

Agenda Item #3.M.2

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: October 18, 2016

Consent

Regular

Ordinance

Public Hearing

Department: Parks and Recreation

Submitted By: Parks and Recreation Department

Submitted For: Parks and Recreation Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: First Amendment to Interlocal Agreement with the School Board of Palm Beach County modifying the "priority of use" for School Board Facilities located in municipalities where the municipality is the primary provider of recreation services.

Summary: On October 20, 2015, the County executed a new Interlocal Agreement with the School Board for the purpose of sharing one another's recreational facilities. This First Amendment to Interlocal Agreement, R2015-1501, provides for a change in the priority of use of Board Facilities, which typically provides that the County and County User Groups have priority over municipal activities and programs. The County does not generally use the Board Facilities located in certain municipalities where the municipality is the primary provider of recreation services and desires to give priority to municipal activities and programs. The municipalities affected by this amendment include Boca Raton, Belle Glade, Jupiter, Palm Beach Gardens, Riviera Beach, Wellington, and West Palm Beach. Providing priority use of the Board Facilities to the applicable municipalities will not impact County or County User Group activities and programs. Countywide (AH)

Background and Justification: Part I of Chapter 163, Florida Statutes, permits public agencies, to enter into Interlocal agreements with each other to jointly exercise any power, privilege, or authority which such agencies share in common and which each might exercise separately. In 1981, the County and the School Board established an Interlocal Agreement for the purpose of sharing one another's recreational facilities at no cost. On October 20, 2015, the County approved a new Interlocal Agreement with the School Board for the period October 20, 2015, through October 19, 2020. For more than thirty years, the subsequent Interlocal agreements have proven to be an effective tool. In addition to increasing opportunities for recreational facility use by each party, the County and School Board recognize the benefits to be derived by utilizing each other's facilities thereby minimizing the duplication of facilities. This Amendment has been executed on behalf of the School Board of Palm Beach County, and now needs to be approved by the Board of County Commissioners.

Attachment: First Amendment to Interlocal Agreement

Recommended by:

Yan'Call
Department Director

9-20-16

Date

Approved by:

[Signature]
Deputy County Administrator

10-17-16

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>				


Is Item Included in Current Budget? Yes No

Budget Account No.: Fund Department Unit
 Revenue Source Program N/A

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



There is no fiscal impact associated with this item.

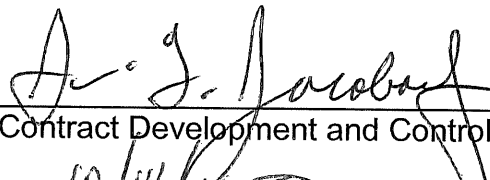

C. Departmental Fiscal Review:



III. REVIEW COMMENTS

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

 9/22/16
 OFMB 9/22/16  9/22

 10/14/16
 Contract Development and Control
 10/14/16 

B. Legal Sufficiency:

 10/17/16
 Assistant County Attorney

C. Other Department Review:

 Department Director

REVISED 10/95
 ADM FORM 01

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

**FIRST AMENDMENT TO
INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY
AND THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA
FOR THE MUTUAL USE OF RECREATIONAL FACILITIES**

This First Amendment to that certain Interlocal Agreement between Palm Beach County, a political subdivision of the State of Florida, ("County") and the School Board of Palm Beach County, Florida, a corporate body politic pursuant to the Constitution of the State of Florida ("Board"), is made the _____ day of _____, 20____,

WITNESSETH

WHEREAS, the County and School Board entered into that certain Interlocal Agreement for Mutual Use of Recreational Facilities dated October 20, 2015 ("Mutual Use ILA"); and

WHEREAS, the Mutual Use ILA provides that the County and County User Groups generally have priority over municipal activities and programs when using Board Facilities; and

WHEREAS, the County and Board recognize the County does not typically use the Board Facilities located in municipalities where the municipality is the primary provider of recreation services in Palm Beach County schools. These municipalities include Boca Raton, Belle Glade, Jupiter, Palm Beach Gardens, Riviera Beach, Wellington, and West Palm Beach (hereinafter collectively referred to as the "Applicable Municipalities"); and

WHEREAS, the County and Board desire to amend the Priority of Use in the Mutual Use ILA applicable to the Board Facilities located in the Applicable Municipalities to provide that the Applicable Municipalities will have priority of use over the County and County User Groups.

NOW THEREFORE, in consideration of the mutual representations, terms, and covenants hereinafter set forth, the parties hereby agree as follows:

1. Recitals:

The foregoing recitals are true and correct and are hereby incorporated herein by reference. All defined terms used in this First Amendment shall have the same meaning as set forth in the Mutual Use ILA.

2. Section 3.G. of the Mutual Use ILA is hereby deleted in its entirety and replaced with the following:

G. "Priority of Use" means the priority of uses when there are conflicting requests for the use of a Facility.

For Board Facilities, the Priority of Use shall be as follows:

1. Board activities, and programs as well as school facility leases under certain conditions. Certain conditions are further defined as new lease requests received before new County User Group requests and not unduly conflicting with a historical County User Group's use of the facility.

2. Municipal activities and programs: pursuant to a separate interlocal agreement entered into by the Board before or after the effective date of this Agreement involving Board Facilities that have been constructed or improved, in whole or in part, with funds exceeding \$100,000 as a one-time capital payment for minor or non-capital projects paid over a three (3) year period, contributed by the municipality or on behalf of the municipality by an entity such as a special taxing district. Should such a requested use in this category result in displacing a County activity or program, such displacement shall be resolved by the Chief of Support Operations in consultation with the Area Superintendent on behalf of the Board and the Assistant Director on behalf of the County. The Board shall use its best efforts to find an alternate appropriate Board Facility for the affected activity or program.

3. Municipal activities and programs pursuant to a separate interlocal agreement entered into by the Board with any Applicable Municipality before or after the effective date of this Agreement. Should such a requested use in this category result in displacing a County activity or program, such displacement shall be resolved by the Chief of Facilities Management in consultation with the Area Superintendent on behalf

of the Board and the Assistant Director of Parks and Recreation on behalf of the County. The Board shall use its best efforts to find an alternate appropriate Board Facility for the affected activity or program; and

4. County or County User Group activities and programs. The Board shall not unnecessarily limit space availability due to leasing activities.

For County Facilities, the Priority of Use shall be as follows:

1. County or County User Group activities and programs;
2. Board activities and programs pursuant to this Agreement; and
3. Other facility rentals.

3. Exceptions.

The parties recognize that there will be exceptions such as Omni Middle School which has historically been used by a County User group in incorporated Boca Raton. Others exceptions may occur as annexations take place. The parties agree to address any competing use requests arising from such exceptions.

4. Except as modified herein, all terms and conditions of the Mutual Use ILA shall remain in full force and effect.

{Remainder of page intentionally left blank}

IN WITNESS WHEREOF, the parties hereto have affixed their signatures on the day and year first above written.

ATTEST:

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock
Clerk & Comptroller

By: _____
Deputy Clerk

By: _____
Mary Lou Berger, Mayor

(SEAL)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS AND CONDITIONS

By: _____
County Attorney

By: _____
Director, Parks & Recreation Dept.

THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

School Board Seal

BY: _____
Chuck Shaw, Chairman

BY: _____
Robert M. Avossa, Ed.D., Superintendent

Board Approval Date: 8/17/16

REVIEWED AND APPROVED AS TO LEGAL FORM

Blair Littlejohn

Digitally signed by Blair Littlejohn
Date: 2016.06.21 15:31:55 -04'00'

School Board Attorney