

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

Meeting Date: March 13, 2018 Consent Regular
 Workshop Public Hearing

Department
Submitted By: Environmental Resources Management
Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF

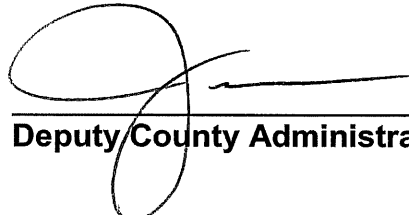
Motion and Title: Staff recommends motion to: **approve** First Amendment to Agreement (R2017-0742) with Palm Beach County Fishing Foundation, Inc. (PBCFF) modifying the way donated reef units are quantified to include tonnage, beginning upon execution and ending June 30, 2019.

Summary: The Amendment allows for the acceptance of a minimum of 200 tons of reef unit material to satisfy agreement requirements. This allows for the donation to be quantified in tons rather than individual units. **There is no cost to the County.**
District 1 (AH)

Background and Justification: On June 6, 2017, the Board of County Commissioners approved Agreement R2017-0742 with the PBCFF, accepting a minimum of 12 donated reef units in 2017 and 40 reef units in 2018 and 2019 in exchange for the County providing trucking, barge transport and installation costs. At the time the Agreement was signed, the reef units were projected to weigh 5 tons each. Professional engineering drawings were completed by the PBCFF and the reef units actually weigh 10 tons each. This Amendment now requires a minimum donation of 200 tons of reef unit material and removes the 40 reef unit requirement. In 2017 the PBCFF donated 12 reef units that were successfully deployed offshore of Singer Island.

Attachment:
 1. First Amendment to Agreement R2017-0742

Recommended by:  2/14/18
Department Director **Date**

Approved by:  3/1/18
Deputy County Administrator **Date**

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2018	2019	2020	2021	2022
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	* _____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget?	Yes _____		No _____		
Does this item include the use of federal funds?	Yes _____		No _____		
Budget Account No.:	Fund _____ Department _____ Unit _____ Object _____ Program _____				

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

* There is no fiscal impact associated with this item.

C. Department Fiscal Review:

S. Neary

III. REVIEW COMMENTS

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

Lisa P... 2/22/18

 OFMB

David J. Garabery 2/28/18

 Contract Development and Control

B. Legal Sufficiency:

Anne Telfant 3-1-18

 Assistant County Attorney

C. Other Department Review:

Michael Stahl

 Department Director

**FIRST AMENDMENT TO AGREEMENT BETWEEN
PALM BEACH COUNTY FISHING FOUNDATION, INC.
AND
PALM BEACH COUNTY**

THIS FIRST AMENDMENT is made and entered into on the ____ day of _____, 2018, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida (the "COUNTY") and PALM BEACH COUNTY FISHING FOUNDATION, INC., a non-profit corporation authorized to do business in the State of Florida ("PBCFF"), both being hereinafter referred to collectively as the "parties".

WITNESSETH:

WHEREAS, on June 6, 2017 the parties entered into an Agreement (R2017-0742), hereinafter referred to as the "Agreement", wherein the PBCFF agreed to donate a minimum of 40 reef units to the COUNTY in 2018 and 2019 and the COUNTY agreed to cover the costs to transport and place the reef units within permitted reef site(s) offshore of Palm Beach County and hereinafter referred to as the "Project"; and

WHEREAS, the parties desire to amend the Agreement wherein the PBCFF agrees to donate a minimum of 200 tons of material in 2018 and 2019; and

WHEREAS, the parties hereto mutually agree that this Amendment is in their best interest, and serves a public purpose.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations herein contained, the parties agree as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.
2. The Project. Paragraph 4 (c) of the Agreement is amended to state: "By June 30, 2018 and June 30, 2019 fabricate and donate a minimum of 200 tons of reef unit material to the COUNTY.
3. All provisions, covenants, terms and conditions of the Agreement between the parties as originally set forth therein, which are not hereby expressly amended or modified shall remain the same and be unaffected by this Amendment.

The remainder of this page is intentionally left blank.

WHEREFORE, the parties have caused this Amendment to be executed by their authorized representatives on the date first written above.

ATTEST:
SHARON R. BOCK
CLERK AND COMPTROLLER

PALM BEACH COUNTY
BOARD OF COUNTY
COMMISSIONERS:

By: _____
Deputy Clerk

By: _____
Melissa McKinlay, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

APPROVED AS TO TERMS
AND CONDITIONS

By: _____
County Attorney

By: *Michael Stalf*
Department Director

Jena McNeal
Witness Name (Printed)

PBCFF: *Tom Twyford*
By: _____
Signature

Jena McNeal
Witness Name (Signed)

Tom Twyford
Printed Name, President PBCFF