144(c)) . . . . .	16	
17 Qualified hospital bond (section 145(c)) (attach schedule—see instructions) . . . . .	17	
18 Qualified 501(c)(3) nonhospital bond (section 145(b)) (attach schedule—see instructions) . . . . .	18	840,000.00
Check box if 95% or more of net proceeds will be used <b>only</b> for capital expenditures . . . . . ▶	<input checked="" type="checkbox"/>	
19 Nongovernmental output property bond (treated as private activity bond) (section 141(d)) . . . . .	19	
20a Other (see instructions) _____		
b New York Liberty Zone advance refunding bond (section 1400L(e)) (see instructions) _____	20b	
c Other. Describe (see instructions) ▶ _____	20c	

Part III Description of Bonds (Complete for the entire issue for which this form is being filed.)					
	(a) Final maturity date	(b) Issue price	(c) Stated redemption price at maturity	(d) Weighted average maturity	(e) Yield
21	0/01/2034	\$ 840,000.00	\$ 840,000.00	years	VR %

Part IV Uses of Proceeds of Issue (including underwriters' discount)			Amount
22	Proceeds used for accrued interest	22	
23	Issue price of entire issue (enter amount from line 21, column (b))	23	840,000.00
24	Proceeds used for bond issuance costs (including underwriters' discount)	24	
25	Proceeds used for credit enhancement	25	
26	Proceeds allocated to reasonably required reserve or replacement fund	26	
27	Proceeds used to currently refund prior issue (complete Part VI)	27	
28	Proceeds used to advance refund prior issue (complete Part VI)	28	
29	Add lines 24 through 28	29	
30	Nonrefunding proceeds of the issue (subtract line 29 from line 23 and enter amount here)	30	840,000.00

Part V Description of Property Financed by Nonrefunding Proceeds					
Caution: The total of lines 31a through e below must equal line 30 above. Do not complete for qualified student loan bonds, qualified mortgage bonds, or qualified veterans' mortgage bonds.					
31	Type of Property Financed by Nonrefunding Proceeds:				
a	Land				
b	Buildings and structures				
c	Equipment with recovery period of more than 5 years				
d	Equipment with recovery period of 5 years or less				
e	Other. Describe (see instructions)				
32	North American Industry Classification System (NAICS) of the projects financed by nonrefunding proceeds.				
a	NAICS Code	Amount of nonrefunding proceeds	c	NAICS Code	Amount of nonrefunding proceeds
b	813211	\$ 840,000.00	d		\$

Part VI Description of Refunded Bonds (Complete this part only for refunding bonds.)		
33	Enter the remaining weighted average maturity of the bonds to be currently refunded	years
34	Enter the remaining weighted average maturity of the bonds to be advance refunded	years
35	Enter the last date on which the refunded bonds will be called	/ /
36	Enter the date(s) the refunded bonds were issued	

Part VII Miscellaneous	
37	Name of governmental unit(s) approving issue (see the instructions) ▶ Palm Beach County, Florida. Public Hearing and Approval : 1/13/2015
38	Check the box if you have designated any issue under section 265(b)(3)(B)(i)(III) . . . . . ▶ <input type="checkbox"/>
39	Check the box if you have elected to pay a penalty in lieu of arbitrage rebate . . . . . ▶ <input type="checkbox"/>
40a	Check the box if you have identified a hedge and enter the following information . . . . . ▶ <input type="checkbox"/>
b	Name of hedge provider
c	Type of hedge ▶
d	Term of hedge ▶
41	Check the box if the hedge is superintegrated . . . . . ▶ <input type="checkbox"/>
42a	Enter the amount of gross proceeds invested or to be invested in a guaranteed investment contract (GIC) ▶
b	Enter the final maturity date of the GIC . . . . . ▶ / /
c	Enter the name of the GIC provider ▶
43	Check the box if the issuer has established written procedures to ensure that all nonqualified bonds of this issue are remediated in accordance with the requirements under the Code and Regulations (see instructions) . . . . . ▶ <input checked="" type="checkbox"/>
44	Check the box if the issuer has established written procedures to monitor the requirements of section 148 . . . . . ▶ <input checked="" type="checkbox"/>
45a	Enter the amount of reimbursement if some portion of the proceeds was used to reimburse expenditures . ▶
b	Enter the date the official intent was adopted . . . . . ▶ / /
46	Check the box if the issue is comprised of qualified redevelopment, qualified small issue, or exempt facilities bonds and provide name and EIN of the primary private user . . . . . ▶ <input type="checkbox"/>
	Name ▶ EIN

Part VIII		Volume Caps	Amount
47	Amount of state volume cap allocated to the issuer. <b>Attach copy of state certification</b> . . . . .		47
48	Amount of issue subject to the unified state volume cap . . . . .		48
49	Amount of issue not subject to the unified state volume cap or other volume limitations:		49
a	Of bonds for governmentally owned solid waste facilities, airports, docks, wharves, environmental enhancements of hydroelectric generating facilities, or high-speed intercity rail facilities . . . . .		49a
b	Under a carryforward election. Attach a copy of Form 8328 to this return . . . . .		49b
c	Under transitional rules of the Tax Reform Act of 1986. Enter Act section ►		49c
d	Under the exception for current refunding (section 146(f) and section 1313(a) of the Tax Reform Act of 1986)		49d
50a	Amount of issue of qualified veterans' mortgage bonds . . . . .		50a
b	Enter the state limit on qualified veterans' mortgage bonds . . . . .		50b
51a	Amount of section 1394(f) volume cap allocated to issuer. <b>Attach copy of local government certification</b>		51a
b	Name of empowerment zone ►		
52	Amount of section 142(k)(5) volume cap allocated to issuer. <b>Attach copy of state certification</b>		52
Signature and Consent		Under penalties of perjury, I declare that I have examined this return, and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that I consent to the IRS's disclosure of the issuer's return information, as necessary to process this return, to the person(s) that I have authorized above.	
		Signature of issuer's authorized representative _____ Date _____ Shelley Vana. Mayor Type or print name and title	
Paid Preparer Use Only	Print/Type preparer's name		Preparer's signature
	Mark E. Raymond		Date
	Firm's name ► Mark E. Raymond		Check <input checked="" type="checkbox"/> if self-employed
Firm's address ► 4360 Northlake Blvd., Ste 204, Palm Beach Gardens, SFL 33410		Firm's EIN ► 265359177	Preparer's PTIN p01305240
		Phone no. 5617758440	

## SCHEDULE 1

IRS Form 8038  
Palm Beach County, Florida

### Part II. Line 18

- (a) The Community Foundation for Palm Beach and Martin Counties, Inc.
- (b) 23-7181875
- (c) \$840,000
- (d) \$10,060,000

## ADDENDUM

This filing is being made in connection with a remedial action under Treas. Reg. 1.141-12, and an alternate use of disposition proceeds under which a portion of the original bonds, which were issued in 2004, are treated as reissued pursuant to Treas. Reg. 1.141-12(e)(2).

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