Agenda Item #: 344-6

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

Meeting Date:	July 21, 2015	[X] Consent [] Ordinance	[] Regular [] Public Hearing
Department:	Facilities Developm	ent & Operations	

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Second Amendment To Cooperative Agreement (R-88-1311d) with the State of Florida Department of Agriculture and Consumer Services, Division of Forestry, allowing for the continuation of countywide fire protection of forest and wild lands within Palm Beach County at an annual rate of \$41,135.43/yr.

Summary: Since 1973, the County, pursuant to Florida State Statutes Section 125.27, has been invoiced annually for countywide fire protection of all forest and wild lands as provided by the Department of Agriculture and Consumer Services, Division of Forestry. The initial term of the Cooperative Agreement, as formally approved in September 1988, was to continue in full force and effect until superseded by a new agreement or canceled by Florida Statutes. This Second Amendment will revise the total protected area from 597,885 acres to 587,649 acres, a reduction of 10,236 acres and incorporates third party beneficiary and non-discrimination wording. As the fee per acre of protection remains unchanged at \$0.07, the annual assessment will be reduced \$716.52, from \$41,851.95 to \$41,135.43. All other terms of the Cooperative Agreement remain unchanged. PREM will continue to have administrative responsibility for this Cooperative Agreement. (PREM) <u>Countywide</u> (HJF)

On September 6, 1988 (R-88-1311d), the Board approved a **Background and Justification:** Cooperative Agreement with the State of Florida Department of Agriculture and Consumer Services, Division of Forestry, which the State subsequently executed on September 21, 1988. This Cooperative Agreement, which the State later named as "Contract #1934 dated 9/21/88", allows for fire protection and maintenance of 538,427 acres of forest and wild lands located within Palm Beach County. On November 18, 2008, an Amendment was approved by the Board (R2008-2064) that increased the fire protection and maintenance area to 597,885 acres and adjusted the annual fee per acre from \$0.03 to \$0.07 pursuant to the State Legislature revising Florida Statutes Section 125.27. This Second Amendment decreases the fire protection and maintenance area to 587,649 acres pursuant to recent surveys and incorporates the required standard wording concerning third party beneficiary and nondiscrimination. As the area has decreased by 10,236 acres, the annual assessment has been reduced \$716.52 to \$41,135.43. The State forwarded Staff the acreage reduction information and an annual invoice request for payment in September 2014; however, Staff discovered various errors in the document that resulted in delaying the submittal of this Second Amendment to the Board.

Attachments:

- 1. Second Amendment To Cooperative Agreement (2)
- 2. Budget Availability Statement

Recommended By:	+ Anny WOLF	6/23/16	
- •	Department Director	Date	
Approved By:	Atta	7/7/15	
	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	<u>\$41,135.</u>	\$41,135	\$41,135.	\$41,135	\$41,135
External Revenues					
Program Income (County)					
In-Kind Match (County)				-	
NET FISCAL IMPACT	<u>\$41,135.</u>	<u>\$41,135.</u>	<u>\$41,135.</u>	<u>\$41,135 (</u>	<u>\$41,135</u>
# ADDITIONAL FTE POSITIONS (Cumulative)					
Is Item Included in Current Budget: Yes <u>X</u> No					
Budget Account No: Fund P	<u>0001</u> Dept rogram	<u>760</u> t	Unit <u>7627</u>	Object <u>810</u>	1

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

Funding is provided by ad valorem from the General Fund.

Fixed Asset Number <u>n/a</u>

C. Departmental Fiscal Review:

III. <u>REVIEW COMMENTS</u>

A. OFMB Fiscal and/or Contract Development Comments:

16/15 Contract Development and Contract - 15 Swheeler

62515

Legal Sufficiency: Assistant/County Attorney

C. Other Department Review:

B.

Department Director

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

SECOND AMENDMENT TO COOPERATIVE AGREEMENT

THIS SECOND AMENDMENT TO COOPERATIVE AGREEMENT ("Second Amendment"), made and entered into ______, by and between the State of Florida, Department of Agriculture and Consumer Services, Division of Administration, hereinafter referred to as "Department", and Palm Beach County, by and through its Board of County Commissioners, a political subdivision of the State of Florida, hereinafter referred to as "County".

WITNESSETH:

WHEREAS, Department, on behalf of the Division of Forestry, now known as the Forest Protection Bureau, and County entered into a Cooperative Agreement dated September 6, 1988, (R88-1311D) (the "Agreement" or "Contract #1934 dated 9/21/88"), for the establishment and maintenance of countywide fire protection of all forest and wild lands within Palm Beach County; and

WHEREAS, County and Department entered into the First Amendment (R2008-2064) on November 18, 2008, which increased the protected acreage to 597,885 acres and revised the total fee to \$0.07/acre as provided for in Florida Statutes Section 125.27; and

WHEREAS, the parties desire to modify the protected acreage and incorporate certain language required by County.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, and various other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

- 1. The foregoing recitals are true and correct and incorporated herein by reference. Terms not defined or amended herein shall have the same meaning as ascribed to them in the Agreement.
- 2. The protected acreage of forest and wild lands within Palm Beach County shall be 587,649 acres.
- 3. The County's annual share of the cost of providing fire protection shall be \$41,135.43, said receipts to be deposited as prescribed by Florida Statute.
- 4. No provision of this Agreement, as amended, 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, as amended, including but not limited to any citizens of County or employees of County or Department.
- 5. The parties agree that no person shall, on the grounds of race, color, sex, age, national origin, disability, religion, ancestry, marital status, familial status, sexual orientation, gender identity or expression, or genetic information, be excluded from the benefits of, or be subjected to, any form of discrimination under any activity conducted pursuant to this Agreement.
- 6. This Second Amendment shall become effective when signed by all parties and approved by the Palm Beach County Board of County Commissioners.
- 7. Except as modified by this Second Amendment and the prior amendment, the Agreement remains unmodified and in full force and effect and the parties hereby ratify, confirm, and adopt the Agreement, as amended, in accordance with the terms thereof.

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IN WITNESS WHEREOF, Department and County have executed this Second Amendment, or have caused the same to be executed, as of the day and year first above written.

WITNESS:

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Witness Signature Inpl ita Witness Name Print 0 nallone Witness ignature Print s Name

FLORIDA DEPARTMENT OF AGRICULTURE and CONSUMER SERVICES, DIVISION OF ADMINISTRATION

By:

By:

D. Alan Edwards

Director of Administration Department of Agriculture and **Consumer Services**

(SEAL)

ATTEST:

SHARON R. BOCK CLERK & COMPTROLLER PALM BEACH COUNTY, a political subdivision of the State of Florida

Shelley Vana, Mayor

By:

Deputy Clerk

Signed and delivered in the presence of:

Witness Signature

Print Witness Name

Witness Signature

Print Witness Name

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By:

Assistant County Attorney

APPROVED AS TO TERMS AND CONDITIONS

Bv:

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ATTACHMENT NO. 2 - BAS

FACILITIES DEVELOPMENT & OPERATIONS BUDGET AVAILABILITY STATEMENT

REQUEST DATE:	2/24/2015	REQUESTED BY:	: Steven K. Schlamp Property Spec./PREM	PHONE: FAX:	233-0239 233-0210
PROJECT TITLE:		-	tive Agmt with State of ervices, Div. of Forestry		NO.: n/a
ORIGINAL CONT	RACT AMOUNT: S	\$41,851.95		BCC RESO	LUTION#: n/a
REQUESTED AM	OUNT: \$41,135.43			DATE: 4/7/	2015
CSA or CHANGE (ORDER NUMBER:	n/a			

CONSULTANT/CONTRACTOR: Florida Dept of Agriculture and Consumer Services

PROVIDE A BRIEF STATEMENT OF THE SCOPE OF SERVICES TO BE PROVIDED BY THE CONSULTANT/CONTRACTOR: Fire protection for forest and wild lands within Palm Beach County.

CONSTRUCTION \$-0-VENDOR SERVICES \$41,135.43 STAFF COSTS** \$0-EQUIP. / SUPPLIES \$-0-CONTINGENCY \$-0-MISC. \$-0-TOTAL \$41,135.43

** By signing this BAS your department agrees to these staff costs and your account will be charged upon receipt of this BAS by FD&O. Unless there is a change in the scope of work, no additional staff charges will be billed.

BUDGET ACCOUNT	<u>NUMBER</u>			
FUND: 0 001	DEPT: 760	UNIT: 7627	OBJ: 8101	SUB OBJ:
		·		
		CH ACCOUNT: (check <u>al</u>		
Ad Valorem (source/ty	pe:)	
□ Non-Ad Valorem (sou	rce/type:)	
□ Grant (source/type:		•)	
Park Improvement Fun		•)	
General Fund		Operating Budget	☐ Federal/Davis Baco	n
		· · · ·	🛛	an a
SUBJECT TO IG FEE?	□ YES	□ <i>NO</i>	• •	
Department: <u>FD&O</u>				
BAS APPROVED BY:	W	DATE:_	2 24-15	

ENCUMBRANCE NUMBER:

G:\PREM\PM\Misc-Operations\PBC-Fire Control Assessment-St. of FI Dept of Ag-Div of Forestry\Amend.2015\BAS.022415.doc