

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

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<b>Meeting Date:</b>	February 6, 2018	<input checked="" type="checkbox"/> <b>Consent</b>	<input type="checkbox"/> <b>Regular</b>
		<input type="checkbox"/> <b>Ordinance</b>	<input type="checkbox"/> <b>Public Hearing</b>

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**Department:** Facilities Development & Operations

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**I. EXECUTIVE BRIEF**

**Motion and Title:** **Staff recommends motion to approve:** a notice to exercise the third option to extend Concessionaire Service Agreement (R2014-0359) dated March 11, 2014, with Loggerhead Marinelifelife Center, Inc. (LMC) for the continued management and operation of the Juno Beach Pier and concession building at an annual rental rate of \$46,794.34.

**Summary:** LMC has managed and operated the Juno Beach Pier and its concession building under the current Concessionaire Service Agreement since April 1, 2014. The initial term of the Concessionaire Service Agreement was for two (2) years, with three (3) one (1) year extension options. Exercising this third option will extend the term of the Concessionaire Service Agreement for one (1) year from April 1, 2018, through March 31, 2019, and increase the annual rent by four percent (4%) from \$44,994.56 (\$3,749.55/month) to \$46,794.34 (\$3,899.53/month). The Board has no discretionary authority to deny the exercise of the renewal option; however, the Board may terminate the Concessionaire Service Agreement upon ninety (90) days-written notice. All other terms and conditions of the Concessionaire Service Agreement shall remain in full force and effect. Parks will continue to have administrative responsibility for this Concessionaire Service Agreement. **(PREM) District 1 (HJF)**

**Background and Justification:** On March 11, 2014, the Board approved the Concessionaire Service Agreement with LMC for a two (2) year period, with three (3) one (1) year extension options. The First Amendment (R2016-0348) dated March 22, 2016, exercised the first extension option and updated various standard County provisions. The Second Amendment (R2017-0295) dated March 14, 2017, exercised the second extension option, updated the Inspector General provision and added the public records provision per Florida Statute. This third option will extend the term of the Concessionaire Service Agreement to March 31, 2019, and increase the annual rent by four percent (4%) to \$46,794.34 in accordance with the Concessionaire Service Agreement. The Parks and Recreation Department manages this Concessionaire Service Agreement and is satisfied with LMC's performance. Loggerhead Marinelifelife Center, Inc. is a not for profit corporation and submitted a Disclosure of Beneficial Interests in 2016, attached as Attachment #4, and recently informed Staff that no changes have occurred as it continues to operate as a 501(c)(3) organization with no individuals or entities having a beneficial interest in its assets.

**Attachments:**

1. Location Map
2. Letter dated November 14, 2017, from Loggerhead Marinelifelife Center, Inc.
3. Budget Availability Statement
4. Disclosure of Beneficial Interests

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<b>Recommended By:</b>		1/10/18
	<b>Department Director</b>	<b>Date</b>

<b>Approved By:</b>		1/31/18
	<b>County Administrator</b>	<b>Date</b>

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	(\$23,397)	(\$23,397)	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>(\$23,397)</u>	<u>(\$23,397)</u>	<u>\$-0-</u>	<u>\$-0-</u>	<u>\$-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes  X No

Does this item include the use of federal funds? Yes  No X

Budget Account No: Fund 0001 Dept 580 Unit 5111-03 RSRC 4729-18  
 Program \_\_\_\_\_

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

On April 1, 2018, the rent increases 4% to \$46,794.34 annually (\$3,899.53/month).  
 [April-September FY2018 - October-March FY2019]

Fixed Asset Number \_\_\_\_\_

C. Departmental Fiscal Review: *[Signature]* 1/9/18

**III. REVIEW COMMENTS**

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

<p><u><i>[Signature]</i></u>                  OFMB                  8/1/12/18      1/16/18</p>	<p><u><i>[Signature]</i></u> 1/17/18                  Contract Development and Control                  1/17/18</p>
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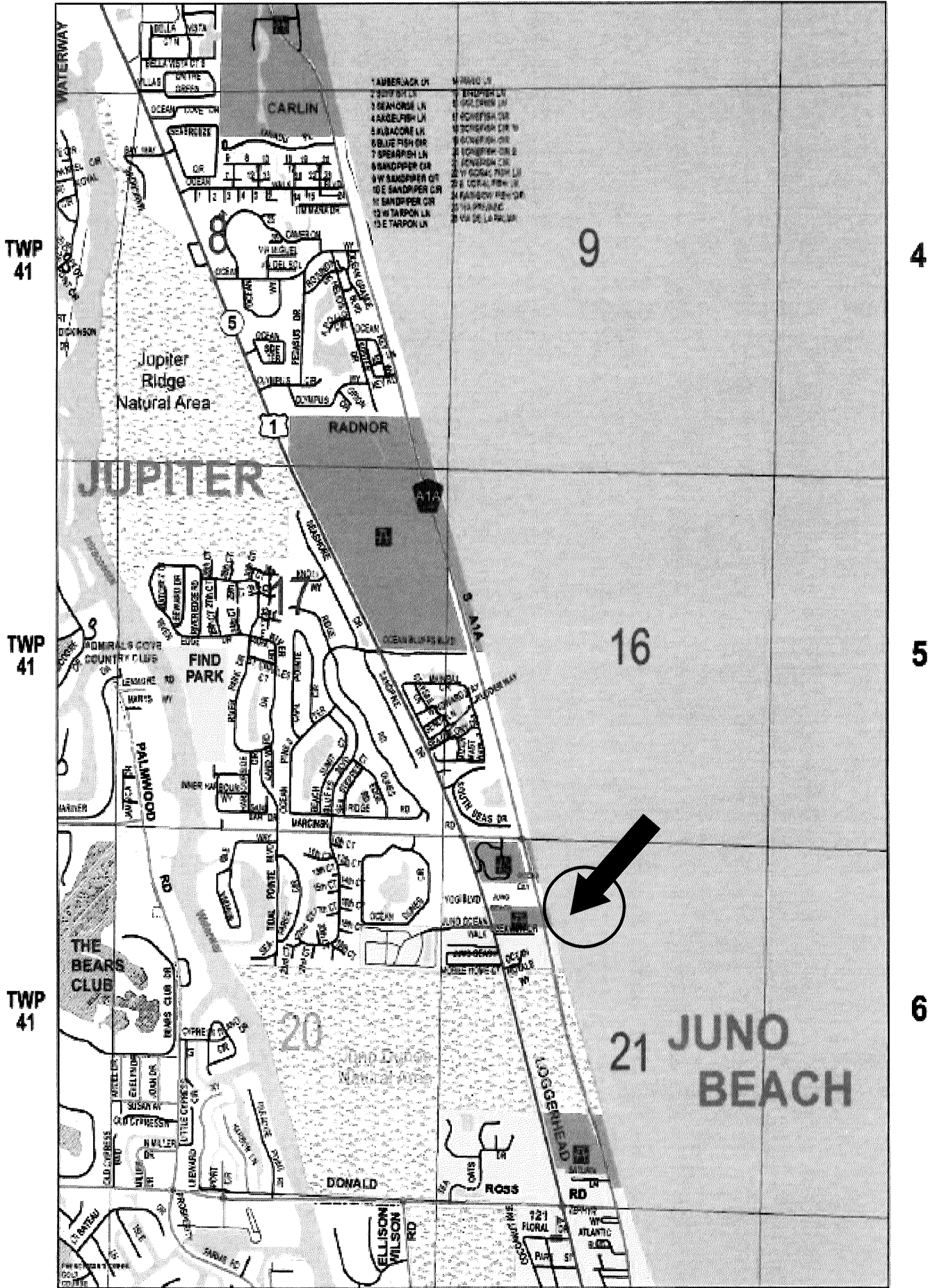
**B. Legal Sufficiency:**

*[Signature]* 1/19/18  
 Assistant County Attorney

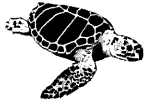
**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

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



Attachment #2  
Option to Extend Letter (1 page)



# LOGGERHEAD

MARINELIFE CENTER

14200 U.S. Highway One  
Juno Beach, Florida 33408  
561.627.8280 • Fx: 561.627.8305  
www.marinelife.org



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November 14, 2017

Della Lowery  
Property Specialist  
Palm Beach County Board of County Commissioners  
Property and Real Estate Management  
2633 Vista Parkway  
West Palm Beach, FL 33411

Dear Ms. Lowery,

On behalf of the entire Loggerhead Marineline Center team, I would like to share with you our pride in operating the Juno Beach Pier on behalf of Palm Beach County.

Please use this letter as our "intent to renew" our operating agreement with Palm Beach County, FL.

Please advise if you need any additional paperwork at this time.

Thank you very much for your assistance. We wish you and yours a happy and healthy Holiday Season, and prosperous 2018.

Warm Regards,

Jack E. Lighton  
President & CEO  
Loggerhead Marineline Center

## **Emeritus Members**

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Dawn Hoffman

Morris G. "Skip" Miller, Esq.

Gail Nelson

Emmy S. Rayne

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Jack E. Lighton





## BUDGET AVAILABILITY STATEMENT

REQUEST DATE: 12/27/17      REQUESTED BY: Della M. Lowery

PHONE: (561) 233-0239  
FAX: (561) 233-0210

PROJECT TITLE:                      Juno Beach Pier Concession Option – 3 of 3

PROJECT NO.: 2017-5-026

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	(\$23,397)	(\$23,397)	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u>(\$23,397)</u>	<u>(\$23,397)</u>	<u>\$-0-</u>	<u>\$-0-</u>	<u>\$-0-</u>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

*\*\* 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 NUMBER**

FUND: 0001    DEPT: 580    UNIT: 5111-03    <sup>25LL</sup> OBJ: 4729-18    SUB OBJ: \_\_\_\_\_

IS ITEM INCLUDED IN CURRENT BUDGET: YES \_\_\_\_\_ NO \_\_\_\_\_

**IDENTIFY FUNDING SOURCE FOR EACH ACCOUNT: (check all that apply)**

- Ad Valorem (source/type: \_\_\_\_\_)
- Non-Ad Valorem (source/type: \_\_\_\_\_)
- Grant (source/type: \_\_\_\_\_)
- Park Improvement Fund (source/type: \_\_\_\_\_)
- General Fund                       Operating Budget                       Federal/Davis Bacon
- \_\_\_\_\_                               \_\_\_\_\_                               \_\_\_\_\_

**SUBJECT TO IG FEE?**                       YES                                       NO

Department: Parks & Recreation Department

BAS APPROVED BY:                       DATE: 12/28/17

ENCUMBRANCE NUMBER: \_\_\_\_\_

Below is extended only information justifying the figures listed on the attached BAS for the Parks & Recreation Juno Beach Pier Concessionaire Option – 3 of 3:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	<u>(\$23,397)</u>	<u>(\$23,397)</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u><b>(\$23,397)</b></u>	<u><b>(\$23,397)</b></u>	<u><b>\$-0-</b></u>	<u><b>\$-0-</b></u>	<u><b>\$-0-</b></u>

**For FY2018:**

- The Agreement expires on 03/31/18.
- The current rent is \$44,994.56.00 annually = \$3,749.55 monthly.
- Option 3 extends the term for one year from 04/01/18 – 03/31/19.
- The rent will be increasing four percent (4%) pursuant to R2014-0359.
- The rent for one year will be \$46,794.34 (\$3,899.53 per month rounded up).
- 04/01/18 – 9/30/18 = 6 months.
- \$46,794.34 ÷ 12 months = \$3,899.53
- \$3,899.53 x 6 months = \$23,397.18

**FY2018 TOTAL = \$23,397.18**

**For FY2019:**

- 10/1/18 – 03/31/19 = 6 months.
- \$46,794.34 ÷ 12 months = \$3,899.53
- \$3,899.53 x 6 months = \$23,397.18

**FY2019 TOTAL = \$23,397.18**

**For FY2020:**

**FY2020 TOTAL = \$-0-**

**For FY2021:**

**FY2021 TOTAL = \$-0-**

**For FY2022:**

**FY2022 TOTAL = \$-0-**





**CONCESSIONAIRE'S DISCLOSURE OF BENEFICIAL INTERESTS**

TO: PALM BEACH COUNTY CHIEF OFFICER, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Brian Waxman, hereinafter referred to as "Affiant", who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Chairman of Loggerhead Marineline Center, Inc., (the "Concessionaire") which entity is providing concession services on the real property legally described on or depicted in the attached Exhibit "A" (the "Licensed Area").

2. Affiant's address is: 12407 Banyan Road, North Palm Beach, FL 33408

3. Attached hereto, and made a part hereof, as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent (5%) or greater beneficial interest in the concessionaire and the percentage interest of each such person or entity.

4. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

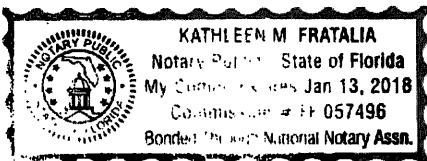
5. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete, and will be relied upon by Palm Beach County relating to its entering into a Concessionaire Service Agreement for the Licensed Area.

FURTHER AFFIANT SAYETH NAUGHT.

[Signature], Affiant  
Print Affiant Name: Brian Waxman

The foregoing instrument was sworn to, subscribed and acknowledged before me this 22<sup>nd</sup> day of January, 2016, by \_\_\_\_\_  who is personally known to me or [ ] who has produced \_\_\_\_\_ as identification and who did take an oath.

[Signature]  
Notary Public  
Kathleen M Fratalia  
(Print Notary Name)



NOTARY PUBLIC  
State of Florida at Large

My Commission Expires: 2018

**EXHIBIT "A"**  
**LICENSED AREA**



**14775 US Highway 1**  
**Juno Beach, FL 33408**

**(PCN: 28-43-41-21-00-001-0011)**

**EXHIBIT "B"**

**SCHEDULE TO BENEFICIAL  
INTERESTS IN PROPERTY**

Concessionaire is only required to identify five percent (5%) or greater beneficial interest holders. If none, so state. Concessionaire must identify individual owners. If, by way of example, Concessionaire is wholly or partially owned by another entity, such as a corporation, Concessionaire must identify such other entity, its address and percentage interest, as well as such information for the individual owners of such other entity.

<b>NAME</b>	<b>ADDRESS</b>	<b>PERCENTAGE OF INTEREST</b>
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**None. Loggerhead Marinelife Center, Inc. is a 501(c)(3) organization. There are no individuals or entities that have a beneficial interest in its assets.**

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