

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY

Meeting Date: October 5, 2021

Consent       Regular  
 Ordinance       Public Hearing

Department: Facilities Development & Operations

**I. EXECUTIVE BRIEF**

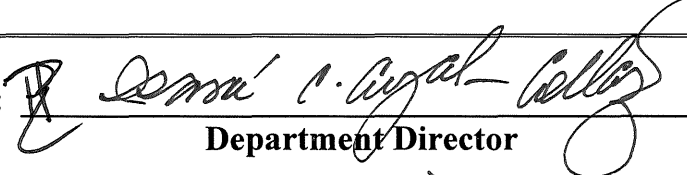
**Motion and Title:** Staff recommends motion to receive and file: a notice of exercise of the one (1) year renewal extension to the License Agreement with John C. Bills, as successor trustee at the McCloskey-Bills Industrial Park Land Trust (Bills) commencing on December 1, 2021 through November 30, 2022 for the County’s Information System Services Department continued use of an 18,000 sf warehouse for \$185,400/year.

**Summary:** On December 1, 2020, the County Administrator executed a License Agreement with Bills for 18,000 sf of warehouse space located at 950 W 13<sup>th</sup> Street Bay #2 in Riviera Beach for the County's Information System Services Department (ISS) Student Broadband Project. On March 5, 2021, the agreement was amended to add E-Verify and other federal requirements to qualify for FEMA and other state and federal reimbursements. The County Administrator signed the agreement and amendment (collectively, Agreement) under the emergency alternate source selection authority provided in PPM# CW-L-023. On April 6, 2021, the Board of County Commissioners (Board) ratified the Agreement (R2021-0399). The Agreement provided for a one (1) year renewal extension which was exercised on August 16, 2021 by the Purchasing Director effectively extending the term through November 30, 2022. On December 1, 2021, the rent will increase from \$180,000/year to \$185,400/year pursuant to the terms of the Agreement. ISS will continue to have administrative responsibility for this Agreement. **(PREM) District 7/Countywide (HJF)**

**Background and Justification:** The County entered into the Agreement with Bills for 18,000 sf of warehouse space located at 950 W 13<sup>th</sup> Street Bay #2 in Riviera Beach. ISS needed the space to store broadband equipment as part of the Student Broadband Project to provide countywide Wi-Fi services to student in response to the COVID-19 emergency. ISS requested the term extension as the Countywide Broadband project scope was significantly expanded through the assignment of additional funds, resulting in an extended timeline for completion. The term of the Agreement has been extended through November 30, 2022. The County has the right to terminate the Agreement for any reason with 90 days’ notice to Bills. A Disclosure of Beneficial Interests was obtained from Bills, Attachment 3 identifies John C. Bills (39%): Gentle Ben Investments (60%), Gentle Ben Inv. John Clark Bills Trust (50%) and Catharine Bills Warren Trust (50%): as holding interests in Bills. Staff confirmed no change in ownership.

**Attachments:**

- 1. Location Map
- 2. Notice of Exercise letter dated August 16, 2021
- 3. Disclosure of Beneficial Interests
- 4. BAS

Recommended By:       9/17/2021  
Department Director      Date

Approved By:       9/22/2021  
County Administrator      Date

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	<u>\$154,500</u>	<u>\$30,900</u>	<u>(\$0)</u>	<u>(\$0)</u>	<u>(\$0)</u>
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<u><u>\$154,500</u></u>	<u><u>\$30,900</u></u>	<u><u>(\$0)</u></u>	<u><u>(\$0)</u></u>	<u><u>(\$0)</u></u>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

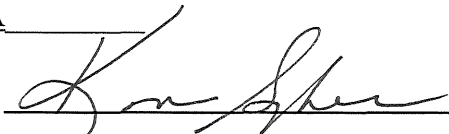
**Is Item Included in Current Budget:** Yes  **X** No

Budget Account No: Fund 0001 Dept 760 Unit 7601 Object 4412  
 Program \_\_\_\_\_

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

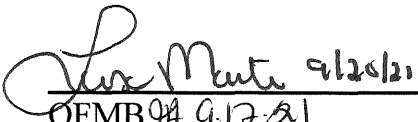
Effective Date 12/1/2021. The Annual Rent to increase by the greater of the CPI or 103%; for budgetary purpose only, using 103% increase.

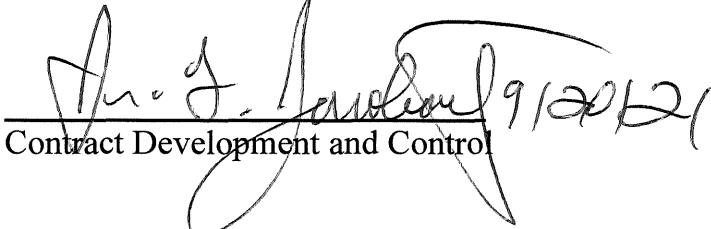
Fixed Asset Number N/A

**C. Departmental Fiscal Review:** 

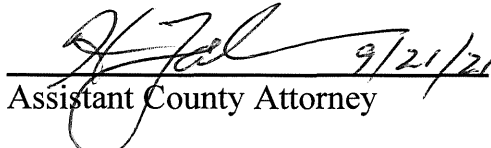
**III. REVIEW COMMENTS**

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

 9/20/21  
 OFMB 9/17/21  
 MG 9/20/21  
 LM 9/20

 9/20/21  
 Contract Development and Control

**B. Legal Sufficiency:**

 9/21/21  
 Assistant County Attorney

**C. Other Department Review:**

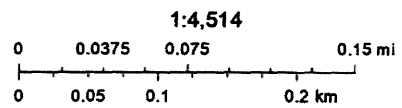
\_\_\_\_\_  
 Department Director

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

56-43-42-32-31-000-0010



August 19, 2021



## LOCATION MAP



Attachment #1





Certified Mail Return Receipt Requested  
7016 2140 0000 5287 6456

August 16, 2021

Facilities Development &  
Operations Department

2633 Vista Parkway  
West Palm Beach, FL 33411

Telephone - (561) 233-0200  
Facsimile - (561) 233-0206  
www.pbcgov.com/fdo

Palm Beach County  
Board of County  
Commissioners

Dave Kerner, Mayor

Robert S. Weinroth, Vice Mayor

Maria G. Marino

Gregg K. Weiss

Maria Sachs

Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker.

"An Equal Opportunity  
Affirmative Action Employer"

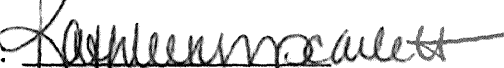
McCloskey Bills Industrial Park Partnership Ltd.  
C/O John C. Bills Properties LLC  
3910 RCA Boulevard, Suite 1015  
Palm Beach Gardens, FL 33410

Re: **Exercise of Renewal Option to Extend License Agreement (R2020-0399) dated December 1, 2020, by and between John C. Bills, as successor trustee of the McCloskey-Bills Industrial Park Land Trust (Licensor) and Palm Beach County (Licensee) Bay #2 950 W 13<sup>th</sup> Street Riviera Beach**


Dear Mr. Bills:

Pursuant to the provisions of Section 3.01 of the above referenced License, Palm Beach County, as Licensee, is hereby exercising its renewal option to extend the term of said License for a period of One (1) year from December 1, 2021, through November 30, 2022.

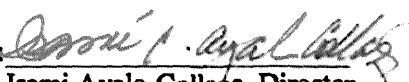
PALM BEACH COUNTY, FLORIDA FOR ITS  
BOARD OF COUNTY COMMISSIONERS  
BY KATHLEEN M. SCARLETT  
DIRECTOR OF PURCHASING

By:   
Kathleen M. Scarlett

APPROVED AS TO  
LEGAL SUFFICIENCY

By:   
Howard J. Falcon III  
Assistant County Attorney

APPROVED AS TO TERMS  
AND CONDITIONS

By:   
Isami Ayala-Collazo, Director  
Facilities Development & Operations

cc. Isami Ayala-Collazo, Director FD&O  
Purvi A. Bhogaita, Director PREM  
Richard C. Bogatin, Manager Property Mtg, PREM (via e-mail)  
Alys N. Daniels, Esquire, Gary, Dytrych & Ryan, P.A.  
701 U.S. Highway One, Suite 402  
North Palm Beach, FL 33408

Attachment #3 – DBI  
3 Pages

**LANDLORD'S DISCLOSURE OF BENEFICIAL INTERESTS  
(REQUIRED BY FLORIDA STATUTES 286.23)**


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, John Clark Bills, hereinafter referred to as "Affiant", who being by me first duly sworn, under oath, deposes and states as follows:

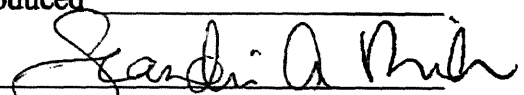
1. Affiant is the Trustee (position - i.e. president, partner, trustee) of McCloskey Bills Industrial Park Land Trust (name and type of entity - i.e. ABC Corporation, XYZ Limited Partnership), (the "Landlord") which entity is the owner of the real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 3910 RCA Boulevard, Suite 1015, Palm Beach Gardens, FL 33410.
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 Landlord and the percentage interest of each such person or entity.
4. Affiant acknowledges that this Affidavit is given to comply with Florida Statutes 286.23, and will be relied upon by Palm Beach County in its lease of the Property.
5. 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.
6. 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.

FURTHER AFFIANT SAYS NOTHING.

  
\_\_\_\_\_, Affiant  
Print Affiant Name: John Bills

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of  physical presence or [ ] online notarization this 24th day of November, 2020, by JOHN BILLS  who is personally known to me or [ ] who has produced as identification and who did take an oath.



  
\_\_\_\_\_  
Notary Public

SCANDIE A. MICK  
\_\_\_\_\_  
(Print Notary Name)

NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: JULY 16, 2023

**EXHIBIT "A"**

**PROPERTY**

**Palm Beach County Parcel ID: 56-43-42-32-31-000-0020**

**McCloskey Bills Industrial Park Replat Lot 2**







