Agenda Item #: 31-2

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	March 9, 2021	[X] Consent [] Ordinance	[] Regular [] Public Hearing
Department:	Housing and Economic Sustainability		

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to Receive and File: Amendment 006 to Subgrant Agreement (R2015-0745) with the City of South Bay for a project funded under the U.S. Environmental Protection Agency (EPA) Revolving Loan Fund (RLF) program.

Summary: This document has been executed on behalf of the Board of County Commissioners (BCC) by the Director of the Department of Housing and Economic Sustainability in accordance with Agenda Item 3I-10 as approved by the BCC on October 16, 2012. Amendment 006 to Subgrant Agreement (R2015-0745) with the City of South Bay provides 12 additional months for the completion of site cleanup and monitoring as established by the Florida Department of Environmental Protection (FDEP), and provides an additional \$86,032 in EPA RLF subgrant funds, bringing the total allocation for this project to \$436,032. The subject site is located at 480 U.S. Highway 27 North in South Bay and will be redeveloped for commercial use. 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. EPA funds require a 20% local match to be provided by the City of South Bay. Districts 6 (HJF)

Background and Justification: On June 2, 2015, the County entered into a Subgrant Agreement (R2015-0745) with the City of South Bay to provide \$200,000 in EPA funds under the RLF Program. Subsequent to the original allocation, an additional \$150,000 was provided to the project. The funds were provided to clean up a petroleum contaminated site located at 480 U.S. Highway 27 North in South Bay. However, due to persistent compounds (isopropylbenzene) above FDEP's cleanup target levels at Monitoring Well 12, additional site remediation and monitoring is required. The supplemental \$86,032 provided from the EPA BRLF Petroleum subgrant funds and 12 month extension to the Agreement will allow for project activities to be completed.

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1. Amendment (006 to the Agreement (R2015-0745) with City of South Bay						
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Recommended By:	Department Director	January 25, 2021 Date				
Approved By:	Assistant County Administrator	2/2/2021 Date				

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures	\$86,032				
Operating Costs					·
External Revenues	(\$86,032)				
Program Income					
In-Kind Match (County)					
NET FISCAL IMPACT	-0-				
# ADDITIONAL FTE POSITIONS (Cumulative)	-0-				
Is Item Included In Curre Does this Item include th Budget Account No.: Fund <u>1544</u> Dept. <u>143</u> Units	e use of Federa	l funds?	Yes X Yes X	No No	
B. Recommended So					
The source of funds C. Departmental Fisc	al Review: 姫	verley Reio	, Fiscal Ma		_
A. OFMB Fiscal and/o				Comments	:
June Mest 1/2 OFMBPC/128	129 V29	Contya	ct Developr	nent and Cor	her (211)
B. Legal Sufficiency:					
Assistant County At	2/2/2/ torney				
C. Other Department	Review:				
Department Directo	r				

AMENDMENT 006 TO SUBGRANT AGREEMENT PALM BEACH COUNTY BROWNFIELDS CLEANUP REVOLVING LOAN FUND PROGRAM

THIS AMENDMENT 006 TO SUBGRANT AGREEMENT (the "Sixth Amendment") is made and entered into on <u>Ol-13-221</u> by and between Palm Beach County, a political subdivision of the State of Florida ("County" or "Grantor") and City of South Bay, a Municipal corporation organized under the laws of the State of Florida ("Subgrantee").

WITNESSETH:

WHEREAS, County and Subgrantee entered into an Agreement dated June 2, 2015 (R2015-0745) (as amended) wherein County agreed to provide \$350,000 of United States Environmental Protection Agency (EPA) County Brownfields Revolving Loan Funds (BRLF) for remediation of property located at 480 US Highway 27 North, South Bay, Florida 33493 (hereinafter referred to as the "Property"); and

WHEREAS, the County and the Subgrantee desire to extend the Term of the Agreement (as amended) for twelve (12) months; and

WHEREAS, the EPA has determined that additional remediation to the Property is required and has agreed to provide an additional Eighty-Six Thousand and Thirty-Two Dollars (\$86,032) to be used for the additional Remediation Work as defined in the Agreement (as amended).

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

- The foregoing recitals are true and correct and incorporated herein by reference.
 Terms not defined herein shall have the same meaning as ascribed to them in the Agreement.
- 2. Article I, Section 1.02 of the Agreement (as amended) is hereby modified to provide that the Term of the Agreement (as amended) shall expire June 1, 2022, unless further extended by written amendment to this Agreement (as amended).
- 3. Article I, Section 1.03 of the Agreement (as amended) is hereby modified to increase the Subgrant amount to Four Hundred Thirty-Six Thousand and Thirty-Two Dollars (\$436,032).

Except as modified by this Sixth Amendment and previously, the Agreement remains unmodified and in full force and effect in accordance with the terms thereof, and the County and the Subgrantee hereby ratify, confirm, and adopt the Agreement as amended hereby.

This Sixth Amendment is expressly contingent upon the approval of the County and shall become effective only when signed by all parties and approved by, or on behalf of by a person with delegated authority, the Palm Beach County Board of County Commissioners (the "Effective Date of the Sixth Amendment").

IN WITNESS WHEREOF, Subgrantee and the County have caused this Sixth Amendment to be executed on the date first above written.

WITNESSES:	CITY OF SOUTH BAY
Witness Signature	By: Ay. al
Print Witness Name Witness Signature Number Print Witness Name	Print name: <u>Leondrae</u> D. Camel Title: <u>City Manager</u> (SEAL)
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	PALM BEACH COUNTY, FLORIDA, a Political Subdivision of the State of Florida FOR ITS BOARD OF COUNTY COMMISSIONERS By: Jonathan B. Brown, Director Dept. of Housing and Economic Sustainability Date:
Approved as to Form and Legal Sufficiency	Approved as to Terms and Conditions Dept. of Housing and Economic Sustainability
By: Howard J./Falcon, III Chief-Assistant County Attorney	By: Sherry Howard Deputy Director

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