

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

Meeting Date:	October 3, 2017	[X] Consent	[] Regular
		[] Ordinance	[] Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Second Amendment to Interlocal Agreement (R2007-1816), as amended by R2012-1676, collectively referred to as "Agreement" with the City of Riviera Beach ("City") to extend the term of the Agreement through October 14, 2022.

Summary: The Interlocal Agreement with the City provides the terms and conditions under which the County can transport radio signals through the City by the use of the City-owned tower and the City's connection to the County's microwave system. Under the terms of the Interlocal Agreement, the City pays its share of the operational and maintenance costs associated with the microwave system. The costs for each fiscal year are provided by the County by March 1st annually. The existing agreement expires on October 14, 2017 and the City has approved the second renewal option extending the term through October 14, 2022. The Interlocal Agreement may be terminated by either party, with or without cause, upon one (1) years notice. The Second Amendment renews the term, and adds standard County nondiscrimination and Third Party beneficiary provisions. Other than the changes set forth herein, all other terms remain the same. **(ESS)** <u>Countywide</u> (LDC)

Background and Justification: The Agreement, which provides the terms and conditions under which the County can transport radio signals through the City by the use of the City-owned tower and the City's connection to the County's microwave system, expires on October 14, 2017. The Agreement provided for four (4) renewals for terms of five (5) years each. After approval of this Second Amendment, there will be two (2) renewal options remaining.

Attachments:

Second Amendment

Recommended By:	Annu Worf	9(14)+7
	My Department Director	Date
Approved By:	County Administrator	9/26/17 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2017	2018	2019	2020	2021
Capital Expenditures Operating Costs External Revenues	(\$2,367)	(\$2,367)	(\$2,367)	(\$2,367)	(\$2,367)
In-Kind Match (County					. <u></u>
NET FISCAL IMPACT	<u>(\$2,367)</u>	<u>(\$2,367)</u>	<u>(\$2,367)</u>	<u>(\$2,367)</u>	<u>(\$2,367)</u>
# ADDITIONAL FTE POSITIONS (Cumulative)					
Is Item Included in Current Budge	et: Yes	Ì	No		
Budget Account No: Fund 0001	Dept <u>410</u>	Unit <u>4150</u>	Object <u>49</u>	01 Program	

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

С. **Departmental Fiscal Review:**

III. <u>REVIEW COMMENTS</u>

A. **QFMB Fiscal and/or Contract Development Comments:**

9/19/17 89/19 FMBET9/18

912 ワ Contract Development and Contract 9/25/77

В. Legal Sufficiency Assistant County orney

C. Other Department Review:

Department Director

SECOND AMENDMENT TO INTERLOCAL AGREEMENT

THIS SECOND AMENDMENT to Interlocal Agreement R2007-1816, as amended by R2012-1676 (collectively referred to as the "Agreement"), is made and entered into on ______, by and between Palm Beach County, a political subdivision of the State of Florida ("County"), and the City of Riviera Beach, a municipal corporation of the State of Florida ("City").

In consideration of the mutual promises contained herein, the County and City agree as follows:

- 1. The term of the Agreement expires on October 14, 2017 and shall be extended through October 14, 2022 pursuant to the exercise of the second five (5) year renewal option.
- 2. The Agreement is hereby modified to add the following:

SECTION 13: NO THIRD PARTY BENEFICIARY

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 the City.

3. The Agreement is hereby modified to add the following:

SECTION 14: NONDISCRIMINATION

Pursuant to Resolution R-2014-1421, as amended, it is the policy of the Board of County Commissioners of Palm Beach County that Palm Beach County shall not conduct business with nor appropriate any funds to any organization that practices discrimination on the basis of race, color, national origin, religion, ancestry, sex, age, familial status, marital status, sexual orientation, gender identity and expression, disability, or genetic information.

The City has submitted to County a copy of its non-discrimination policy which is consistent with the above paragraph, as contained in Resolution R-2014-1421, as amended, or in the alternative, if the City does not have a written non-discrimination policy, it has affirmed through a signed statement provided to County that City will conform to the County's non-discrimination policy as provided in R-2014-1421, as amended.

9. Except as modified by this Second Amendment, the Agreement remains unmodified and in full force and effect in accordance with the terms thereof and is hereby ratified and confirmed by the City and the County.

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

ATTEST:

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

Ву: _____

Deputy Clerk

By: _____ Paulette Burdick, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

APPROVED AS TO TERMS AND CONDITIONS:

By:

County Attorney

By: <u>Audrey Wolf</u>, Director Facilities Development & Operations

ATTEST:

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Claudene L. Anthony, CMC City Clerk

APPROVED AS TO FORM AND LEGAL SUPFICIENCY Andrew Debry Attorney lnn

CITY OF RIVIERA BEACH, a municipal corporation of the State of Florida

By: Z

Thomas Masters, Mayor

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