

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: April 10, 2018       Consent       Regular  
    Ordinance       Public Hearing

Department: Department of Housing and Economic Sustainability

**I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to Receive and File:** Documents executed in connection with loans made to Businesses located in Palm Beach County under the Housing and Urban Development (HUD) Section 108 Loan Program.

**Jupiter CY, LLC**

- A) Section 108 Loan Program Agreement with Jupiter CY, LLC for \$2,300,000;
- B) Palm Beach County Section 108 Loan Agreement with Jupiter CY, LLC for \$2,300,000;
- C) Mortgage and Security Agreement with Assignment of Leases and Rents from Jupiter CY, LLC for \$2,300,000;
- D) Collateral Mortgage Agreement from 1410 S.B. PT, LLC for \$2,300,000;
- E) Control Agreement with Melbourne RI Manger, LLC;
- F) Control Agreement with Marina Del Ray Apartments Limited Partnership;
- G) Purchase Agreement with Ronald Finvarb and Richard Finvarb;
- H) Pledge Agreement with Ronald Finvarb;

**SSB Investment, Inc.**

- A) Mortgage and Security Agreement with Assignment of Leases and Rents, dated March 20, 2013, for \$244,000.
- B) Environmental Indemnity Agreement, dated March 20, 2013.
- C) Palm Beach County Promissory Note, dated March 20, 2013, for \$244,000.
- D) Section 108 Loan Agreement, dated March 20, 2013, for \$244,000.
- E) Section 108 Loan Program Agreement between Palm Beach County and SSB Investment, Inc., dated March 20, 2013, for \$244,000.

**BI Development Group, LLC.**

- A) Palm Beach County Section 108 Promissory Note, dated August 29, 2013 for \$1,028,000.
- B) Mortgage and Security Agreement w/ Assignment of Leases and Rents, dated August 29, 2013 for \$1,028,000.
- C) Cross-Default, Cross-Contribution, and Cross-Collateralization Agreement, dated August 29, 2013 for Section 108, DOE, and USDA IRP Loan.
- D) Section 108 Loan Agreement, dated August 29, 2013 for \$1,028,000.
- E) Section 108 Loan Program Agreement between Palm Beach County and BI Development Group, LLC, dated August 29, 2013 for \$1,028,000.
- F) Pledge Agreement, dated August 29, 2013 for Section 108, DOE, and USDA IRP Loan.
- G) Control Agreement (M.I.M., Inc.), dated August 29, 2013 for \$1,028,000.
- H) Control Agreement (Purdy Lane, Inc.), dated August 29, 2013 for \$1,028,000.
- I) Redemption Agreement (Purdy Lane, Inc.), dated August 29, 2013 for \$1,028,000.
- J) Redemption Agreement (M.I.M., Inc.), dated August 29, 2013 for \$1,028,000.
- K) Guaranty Agreement, dated August 29, 2013 for Section 108, DOE, and USDA IRP Loan.

**Summary:** In accordance with County PPM CW-0-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. During the Department's administrative review of files, documents were identified that need to be presented as a receive and file. The attached documents have been executed on behalf of the Board of County Commissioners (Board) by the County Administrator or Designee in accordance with Resolution R-2009-0725, and are now being submitted to the Board to receive and file. **These are Federal funds which require no local match.** Districts 1 and 6 (JB)

**Background and Justification:** Continued on Page 3

**Attachment(s):** Documents as listed in alphabetical order for each Section 108 Loan shown above.

Recommended By:       3/23/18  
Department Director      Date

Approved By:       3/29/18  
Assistant County Administrator      Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2018	2019	2020	2021	2022
Grant Expenditures	\$3,572,000				
Operating Costs					
External Revenues	(\$3,572,000)				
Program Income					
In-Kind Match					
<b>NET FISCAL IMPACT</b>	<b>-0-</b>				
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included In Current Budget? Yes X No       
 Does this Item include the use of Federal funds? Yes X No     

Budget Account No.:

Fund 1540 Dept 143 Unit Various Object Various Program Code/Period     

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

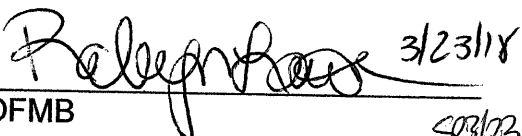
These agreements allocate \$3,572,000 in HUD Section 108 Loan Program funds to the projects.


**C. Departmental Fiscal Review:**

  
 Beverley Reid, Fiscal Manager I

**III. REVIEW COMMENTS**

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

  
 OFMB 3/23/18  
SPB/23

  
 Contract Development and Control 3/27/18  
3/27/18

**B. Legal Sufficiency:**

  
 Assistant County Attorney 3/28/18

**C. Other Department Review:**

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

**Background and Justification:** (Continued from Page 1)

The Palm Beach County Section 108 Loan Program (Program), which is administered by the Palm Beach County Department of Housing & Economic Sustainability, was developed to create a source of loan funding for use by businesses and investors to implement business ventures that will create new jobs and help revitalize communities. Funding for the Program is received from HUD. To date, the Program has created 1,900 new jobs.