

**BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA**

ADDITIONS, DELETIONS, & SUBSTITUTIONS

NOVEMBER 15, 2022

<u>PAGE</u>	<u>ITEM</u>	
42	5A-1	REVISED MOTION: Staff recommends motion to approve: A) the first amendment (Amendment) to Maintenance/Service Agreement (Agreement) with HUB Parking Technology USA, Inc. (HUB) (R2018-0040), providing for the maintenance of the parking and revenue control system (PARCS) at Palm Beach International Airport (PBI), extension of the term of the Agreement by five additional years to December 31, 2027, the update of components of the PARCS, and an increase in the total not to exceed amount by \$1,604,124.37; and B) a budget transfer of \$846,979 in the Airport's Improvement and Development Fund, including a transfer from Reserves in the amount of \$846,979. Project is partially budgeted in FY 2023 Budget. (Airports)
51-52	5F-1	ADD-ON/ Staff recommends motion to approve: an updated report containing findings and recommendations related to substance use and mental disorders entitled <i>Substance Use and Mental Disorders Plan Update, March 2022</i> , prepared by the Palm Beach County Behavioral Health, Substance Use and Co-Occurring Disorder Steering Committee, and presented to the Board of County Commissioners during the September 20, 2022 Workshop, with the exception of the Committee's recommendation for the enactment of an ordinance to designate a lead entity granted leadership, budget, planning and monitoring authority. The actions of leadership, budget, planning and monitoring authority are accomplished through Community Services with final approval by the BCC. SUMMARY: In response to Palm Beach County's opioid epidemic, the Board of County Commissioners (BCC) approved a report on April 4, 2017 entitled <i>Opioid Crisis: Palm Beach County's Response (ORP)</i> . The ORP recommended a coordinated response be created through the designation of a primary entity responsible for the integration of all efforts relative to the epidemic; the need for leadership and guidance from an experienced veteran accustomed to working on solving substance use disorders (aka Drug Czar); and, the establishment of an opioid response steering committee to guide the County's work. In 2018, Palm Beach County appointed a County Drug Czar and designated the Community Services Department (Department) as the entity that would support the work of that position. Subsequently, the Department also formulated an Opioid Response steering committee, which was operationalized in 2019. In 2020, the steering committee was renamed the Behavioral Health, Substance Use and Co-Occurring Disorder Steering Committee (Committee) in order to better align with the BCC's strategic priority. On March 10, 2022, the Committee unanimously approved the <i>Substance Use and Mental Disorders Plan Update (Plan)</i> . The Committee found that there have been important gains since 2017, however; some systemic challenges still remain. The updated Plan includes, but is not limited to the following recommendations: Educate the community regarding the impact of substance use on brain development; the continued implementation of a person-centered, recovery-oriented system of care that is readily accessible and integrated; advancement of policies, legislation; and resources to support this system of care. The recommendation of the Committee for the enactment of an ordinance to designate a lead entity granted leadership, budget, planning and monitoring authority is duplicative and not recommended for approval as Community Services is the County's Department providing these functions taking into consideration comments of the Palm Beach County Advisory Committee on Behavioral Health, Substance Use and Co-Occurring Disorders (BHSUCOD), with final approval for these functions vested in the BCC. On November 1, 2022 with the passing of Resolution 2022-1340 the BCC established the BHSUCOD, defined its Roles and Responsibilities and identified Community Services as the supporting Department. <u>Countywide</u> (HH) (Community Svcs)

NOTE: Items that were revised, added, deleted, or backup submitted and were not listed on the preliminary addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (*).

**ORDER OF BUSINESS
BOARD OF COUNTY COMMISSIONERS
BOARD MEETING
PALM BEACH COUNTY, FLORIDA**

NOVEMBER 15, 2022

**TUESDAY
9:30 A.M.**

**COMMISSION
CHAMBERS**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance

- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption

- 3. CONSENT AGENDA (Pages 7-39)**

- 4. PUBLIC HEARINGS - 9:30 A.M. (Pages 40-41)**

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3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

1. **Staff recommends motion to receive and file:** Warrant List – Backup information can be viewed in the Clerk & Comptroller’s Office.
2. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller’s Office. Countywide

D. COUNTY ATTORNEY

1. **Staff recommends motion to approve:** a settlement agreement, inclusive of attorney’s fees and costs, in the total amount of \$80,000 in the personal injury action styled Aaron Lederman v. Palm Beach County, Case No. 502021CA009540XXXMB AG. **SUMMARY:** This is a personal injury lawsuit arising from a motor vehicle accident in West Palm Beach. While at a stop light, Plaintiff’s vehicle was struck from behind by a Palm Tran bus. Following the accident, Plaintiff sustained six herniated discs, spinal narrowing, and nerve damage in his neck and back. Plaintiff underwent two spinal surgeries – a cervical discectomy and fusion and a lumbar laminectomy and discectomy – and a total of 12 epidural and facet injections. Countywide (TSB)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES

1. Staff recommends motion to approve: proposed seat change of one current member and one reappointment of current member to the Homeless Advisory Board (HAB), effective November 15, 2022:

Current Seat No.	Proposed Seat No.	Appointment	Seat Requirement	Recommended by	Term Expires
7	10	Sophia Eccleston	Business Provider	Economic Development Council	9/30/23

Seat No.		Reappointment	Seat Requirement	Recommended by	Term Expires
4		Elisa Cramer	FL Dept. of Children & Families	Florida Dept. of Children & Families	9/30/25

SUMMARY: On May 1, 2007, the Board of County Commissioners (BCC) established the HAB. Per Resolution No. R2016-0038, the total membership for the HAB shall be no more than 14 at-large members, comprised of members representing government, business providers, law enforcement, advocates, education, faith-based and the formerly homeless. The diversity count for the 12 seats that are currently filled is African-American: 6 (50%), Caucasian: 5 (42%) and Native-American: 1 (8%). The gender ratio (female: male) is 6:6. Ms. Eccleston and Ms. Cramer are African-American. Staff conducts targeted outreach in an effort to proffer candidates for appointments that maintain a diverse composition of the board. (Division of Human Services) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

2. Staff recommends motion to approve: Amendment No. 1 to agreement for Provision of Financial Assistance (R2021-1690) with Gulfstream Goodwill Industries, Inc. (GGI), for the period October 1, 2021 through September 30, 2024, to amend, revise and replace portions of the agreement, with no change to the overall total contract amount of \$970,386, for the provision of rapid re-housing for youth, senior homeless prevention and employment focused case management services, to residents in Palm Beach County. **SUMMARY:** This amendment is necessary to update and replace Exhibit B, with Exhibit B1 to reflect actual cost reimbursement up to the contractual amount in accordance with the approved programmatic budgets. The amendment will allow GGI to continue rapid re-housing and other supportive services by helping clients increase their income through employment and increase their self-sufficiency. In FY 2021, GGI provided rapid re-housing services to 18 youth, and will serve approximately 12 youth with rapid re-housing services in FY 2023. In FY 2021, GGI provided homeless prevention services to 36 seniors, and will serve approximately 55 seniors with homeless prevention services in FY 2023. In FY 2021, GGI provided 36 individuals with employment focused case management, and will serve approximately 30 individuals with employment focused case management in FY 2023. (Financially Assisted Agencies). Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

3. Staff recommends motion to receive and file: Amendment No. 1 to contract for Provision of Services with Catholic Charities of the Diocese of Palm Beach, Inc., (Catholic Charities) (R2019-1722), to extend the end date from June 30, 2022 to June 30, 2024 and to increase funding by \$248,000 for a new total contract amount of \$620,000, for the provision of homeless prevention services. **SUMMARY:** The Division of Human Services received the 2019 Homeless Challenge and Temporary Assistance for Needy Families Grant, which is also referred to as the Unified Homeless Grant Agreement (IP004). The grant provides emergency financial assistance to at-risk households facing the loss of their housing due to a financial crisis. The purpose of Amendment No. 1 is to extend the current contract for a two year period, from July 1, 2022 through June 30, 2024, for an amount not to exceed \$248,000. The County originally subcontracted with Catholic Charities, for a total amount not-to-exceed \$372,000. Catholic Charities will provide homeless prevention services through case management, financial assistance with rent/mortgage and utility payments. These services assist at-risk families from becoming homeless and remain stably housed. During FY 2019 - 2022, financial assistance was provided to 261 households and 951 individuals, which remain stably housed, by assisting with rent, mortgage and utility payments. The amendment will serve approximately 72 households annually with financial assistance to pay their rent/mortgage and/or utilities that is past due. An in-kind match of \$124,000 will be provided annually by Catholic Charities. This amendment was executed by the County Administrator in accordance with Agenda Item 3E-3, dated July 2, 2019, which delegated signature authority to the County Administrator or designee. In accordance with County PPM No. CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating department as a receive and file item. **No County funds are required.** (Division of Human Services) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. Staff recommends motion to approve:

A) the contract for Provision of Services with Credit Card Management Services, Inc. (CCMS), for the period October 1, 2022 through September 30, 2025, in an amount totaling \$72,000, of which \$24,000 is budgeted in FY 2023 with an anticipated annual allocation of \$24,000 in each subsequent fiscal year, contingent upon a budgetary appropriation by the Board of County Commissioners (BCC), for the term of the contract, to provide financial literacy and management training services to low-income participants;

B) an Interlocal Subrecipient Agreement with the District Board of Trustees of Palm Beach State College (PBSC), for the period October 1, 2022 through September 30, 2025, in an amount totaling \$90,000, of which \$30,000 is budgeted in FY 2023 with an anticipated annual allocation of \$30,000 in each subsequent fiscal year, contingent upon a budgetary appropriation by the BCC, for the term of the contract, to provide vocational training to low-income participants;

C) Amendment No. 1 to Interlocal Agreement with the School Board of Palm Beach County (SBPBC) (R2021-0231), for the period of October 1, 2020 through September 30, 2023, to revise portions of the contract and to increase the overall funding by \$45,000, for a new total agreement amount not-to-exceed \$90,000, of which \$15,000 was budgeted in FY 2021 and FY 2022, with an anticipated allocation of \$60,000 in FY 2023, contingent upon a budgetary appropriation by the BCC for the term of the contract, to provide vocational training to low-income participants; and

D) the contract for Provision of Services with Christians Reaching Out to Society, Inc. (CROS), for the period October 1, 2022 through September 30, 2025, in an amount totaling \$225,000, of which \$75,000 is budgeted in FY 2023 with an anticipated annual allocation of \$75,000 in each subsequent fiscal year, contingent upon a budgetary appropriation by the BCC, for the term of the contract, to provide gleaning services to low-income participants.

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

4. **(Cont'd) SUMMARY:** The skill set building and vocational/employment training funds are provided by the Community Services Block Grant (CSBG), and are allocated according to the amount of funding received every grant year. The agencies selected will provide skill set building and vocational/employment training to low-income individuals who reside within Palm Beach County. CCMS will provide financial literacy training, PBSC and SBPBC will provide vocational training, which will allow the agencies to assist low-income individuals move toward self-sufficiency. During FY 2021, 22 individuals obtained a credential or certificate, and 17 became employed. An estimated 39 individuals are expected to complete vocational training during FY 2022. CROS recruits and coordinates gleaning opportunities through the local church, civic and non-profit agencies within the County. CROS is the only agency (sole source) that provides gleaning services for food pantries in Palm Beach County. In FY 2021, CROS gleaned 200,000 pounds of food for the County's food pantries. Under this new contract, CROS is expected to glean 200,000 pounds of food in 2022. **No County funds are required.** (Community Action Program) Countywide (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. Staff recommends motion to approve:

A) Amendment 001 to Standard Agreement No. IC022-9500 (R2022-0799) for the Community Care for the Elderly (CCE) with the Area Agency on Aging of Palm Beach/Treasure Coast, Inc. (AAA), for the period July 1, 2022 through June 30, 2023, to amend, revise, and replace portions of the standard agreement and to increase the overall total funding by \$588,070 for a new total grant amount not-to-exceed \$3,078,970, to assist seniors and caregivers by providing in-home services to help seniors live independently;

B) Amendment 002 to Standard Agreement No. IRP22-9500 (R2022-0395) for the American Rescue Plan Act (ARPA) with AAA, for the period January 1, 2022 through September 30, 2024, to amend, revise, and replace portions of the standard agreement and to decrease overall total funding by \$269,170 for a new total grant amount not-to-exceed \$2,662,277, to prevent, prepare, and respond to COVID-19 pandemic by providing supportive services to vulnerable seniors;

C) Amendment 003 to Standard Agreement No. IRP22-9500 (R2022-0395) for ARPA with AAA, for the period January 1, 2022 through September 30, 2024, to amend, revise, and replace portions of the standard agreement, with no change to the total grant amount of \$2,662,277, to prevent, prepare, and respond to COVID-19 pandemic by providing supportive services to vulnerable seniors;

D) Amendment 003 to Standard Agreement No. IA022-9500 (R2022-0170) for the Older Americans Act (OAA) with AAA, for the period January 1, 2022 through December 31, 2022, to amend, revise and replace portions of the standard agreement and to increase Title IIIB Support Services by \$700,000 and decrease Title CI Congregate Meals by \$700,000, with no change to the total grant amount of \$2,900,947, to provide in-home services and community-based services to seniors;

E) Amendment 001 to Standard Agreement No. IZ022-9500 (R2022-0801) for the Alzheimer's Disease Initiative (ADI) with AAA, for the period July 1, 2022 through June 30, 2023, to amend, revise, and replace portions of the standard agreement and to increase the overall total funding by \$618,130 for a new total grant amount not-to-exceed \$2,235,100, to assist seniors and caregivers by providing in-home services to help seniors live independently;

F) Amendment 002 to Standard Agreement No. IZ021-9500 (R2021-1204) for ADI with AAA, for the period July 1, 2021 through June 30, 2022, to amend, revise, and replace portions of the standard agreement and to increase the overall total funding by \$26,787.95 for a new total grant amount not-to-exceed \$1,459,374.95, to assist seniors and caregivers by providing in-home services to help seniors live independently; and

G) an upward budget amendment in the amount of \$963,818 in the Division of Senior and Veteran Services (DSVS) Administration Fund to align the budget with the actual grant award.

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

5. **(Cont'd) SUMMARY:** Under the CCE amendment, (Catalog of State Financial Assistance (CSFA 65.010), seniors and caregivers are assisted with in-home services that help seniors live independently. In Grant Year (GY) 2020, the CCE program served approximately 133 clients, provided approximately 1,514 hours of case management and 57,207 hours of in-home services. The ARPA Program (Catalog of Federal Domestic Assistance (CFDA No. 93.043 - 93.052) prevents, prepares for, and responds to the pandemic. Supportive services include nutrition services, preventive health, services and support services for family caregivers. DSVS is responsible for the programmatic, fiscal, and operational management of ARPA within its designated service area. Under the OAA amendment (CFDA 93.045), services are provided to eligible Palm Beach County seniors age 60 and older and their caregivers to provide in-home and community-based services. In Calendar Year 2021, the congregate meal program serviced 2,585 seniors, the home-delivered meal program served 1,312 seniors and the in-home services program served 112 seniors. Under the ADI amendment (CSFA 65.002 – 65.004), seniors are provided with case management, in-home respite and facility-based respite. In GY 2020, the ADI program served approximately 87 clients, provided approximately 927 hours of case management and 74,006 hours of in-home services. **There is a required County match under OAA 3B & ARP3B (CFDA No. 93.044) in the amount of \$89,438, OAA C1 & RP3C1 (CFDA No. 93.045) in the downward amount of \$91,025, OAA C2 & RP3C2 CFDA No. 93.045 in the downward amount of \$23,492, OAA 3E & RP3E CFDA No. 93.052 in the downward amount of \$4,829. Under CCE (CSFA No. 65.010) there is a required match in the amount of \$65,341. There is no required County match under ADI No. 65002 and 65004.** The budget amendment is necessary to align the County budget with the actual grant award. The areas of service include all of the districts, excluding District 2, 4, 5 & 7 south of Hypoluxo Road. The Mae Volen Center, Inc. is responsible for providing services in the areas south of Hypoluxo Road. (DSVS) Countywide except for portions of Districts 2, 4, 5, & 7 south of Hypoluxo Road. (HH)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (Cont'd)

6. Staff recommends motion to approve:

A) an agreement for Provision of Financial Assistance with 211 Palm Beach/Treasure Coast, Inc. (211), for the three-year period October 1, 2022 through September 30, 2025, in an amount not-to-exceed \$665,580, of which \$221,860 is budgeted in FY 2023 with an anticipated annual allocation of \$221,860 in each subsequent fiscal year, contingent upon a budgetary appropriation by the Board of County Commissioners (BCC), for the term of the contract, for the Elder Crisis programs; and

B) an agreement for Provision of Financial Assistance with The Community Foundation for Palm Beach and Martin Counties, Inc. (Community Foundation), for the period October 1, 2022 through September 30, 2023, in an amount not-to-exceed \$18,750, to provide capacity building support to nonprofit organizations (NPO).

SUMMARY: On July 12, 2022, the Board of County Commissioners approved funding allocations for the Financially Assisted Agencies (FAA) Program. The agreements recommended in this item reflect dollar amounts, included in the FY 2023 budget. These agreements represent \$240,610 of the total FAA funding allocation of \$13,766,971 in FY 2023. In FY 2021, 211 served 797 clients via the Elder Crisis programs and under this new agreement, will serve 450 clients in FY 2023. The Community Foundation is a member of a funder collaborative working with Palm Beach County Community Services Department (CSD) and will be the fiscal agent of the Catchafire Nonprofit Capacity Building (Catchafire) Project. Catchafire is a new project that helps funders provide capacity building support to nonprofit organizations, social enterprises, or charities. Technology support, servicing and maintenance, program management, marketing and communication, as well as NPO outreach and support will be provided. The goal is to increase NPO capacity and support for the benefit of Palm Beach County residents. In addition to Community Foundation and CSD, the funder collaborative includes the following: Allegany Franciscan Ministries, Inc., Children Services of Palm Beach County, The Frederick A. Deluca Foundation, Inc., Palm Healthcare Foundation, Inc., Quantum Foundation, Inc. and United Way of Palm Beach County, Inc. (Financially Assisted Agencies) Countywide (HH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

1. Staff recommends motion to:

A) receive and file a Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) in the amount of \$1,500,000 to Expand Air Cargo Ramp at Palm Beach International Airport (PBI). Delegation of authority for execution of this PTGA was approved by the BCC on August 25, 2020 (R2020-1017). This PTGA is effective as of October 7, 2022 with an expiration date of December 31, 2024; and

B) approve a budget amendment of \$1,500,000 in the Airport's Improvement and Development Fund to recognize the receipt of a grant from the FDOT and budget additional project costs of \$1,500,000; which is in the current budget. Total project costs are \$3,000,000.

SUMMARY: The FDOT has issued a PTGA (CSFA No. 55.004) reflecting their commitment of funding to the above referenced project in the amount of \$1,500,000 or 50% of the eligible project costs, whichever is less to Expand Air Cargo Ramp at PBI. This funding will provide for the expansion of the air cargo ramp; this ramp expansion will accommodate existing operations, as well as meet forecasted demand for air cargo. Airport required local match of \$1,500,000 is in the current budget. This PTGA provides for the County to indemnify the FDOT to the extent allowed by law and pursuant to the limitations of Section 768.28, Florida Statutes, to the extent caused by the County's negligence, recklessness or intentional wrongful misconduct. Countywide (AH)

2. Staff recommends motion to receive and file: license agreement with Enterprise Leasing Company of Florida, LLC (Enterprise), commencing October 1, 2022 and expiring October 31, 2022, with automatic month-to-month renewals through September 30, 2025, unless terminated; providing for the use of approximately 185,850 square feet of ground area on 5th Street located north of Belvedere Road for the overflow parking of vehicles in connection with Enterprise's rental car operations at the Palm Beach International Airport (PBI), for payment of license fees in the amount of \$12,390 per month. **SUMMARY:** Enterprise uses the property for overflow parking in support of their rental car operation at PBI. Delegation of authority for execution of the standard County agreement above was approved by the Board of County Commissioners in R2007-2070. Countywide (AH)

3. CONSENT AGENDA APPROVAL

F. AIRPORTS (Cont'd)

3. Staff recommends motion to receive and file: Airline Service Incentive Program Participation Agreement (Incentive Agreement) with Breeze Aviation Group, Inc., d/b/a Breeze Airways (Breeze), providing for the waiver of landing, ticket counter and gate fees and office rental at the Palm Beach International Airport (PBI) from October 6, 2022 through February 18, 2024, for qualified flights associated with four routes: Akron/Canton, OH (CAK); Columbus, OH (CMH); Charleston, SC (CHS); and Norfolk, VA (ORF). **SUMMARY:** Breeze provides airline service at PBI pursuant to a Non-signatory Airline Agreement (R2022-0303), under which Breeze leases 192 square feet of airline ticket office space. The Incentive Agreement waives landing, ticket counter, gate fees and office rental associated with non-stop arrival and departure service to CAK, CMH, CHS and ORF until February 18, 2024. These destinations are not currently served by any other airline. Delegation of authority for execution of the standard Airline Service Incentive Agreement was approved by the Board in R2014-0251. Countywide (AH)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. Staff recommends motion to approve: a negotiated settlement offer in the amount of \$16,769 for the full satisfaction of a code enforcement lien that was entered against Gregory Altman on September 6, 2017. **SUMMARY:** The Code Enforcement Special Magistrate (CESM) entered an order on March 1, 2017 for the property owned by Gregory Altman giving him until June 29, 2017 to bring his property located at 2641 Hinda Rd, West Palm Beach, FL into full code compliance. The property was cited for a fence, shed, and dock installed without first obtaining required building permits. Additionally, three expired building permits needed to be reactivated in order to have final inspections performed. Compliance with the CESM's Order was not achieved by the ordered compliance date, and a fine of \$75 per day was imposed. The CESM then entered a claim of lien against Gregory Altman on September 6, 2017. The Code Enforcement Division issued an affidavit of compliance for the property on May 9, 2019 stating that as of February 21, 2019 the cited code violations were fully corrected. The total accrued lien amount on September 6, 2022, the date on which settlement discussions began, totaled \$55,895.72, of which Gregory Altman has agreed to pay Palm Beach County \$16,769 (30%) for full settlement of his outstanding code enforcement lien. District 1 (SF)

3. CONSENT AGENDA APPROVAL

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET (Cont'd)

2. Staff recommends motion to approve:

A) a Resolution of the Board of County Commissioners of Palm Beach County, Florida approving Fiscal Year 2022 Year End budget transfers and amendments, and

B) the following FY 2022 Year End budget transfers and amendments:

1. budget amendment of \$15,769 in the General Fund 0001 to reallocate budget between departments and to transfer revenues between funds;
2. budget amendment of \$67,182 in the Emergency Rental Assistance Program Fund 1161 to recognize refunds for this program;
3. budget amendment of \$211,297 in the Fire/Rescue MSTU Fund 1300 to recognize increased 911 revenues from Public Safety Answering Points;
4. budget amendment of \$546 in Public Safety Grants Fund 1426 to align budget with the actual grant award;
5. budget transfer of \$645,186 in the Emergency Communications Number "E-911" Fund 1434 to allocate expenses to other agencies for PSAPs based on 911 revenues and expenditures;
6. budget amendment of \$1,346 in MacArthur Foundation's Safety and Justice Challenge Fund 1512 to recognize additional interest earnings received; and
7. budget transfer of \$15,769 in the Beach Improvement Fund 3652 to transfer revenues between funds.

SUMMARY: These transfers and amendments are necessary to properly allocate budget for FY 2022. The General Fund amendment of \$15,769 includes a reallocation of budget between departments to adjust amounts for utilities due to an unexpected increase in costs. The other budget transfers are necessary to align the budget without increasing the total appropriations of the funds. The budget amendments relate to adjustments for unanticipated revenue received for a specific purpose. Countywide (DB)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to approve: a third amendment to Cooperative Agreement with the State of Florida Department of Agriculture and Consumer Services, Division of Forestry, allowing for the continuation of countywide fire protection of forest and wild lands within Palm Beach County at an annual rate of \$34,057.52/yr. **SUMMARY:** Since 1973, pursuant to Section 125.27, Florida State Statutes, Palm Beach County (County) has been invoiced annually for countywide fire protection services of all forest and wild lands provided by the Department of Agriculture and Consumer Services, Division of Forestry (State Department). The initial term of the Cooperative Agreement, as formally approved in September 1988, was to continue in full force and effect until superseded by a new agreement or canceled by Florida Statutes. This third amendment will revise the total protected area from 587,649 acres to 486,536 acres, a reduction of 101,113 acres. The State Department determines which areas within a county will be served; areas to be excluded from protection are those which are managed by the other governmental entities, impervious areas and permanent water bodies. The fee per acre of protection remains unchanged at \$0.07/acre as provided for in Section 125.27, Florida Statutes. The annual assessment will be reduced \$7,077.91 from \$41,135.43 to \$34,057.52. All other terms of the Cooperative Agreement remain unchanged. Property and Real Estate Management will continue to have administrative responsibility for this Cooperative Agreement. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

2. Staff recommends motion to approve: Amendment No. 1 to the construction manager (CM) at risk continuing contract (R2020-1689) with D. Stephenson Construction, Inc. in the amount of \$1,738,944 for the Water Utilities Division (WUD) Water Treatment Plant (WTP) No. 3 Buildings C & D Heating, Ventilation, and Air Conditioning (HVAC) Replacement and Building C Kitchen Renovation project establishing a Guaranteed Maximum Price (GMP) for construction management services for a period of 305 days from notice to proceed. **SUMMARY:** On November 17, 2020, the Board of County Commissioners (Board) approved the continuing contract with D. Stephenson Construction, Inc. (R2020-1689) for construction management services for various capital projects. Amendment No. 1 authorizes construction management services at WTP No. 3 to remodel the existing two office areas, kitchen, two locker rooms, associated restrooms, and creation of a new mechanical room in the shop space. The work also includes replacing the HVAC systems at WUD WTP #3 Buildings C and D. The existing HVAC equipment has outlived its useful life and has become expensive to maintain. The CM will have 305 calendar days from notice to proceed to substantially complete the project. Liquidated damages for failure to achieve certification of substantial completion within the contract time or approved time extension thereof are \$180 per day. This continuing construction management contract was solicited pursuant to the requirements of the Equal Business Opportunity Ordinance. This continuing construction management contract was presented to the Goal Setting Committee on December 4, 2019 and the Committee established Affirmative Procurement Initiatives of a small business enterprise (SBE) evaluation preference up to ten points for the SBE Participation Plan and a mandatory 20% SBE subcontracting goal on the contract. SBE participation for this amendment is 23.83%. The cumulative SBE participation for the contract is 23.67%. D. Stephenson Construction, Inc. is a local business. The funding source for this project is from the Water Utilities Department Operations and Maintenance Fund. (Capital Improvements Division) District 5 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

3. Staff recommends motion to approve: Work Order No. 22-007 to the annual roofing contract with Atlas Apex Roofing, LLC (Contractor) (R2020-1694) for the Water Utilities Department (WUD), Plant 5 Repump Station – Roof & Exhaust Fans Replacement project in the amount of \$230,000 for a period of 120 calendar days from permit issuance. **SUMMARY:** On November 17, 2020, the Board of County Commissioners (Board) approved the annual roofing contract with the Contractor for roof repairs, and replacement services. The existing roofing system and the exhaust fans at WUD Plant 5 Repump Station are more than 22 years old, have outlived its useful life and are in a state of disrepair. Work Order No. 22-007 authorizes construction services to replace the existing flat and mansard roofing systems with a new modified bitumen roofing system and aluminum metal roof system, respectively. Additionally, the work includes replacing the existing exhaust fans with new exhaust fans that conform to the current building code requirements. This project was competitively advertised, and new contractors were invited to bid on the project by submitting prequalification documents prior to the submission of the bid response. The Contractor will have 120 calendar days from permit issuance to substantially complete the project. Liquidated damages for failure to achieve certification of substantial completion within the contract time or approved time extension thereof are \$80 per day. On July 15, 2020, the Goal Setting Committee applied the following Affirmative Procurement Initiatives (API) for this annual contract: 1) Sheltered Market for projects less than \$100,000, when three or more Small Business Enterprises (SBE) are qualified; or 2) 10% SBE Price Preference for projects \$100,000 or more. Since this project is over \$100,000, the applicable API is 10% SBE price preference. The Contractor is not an SBE. There is no SBE participation on this work order. The cumulative SBE participation on the annual roofing contract is 47.02%. The Contractor is not a local business. The funding source for this project is from the Water Utilities Department Operation and Maintenance Fund. (Capital Improvements Division) District 2 (MWJ)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (Cont'd)

4. Staff recommends motion to approve:

A) a contract with Core Construction Services of Florida, LLC (Core) to provide construction manager at risk services for Fire Stations No. 24, 49 and 92; and

B) Task Order No. 1 for preconstruction services in the amount of \$214,400.

SUMMARY: The project includes the construction of three new fire stations. Fire Station 49 (FS 49) will be an approximately 17,747 square foot facility located at 12555 Lyons Rd, Boynton Beach. Fire Station 24 (FS 24) will be an approximately 12,750 square foot facility located at 2700 Westgate Ave, West Palm Beach. Fire Station 92 (FS 92) will be an approximately 15,700 square foot facility located at 4575 Lyons Rd, Lake Worth. The three referenced fire station projects are to include all associated site work, utilities, paving, drainage, site lighting, signalization infrastructure, landscape and irrigation. Preconstruction services include validating constructability, cost estimating, procurement services and the development of the guaranteed maximum price (GMP). Once the construction documents are completed, the construction manager (CM) will bid the construction subcontracts and provide a GMP. The construction of each facility will be authorized through a GMP amendment to the contract, which will be presented to the appropriate approval authority. The solicitation for the construction manager was advertised on March 6, 2022 according to the Equal Business Opportunity Ordinance, with final selection taking place on July 13, 2022. On February 2, 2022, the Goal Setting Committee established the following Affirmative Procurement Initiatives (API) applicable to the CM selection process: a Small Business Enterprise (SBE) evaluation preference of up to 15 evaluation points for SBE participation plan, and CM/SBE partnering. Core is not a certified Small/Minority/Women-Owned (S/M/WBE) Business Enterprise. Core partnered with four S/MBE firms: Randolph Construction Group, Inc., Hatcher Construction & Development, Total Solution Contractors, Inc. and Anatom Construction Company, for services in an amount not less than 5% of its preconstruction CM fees and 22.5% of the firm's construction phase staffing cost. The CM committed to an S/MBE goal of 10% for preconstruction services. The CM is on notice that all GMP amendments for construction services issued pursuant to this contract will be subject to the requirements of the Equal Business Ordinance, including requesting that an API be set prior to bidding the subcontracts. Core is not a local business. The total project cost is estimated at \$27,700,000. The funding source for this project is from the Fire Rescue Improvement Fund. (Capital Improvements Division) Districts 5, 6 & 7 (MWJ)

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to receive and file: the following HOME Investment Partnership Program (HOME) funded amendments to agreements.

A) Amendment 002 to a HOME Community Housing Development Organizations (CHDO) Loan Agreement (R2021-1077) with Community Land Trust of Palm Beach County, Inc. (CLT) for \$92,000 and a grant for \$9,500, extending the completion date from August 31, 2022 to December 31, 2022;

B) Amendment 002 to a HOME Loan Agreement (R2020-1888) with HTG Heron Estates Family, LLC for \$500,000, extending the completion date from January 30, 2023 to March 31, 2023; and

C) Amendment 002 to a HOME Loan Agreement (R2020-1886) with HTG Banyan, LLC for \$550,000, extending the completion date from January 30, 2023 to March 31, 2023.

SUMMARY: The documents have been executed on behalf of the Board of County Commissioners (BCC) by the Director of the Department of Housing and Economic Development in accordance with Agenda Item 6D-4 and 5A-3, as approved by the BCC on November 17, 2020 and February 11, 2020 respectively. Agenda Item 5A-3 dated February 11, 2020, awarded HOME funds to successful respondents to Request for Proposal HES.2019.1, and Agenda Item 6D-4, dated November 17, 2020, awarded HOME/CHDO funds to successful respondents to Request for Proposal HES.2020.1. The Loan Agreement (R2021-1077) with CLT provided \$92,000 in HOME funding and a \$9,500 HOME/CHDO grant towards the construction of a single-family home in Lake Worth Beach. The COVID-19 and supply chain issues have impacted the progress of the project thereby extending the project completion date from August 31, 2022 to December 31, 2022. The Loan Agreement (R2020-1888) with HTG Heron Estates Family, LLC provided \$500,000 in HOME funding toward the construction of a 79-unit rental development in Riviera Beach of which 10 are HOME assisted. COVID-19 and supply chain issues have impacted the project thereby extending the project completion date from January 30, 2023 to March 31, 2023. The Loan Agreement (R2020-1886) with HTG Banyan, LLC provided \$550,000 in HOME funding toward the construction of a 94-unit rental development known as Flagler Station in West Palm Beach, of which 10 are HOME assisted. COVID-19 and supply chain issues have impacted the project thereby extending the completion date from January 30, 2023 to March 31, 2023. In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating department as a receive and file agenda item. **HOME Program grant funds are Federal funds, which require a 25% local match provided by SHIP funds. Districts 2 & 7 (HJF)**

3. CONSENT AGENDA APPROVAL

I. HOUSING AND ECONOMIC DEVELOPMENT (Cont'd)

2. Staff recommends motion to receive and file: an agreement with the City of Belle Glade in the amount of \$176,689 to provide code enforcement services funded under the Fiscal Year 2022-2023 Community Development Block Grant (CDBG) Program. **SUMMARY:** The document has been executed on behalf of the Board of County Commissioners (BCC) by the Director of the Department of Housing and Economic Development in accordance with Agenda Item 6D-2, as approved by the BCC on July 12, 2022. This agreement with the City of Belle Glade provides \$176,689 in CDBG funds toward the salary, benefits, vehicle lease and related electronic equipment of one full-time Lead Code Enforcement Officer and two Code Enforcement Officers. In accordance with County PPM CW-O-051, all delegated contracts, agreements and grants must be submitted by the initiating department as a receive and file agenda item. **These are Federal CDBG funds, which do not require a local match.** District 6 (HJF)

3. Staff recommends motion to receive and file: an agreement with the Town of Lake Clarke Shores, providing Community Development Block Grant (CDBG) funds in the amount of \$224,882 for sanitary sewer improvements within the area bound by Seminole Manor and Maralago Cay neighborhoods located south of Lantana Road and east and west of Lawrence Road, for the period of October 1, 2022 to December 31, 2023. **SUMMARY:** On July 13, 2021, the Board of Commissioners approved the allocation of \$224,882 in CDBG funds for sanitary sewer improvements in the Town of Lake Clarke Shores. The project did not move forward and staff recommends the funds be used to support an alternate sewer improvement project proposed by the Town of Lake Clarke Shores. The Town will begin Phase I of the Sewer Improvements during FY2022-2023, bound by the unincorporated Seminole Manor and Maralago Cay neighborhoods located south of Lantana Road and east and west of Lawrence Road. The sewer improvements include, but are not limited to, a cured-in-place sewer pipe lining, service line connections to the existing sewer mains, replacement of gravity sewer lines, rehabilitation of lining to manholes and site restoration as needed. Delegation of authority to the County Administrator or designee to execute future amendments will allow timely execution of such amendments to facilitate continuous project implementation and allow for timely expenditure of CDBG funds to meet U.S. Department of Housing and Urban Development (HUD) expenditure deadlines. **These are Federal CDBG funds, which require no local match.** District 3 (HJF)

3. CONSENT AGENDA APPROVAL

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve: appointment of two new members to the Construction Industry Licensing Board (Board).

<u>Appointment</u>	<u>Seat #</u>	<u>Requirement</u>	<u>Term</u>	<u>Recommended by</u>
Jerry Wilson	3	General Contractor	11/15/22-09/30/25	Commissioner Kerner Commissioner Bernard Commissioner Marino Mayor Weinroth
James Auld	11	Building Contractor	11/15/22-09/30/25	Commissioner Kerner Commissioner Bernard Commissioner Marino Mayor Weinroth Vice Mayor Weiss

SUMMARY: The Board was established by Special Act, Laws of Florida, Chapter 67-1876, as amended. The Special Act and, subsequently, Section 489.131, Florida Statutes sets forth the membership of the Board, which consists of 15 members. This Board shall be comprised of 15 members as follows: two general contractors, one building contractor, one residential contractor; one electrical contractor; one plumbing contractor; one HARV contractor; one roofing contractor; one swimming pool contractor; one architect; one engineer and one full-time building official employed by a local government within Palm Beach County, who meets the requirements of the Building Officials Association of FL; and three consumer representatives. The Board establishes qualifications and competency of contractors that work within the County. The Board also provides for the testing and licensing of these contractors, and is empowered to discipline licensees, and hear citation appeals. A memorandum was sent to the Board of County Commissioners on August 15, 2022 requesting support for two new board members, no other nominations were received. The Board currently has 10 out of 15 seats filled and a diversity county of Caucasian: 7 (70%) and Hispanic-American: 3 (30%). The gender ratio (female:male) is 3:7. The nominees Jerry Wilson and James Auld are Caucasian males; this would increase composition to 12 out of 15 members. Staff is addressing the need to increase diversity within our boards and will continue to encourage this in an effort to expand this Board's diversity. Countywide (SF)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES

1. Staff recommends motion to approve:

A) Partial Release of Utility Easement for that easement recorded in the Official Records of Palm Beach County, ORB 7724, Page 1574; and

B) Full Release of Utility Easement for that easement recorded in the Official Records of Palm Beach County, ORB 9454, Page 1379.

SUMMARY: Palm Beach County Water Utilities Department (PBCWUD) is seeking the release of the County's interest in the utility easements recorded in the Official Records of Palm Beach County as noted above and located at 100 N State Road 7, Royal Palm Beach. The Property Owner requested release of the portions of the identified easements that are no longer associated with any public potable water, reclaimed water and wastewater facilities. As a result of site development for Raising Canes, these portions of the existing identified utility easements are no longer required. PBCWUD has determined that the release of these easements will not affect existing or new public potable water, reclaimed water and wastewater facilities and therefore recommends approval of the release. (PBCWUD Project No. 22-509) District 6 (MWJ)

2. Staff recommends motion to approve: Supplement No. 1 to Consultant Services Authorization (CSA) No. 19 to the Consulting/Professional Services General Utility, Architectural, and Value Engineering Services Contract (Contract) with Baxter & Woodman, Inc. (Consultant) for Engineering Services During Construction for Rehabilitation of Master Repump Station 9-North, Repump Station 8310, and five Lift Stations (Project) for a not to exceed amount of \$192,796.46. **SUMMARY:** On June 20, 2017, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) Contract (R2017-0815) with the Consultant. Supplement No. 1 to CSA No. 19 provides for additional professional engineering services during construction for Master Repump Station 9-North and Repump Station 8310 and five lift stations including, but not limited to, construction management services, field observations, and project administration. This Contract was procured under the requirements of the 2002 Small Business Enterprise (SBE) Ordinance (R2002-0064) prior to the adoption of the new Equal Business Opportunity Ordinance on October 16, 2018. The SBE goal established under the 2002 Ordinance was 15% overall participation. The Contract provides for 26% SBE participation. Supplement No. 1 to CSA No. 19 includes 0% SBE participation. The cumulative SBE participation, including CSA No. 19, is 26.41%. Consultant is headquartered in Crystal Lake, IL, but maintains an office in Palm Beach County from which the majority of the work will be undertaken. The Project is included in the PBCWUD FY23 Budget. (PBCWUD Project No. 20-061) Districts 2, 3, 5 & 6 (MWJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (Cont'd)

3. Staff recommends motion to approve: Consultant Services Authorization (CSA) No. 3 to the Contract for Consulting/Professional Services Water Treatment Plant #2 Treatment and Disposal Improvements (WTP 2 Contract) with Kimley-Horn and Associates, Inc., (KHA) for Construction Phase Services for the Water Treatment Plant No. 2 (WTP No. 2) Treatment and Disposal Improvements Design Package 1, 3 and 4 (Project) for a not to exceed amount of \$2,140,039.71. **SUMMARY:** On September 18, 2018, the Board of County Commissioners approved the Palm Beach County Water Utilities Department (PBCWUD) WTP 2 Contract (R2018-1385) with KHA to provide consulting/professional engineering services. Under CSA No. 3, KHA will provide services during construction of the Project. The WTP 2 Contract was procured under the requirements of the 2002 Small Business Enterprise (SBE) Ordinance (R2002-0064) prior to the adoption of the new EBO Ordinance on October 16, 2018. The SBE participation goal established under the 2002 Ordinance was 15% overall participation. The WTP 2 Contract provides for 54% SBE participation which includes 4% M/WBE participation. CSA No. 3 includes 43.85% SBE participation which includes 14.78% M/WBE participation. The cumulative SBE participation including CSA No. 3 is 53.99% SBE, which includes 16.02% M/WBE. KHA is headquartered in Raleigh, North Carolina, but maintains an office in Palm Beach County from which the majority of the work will be undertaken. The Project is included in the PBCWUD FY23 budget. (PBCWUD Project No. 18-066) District 3 (MWJ)

3. CONSENT AGENDA APPROVAL

N. LIBRARY

1. Staff recommends motion to approve:

A) the change order on the contract with the Florida Department of State, Division of Library and Information Services, for a Florida ARPA Grant, CFDA 45.310, Grant number 21-ARPA-33 “Flex Tech” for a reduction in the matching funds in the amount of \$178,540; and

B) a budget transfer of \$178,540 to recognize the reduction in grant matching funds.

SUMMARY: Palm Beach County was awarded an ARPA grant for the purchase of technology and furniture for the Library Department. The total amount of grant funds awarded by the state was \$276,694. The grant funds were to be used to purchase furniture, equipment, and software. Due to supply chain issues, procurement issues, and Hurricane Ian closures some of the equipment, software and furniture was not received by the end date of the grant period, September 30, 2022. The State declined an extension of the grant period. When the grant was originally approved, \$204,318 in matching funds from the Library Department were listed that comprised of staff costs and supplies. The State agreed to allow the County to process a change order to allocate staff costs towards grant funds. The portion of the equipment, software and furniture that was not received by September 30, 2022 is being reduced from the matching funds since matching funds were not required for this grant but were provided by the County, and will be transferred to FY23 operating funds. Countywide (AH)

Q. CRIMINAL JUSTICE COMMISSION

1. Staff recommends motion to receive and file: the fifth amendment to Interlocal Agreement (R2022-0448) between Palm Beach County (County) and the Public Defender’s Office of the Fifteenth Judicial Circuit (Public Defender) to extend the agreement from September 30, 2022 to December 31, 2022. **SUMMARY:** The fifth amendment to the Interlocal Agreement with the Public Defender extends the funding period for continued community-based services in facilitating the pretrial release of inmates from jail. On January 23, 2018, the Palm Beach County Board of County Commissioners delegated signature authority to the County Administrator or designee to execute amendments related to said Interlocal Agreement. In accordance with County PPM CW-O-051, all delegated contracts, agreements, and grants must be submitted by the initiating department as a receive and file agenda item. Countywide (HH)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to:

A) accept a U.S. Department of Homeland Security Federal Emergency Management Agency (FEMA) FY 2021 Staffing for Adequate Fire and Emergency Response Program Agreement No. EMW-2021-FF-00908 award, in the amount of \$5,044,428 for the staffing of 18 firefighters for the period of March 14, 2023 through March 13, 2026;

B) approve a budget amendment of \$5,044,428 within the Fire/Rescue MSTU Fund to recognize the grant award for FY2023, and establish a budget for the approved grant;

C) approve an increase to the Fire Rescue personnel complement by 18 firefighters for an estimated cost of \$1,576,188 for FY 2023; and

D) authorize the County Administrator or designee to accept, approve, execute and submit, electronically or otherwise, on County's behalf the grant award, representations, certifications, acknowledgments, assurances, standard forms and documents, reimbursement requests, amendments time frame changes, and other necessary documents, that do not materially change the general scope of terms and conditions of the grant.

SUMMARY: On March 8, 2022, the Board ratified a grant application requesting \$5,044,428 to fund 18 new firefighters to staff a 4-person Advanced Life Support (ALS) engine at new Fire Station 40. On September 21, 2022, the County received notification of the grant award from FEMA (CFDA#97.083). This grant will allow for staffing an ALS engine with four people over each of the three shifts. These positions will be eliminated at the end of the grant and submitted as a supplemental request through the budget process prior to the expiration of the grant. The County must comply with all terms, conditions, certifications, assurances and other requirements of the grant program and related regulations, including the Summary Award Memo, Agreement Articles, Obligating Document, Notice of Funding Opportunity and the grant application package. **This grant award equals a total grant project cost of \$5,044,428 and does not require a County match.** Countywide (SB)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE (Cont'd)

2. Staff recommends motion to receive and file: fully executed standard Business Associate Agreements (BAA) with:

A) Saffire Software Inc; and

B) Center for Public Safety Management, LLC.

SUMMARY: On May 17, 2016, the Board of County Commissioners adopted Resolution Number R2016-0589 authorizing the County Administrator or designee to execute HIPAA BAA as either a covered entity or as a business associate. The BAAs provide for the appropriate safeguard of Protected Health Information that is created, received, maintained or transmitted on behalf of Palm Beach County Fire Rescue. The County Administrator has designated Dorritt Miller as the HIPAA Privacy Officer, and further delegated authority to the HIPAA Privacy Officer to execute these standard agreements. Pursuant to Countywide PPM CW-O-051, these two standard BAAs are being submitted to receive and file. Countywide (SB)

X. PUBLIC SAFETY

1. Staff recommends motion to:

A) **approve** a contract for Professional Services with Dr. Marc Kramer, DVM, for relief veterinary services at the main shelter in an amount not to exceed \$114,400 for the period November 17, 2022 through November 16, 2023, which may be extended by the parties for up to two additional one year terms; and

B) **authorize** the County Administrator or designee to sign all future renewals, task assignments, and necessary minor amendments that do not change the scope of work or terms and conditions of the contract after approval of legal sufficiency by the County Attorney's Office and within budget allocations.

SUMMARY: The Animal Care and Control Division is required to provide appropriate and necessary veterinary services for sheltered animals. The relief veterinarian will enable staff to maintain an acceptable number of veterinarians to handle the volume of animals processed, especially during periods of high influx. Countywide (SF)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

2. Staff recommends motion to:

A) accept Urban Area Security Initiative (UASI) GY 2021 – Award Letter;

B) receive and file Memorandum of Agreement (MOA) UASI FY 2021 agreement number R0521 with the City of Miami to receive \$465,726 in reimbursable grant funding for the period September 14, 2022 through June 30, 2023; and

C) approve budget amendment of \$421,697 in the UASI Grant Fund to adjust the budget to the actual grant award.

SUMMARY: This MOA (CFDA # 97.067) provides a means of funding various domestic security activities within the County using Federal UASI funds through the City of Miami as the UASI's fiscal agent. UASI awarded \$465,726 to the County's Public Safety Department Division of Emergency Management for a Fort, generator, and regional Citizen Corps/CERT training, exercise and equipment. R2013-0622 gave the authority to the County Administrator or designee to execute these agreements on behalf of the Board of County Commission. **No County matching funds are required.**
Countywide (DB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

3. Staff recommends motion to receive and file:

A) second amendment to contract for Consulting/Professional Services with Catholic Charities of the Diocese of Palm Beach, Inc. (CCDPB) (R2020-0378, R2020-1762) extending the contract from September 30, 2022 to September 30, 2023; and

B) the first amendment to contract for Consulting/Professional Services with Barry University (Barry) (R2021-0250) extending the contract from September 30, 2022 to September 30, 2023.

SUMMARY: Palm Beach County Division of Victim Services (DVS) applied for and was granted a one-year no-cost extension of the Office for Victims of Crime FY 2019 Direct Services to Support Victims of Human Trafficking Program grant (CFDA#16.320) (2019-VT-BX-K029). The grant period was extended from September 30, 2022 to September 30, 2023 to complete project tasks including expansion of engagement activities, community outreach and education throughout Palm Beach County with specific focus on the "Glades" region, continued action research in partnership with Barry University, continued collaboration with law enforcement and conduct trauma-informed human trafficking training to law enforcement, victim service providers, prosecution and other relevant community members in Palm Beach County. The DVS issued contracts with CCDPB and Barry for consulting/professional services for the period October 1, 2019 through September 30, 2022. The amendments extend the term of the contracts through September 30, 2023 in order to spend down the grant funds with no change to the scope of work. Additionally the second amendment with CCDPB reallocates \$10,000 from the Place of Hope to direct client services to pay for expenses including but not limited to emergency shelter, rental assistance, food, transportation, clothing and other personal items. CCDPB has been unable to place clients at Place of Hope. R2019-1931 authorized the County Administrator or designee to execute contracts and amendments utilizing funding from the Department of Justice, OVC on behalf of the Board of County Commissioners. Countywide (RS)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

4. Staff recommends motion to approve:

A) one at-large appointment of Dr. Adam Leisy to the Emergency Medical Services Advisory Council (EMS Council) for the term October 1, 2022 through September 30, 2025, including a waiver of the prohibition against a conflicting employment or contractual relationship pursuant to Sections 112.313(7)(a) and (12), Florida Statutes; a waiver of the prohibition against a conflicting contractual relationship pursuant to Sections 2-443(d) and (e), Palm Beach County Code; and a waiver of the Residency Requirement pursuant to County Resolution R2013-0193. **An affirmative vote of 5 is required.**

<u>Nominee</u>	<u>Seat</u>	<u>Designation</u>	<u>Nominated by</u>
Dr. Adam Leisy	16	PBC EMS Medical Directors Assoc.	PBC Medical Directors

B) one at-large appointment of John Prince III to the EMS Council for the term October 1, 2022 through September 30, 2025, including a waiver against conflicting employment or contractual relationship pursuant to Sections 112.313(7)(a) and (12), Florida Statutes; and a waiver of the prohibition against appointing County employees to advisory boards pursuant to County Resolution 2013-0193. **An affirmative vote of 5 is required.**

<u>Nominee</u>	<u>Seat</u>	<u>Designation</u>	<u>Nominated by</u>
John Prince III	17	Palm Beach County Council of Firefighters/Paramedics	Professional Firefighter/ Paramedics of PBC, Inc.

C) one at-large appointment of James Ippolito to the EMS Council for the term October 1, 2022 through September 30, 2025, including a waiver against conflicting employment or contractual relationship pursuant to Sections 112.313(7)(a) and (12), Florida Statutes. **An affirmative vote of 5 is required.**

<u>Nominee</u>	<u>Seat</u>	<u>Designation</u>	<u>Nominated by</u>
James Ippolito	1	Fire Chiefs Assoc. of PBC	Fire Chiefs Assoc. of PBC

D) two at-large appointments to the EMS Council for the term October 1, 2022 through September 30, 2025; and

<u>Nominee</u>	<u>Seat</u>	<u>Designation</u>	<u>Nominated by</u>
Dr. Scott Alter	6	Economic Council of PBC	Economic Council of PBC
and			
Matt Keeler	8	EMS Educator	Palm Beach State College

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

4. (Cont'd)

E) one at-large appointment to the EMS Council to complete the term of the current council member who resigned July 15, 2022. The new term will be November 15, 2022 to September 30, 2024.

<u>Nominee</u>	<u>Seat</u>	<u>Designation</u>	<u>Nominated by</u>
Madonna Stotsenburg	2	ER Nurses Forum	PBC ER Nurses Forum

SUMMARY: Per Resolution R2014-0100, as amended by Resolution R2016-1824, the Board of County Commissioners approved a representative make-up of the EMS Council to include 20 members. Thirteen members are representatives of the various components of the Emergency Medical Services (EMS) system with specific requirements and seven members are Commission District Consumer appointments. On September 30, 2022, these seats terms expired and one seat resigned. Letters were sent to each affiliation requesting a new nominee. James Ippolito is an employee of Palm Beach Gardens Fire Rescue, John Prince III is an employee of Palm Beach County Fire Rescue (PBCFR) and Dr. Adam Leisy is an Associate Medical Director for PBCFR, Town of Palm Beach Fire Rescue and Boynton Beach Fire Rescue. These relationships necessitate waivers approved by an affirmative two-thirds vote of the BCC (5 votes), pursuant to Sections 112.313(7)(a) and (12), Florida Statutes, because each of these entities are EMS providers subject to the regulatory authority of the EMS Council. In addition, regarding Dr. Adam Leisy, he provides Associate Medical Director services to PBCFR as a subcontractor of PBCFR's contracted medical director. This indirect contractual relationship with the County requires a waiver approved by an affirmative vote of a majority plus one of the total BC membership (5 votes), pursuant to Sections 2-443 (d) and (e), Palm Beach County Code. Dr Leisy resides in Broward County; however, there were no qualifying County residents willing to serve from the PBC EMS Medical Directors Association. The Residency Requirement set out in County Resolution 2013-0192 permits an exception when circumstances warrant outside technical/professional representation. Public Safety is satisfied that a diligent effort was made to find a qualifying County resident. In addition, regarding John Prince III, County Resolution 2013-0192 generally prohibits County employees from being appointed to advisory boards, but the provisions of this resolution may be waived by the BCC. With these appointments, the EMS Council will have 20 seats filled, with a diversity count of Caucasian 19 (95%) and African American 1 (5%), and a gender ratio (male: female) of 16:4. Countywide (SB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (Cont'd)

5. Staff recommends motion to receive and file: a Declaration of State of Local Emergency Palm Beach County (County), Florida dated September 26, 2022 for Hurricane Ian. **SUMMARY:** On September 23, 2022, President Joseph R. Biden, Jr. declared that an emergency exists in the State of Florida. On September 23, 2022, Florida Governor Ron DeSantis issued Executive Order 22-218 and declared that a state of emergency exists for 24 counties, including Palm Beach, due to Tropical Depression Nine. On September 24, 2022, the National Hurricane Center (NHC) advised that Tropical Depression Nine had formed into Tropical Storm Ian. On September 24, 2022, Florida Governor Ron DeSantis issued Executive Order 22-219 (Amending Executive Order 22-218) expanding the state of emergency statewide. On September 26, 2022 at 0500 hours, the NHC advised that Tropical Storm Ian had become Hurricane Ian. The County issued a State of Local Emergency on Monday, September 26, 2022, which remained through October 3, 2022. Hurricane Ian had the capacity to pose a significant, imminent, and dangerous threat to residents, visitors and tourists in the County as well as their real and personal property. The declaration of the State of Local Emergency was necessary to initiate emergent actions taken by the County Administrator to ensure the health, safety and welfare of the community. With the executed State of Local Emergency, resources were available through the Federal Emergency Management Agency Public Assistance. Staff were able to purchase equipment, materials, and supplies without the procedures and formalities otherwise required by the County. Countywide (DB)

6. Staff recommends motion to:
 - A) approve** a contract for Professional Consultation and Emergency Services in the areas of veterinary medicine with Veterinary Emergency Group, LLC for relief veterinary services at their facility in an amount not to exceed \$60,000 for the period November 15, 2022 through November 14, 2023, which may be extended by the parties for up to two additional one-year terms; and

 - B) authorize** the County Administrator or designee to sign all future renewals, task assignments, and necessary minor amendments that do not change the scope of work or terms and conditions of the contract after approval of legal sufficiency by the County Attorney's Office and within budget allocations.

SUMMARY: The Animal Care and Control Division (ACC) is required to provide appropriate and necessary veterinary services for sheltered animals. This contract with Veterinary Emergency Group, LLC will enable ACC to provide overnight, emergency veterinary services, and assist to maintain a significant level of overnight veterinary response. The demand for veterinary staff to work after-hours is already high and this contract will minimize overnight after-hour response, which is frequent. Veterinary Emergency Group, LLC was selected through a competitive procurement process. Countywide (SF)

3. CONSENT AGENDA APPROVAL

CC. INTERNAL AUDIT

1. [Staff recommends motion to reappoint:](#) the following individuals to the Internal Audit Committee:

Seat	Nominee	Seat Requirement	Term	Nominated by:
1	David Herst, PhD.	Not seat specific	Expires 9/30/25	Commissioner Kerner Commissioner Marino Mayor Weinroth Vice Mayor Weiss
2	Mark Feldmesser, CPA	Not seat specific	Expires 9/30/25	Commissioner Kerner Commissioner Marino Mayor Weinroth Vice Mayor Weiss

All members of the Internal Audit Committee are required to be citizens of the County, independent of County operations and officials, with experience in business or finance; government accounting, auditing, operations or financial management; or other relevant experience. **SUMMARY:** The Board appointed Dr. Herst to Seat 1 in October 2021 to complete the term of the previous incumbent, Raquel Sjomeling, who resigned in July 2021. The Board appointed Mr. Feldmesser to Seat 2 in November 2016. If reappointed, Mr. Feldmesser would be serving his final three-year term of eligibility on the Committee. The Internal Audit Committee at its June 2022 meeting voted unanimously to recommend Dr. Herst and Mr. Feldmesser for reappointment. The audit committee has five full member seats and one alternate member seat. Following these reappointments, the five full-member seats and the alternate member seat will be filled. Diversity count will be Caucasian: six (100%). The gender ratio (male: female) will be 5:1. Dr. Herst and Mr. Feldmesser are Caucasian males. Countywide (HJF)

3. CONSENT AGENDA APPROVAL

DD. SHERIFF

1. **Staff recommends motion to approve:** a budget transfer of \$435,534 from the Law Enforcement Trust Fund (LETf) to the Palm Beach County Sheriff’s Office (PBSO). **SUMMARY:** Section 932.7055(5), Florida Statutes; provides that the seizing agency shall use Forfeiture proceeds for school resource officer, crime prevention, safe neighborhood, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators, and providing matching grant funds. Section 932.7055(5), Florida Statutes; also requires that no less than 25% of the LETf’s previous year’s revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO’s FY 2023 estimated donation requirement will not be finalized until year-end closeout. The PBSO’s support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The year-to-date transfer for all donations to outside organizations after approval of this item is \$435,534. The funds requested are to aid PBSO and qualified organizations that meet the requirements set forth in Section 932.7055(5), Florida Statutes. Use of LETf requires approval by the Board, upon request of the Sheriff. The current State LETf balance is \$2,654,503. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$2,218,969. The PBSO certifies that the use of these funds is in accordance with Section 932.7055(5), Florida Statutes. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective organization or agency. No new positions are needed and no additional County funds are required. Countywide (RS)

ORGANIZATION	AMOUNT
Anti-Defamation League, Inc.	\$30,000
Best Foot Forward Foundation, Inc.	\$5,000
Faith, Hope, Love, Charity, Inc.	\$25,000
Fiesta De Pueblo, Inc.	\$20,000
Florida Sheriff’s Youth Ranches, Inc.	\$130,000
Grandma’s Place, Inc.	\$25,000
Palm Beach Area Tennis Patrons, Inc.	\$25,000
Palm Beach County Substance Abuse Coalition, Inc.	\$5,000
Safety Council of Palm Beach County, Inc.	\$3,000
Sunset House, Inc.	\$15,000
The ARC of Palm Beach County, Inc.	\$25,000
Urban League of Palm Beach County, Inc.	\$102,534
Wounded Veterans Relief Fund, Inc.	\$25,000
Total Amount	\$435,534

3. CONSENT AGENDA APPROVAL

EE. OFFICE OF EQUAL OPPORTUNITY

1. **Staff recommends motion to receive and file:** the FY Extension of 2023 Worksharing Agreement with the U.S. Equal Employment Opportunity Commission (EEOC). **SUMMARY:** The Worksharing Agreement is designed to provide individuals with an efficient procedure for obtaining redress for their grievances under Palm Beach County's Equal Employment Ordinance and Federal laws. The Worksharing Agreement is a prerequisite to the receipt of a Charge Resolution Contract with the EEOC. On November 26, 1996, the Board of County Commissioners (BCC) approved staff's recommendation that future Worksharing Agreements be executed by the County Administrator or designee because of the recurring time constraints involved in this process. Pursuant to Countywide PPM-CW-O-051, the document is now being submitted to the BCC to receive and file. Countywide (DO)

2. **Staff recommends motion to approve:** contracts for the Handicap Accessibility and Awareness Grant Program with the non-profit agencies listed below, as of the date of approval of the contract by the Palm Beach County Board of County Commissioners (BCC) through September 30, 2023, in the amount not to exceed \$30,000:
 - A)** a contract with NAMI Palm Beach County, Inc., to provide funding for unique, one-time access to services or resources for individuals living in Palm Beach County. Working with other community mental health providers, the funds fill one-time needs and gaps that reduce access to behavioral health services for individuals who do not have the financial means to access those services or resources, in an amount not to exceed \$10,000;

 - B)** a contract with Jeff Industries, Inc., to purchase office equipment to allow persons with disabilities in the Amigos Drop-in Center to be able to access relevant health, mental health, financial and community resources, in an amount not to exceed \$1,722;

 - C)** a contract with Sea Turtle Adventures Incorporated, for the provision of providing members with developmental disabilities the opportunity to explore and evaluate PBC's natural areas and parks to provide feedback on accessibility for persons with special needs, teach advocacy, and evaluative skills while promoting community inclusion for persons with special needs, in an amount not to exceed \$8,500; and

 - D)** a contract with Florida Outreach Center for the Blind, Inc. to provide blind and visually impaired people in Palm Beach County with essential education and information about available community resources coupled with guided experience in navigating existing accessible services and facilities, in an amount not to exceed \$5,000.

3. CONSENT AGENDA APPROVAL

EE. OFFICE OF EQUAL OPPORTUNITY (Cont'd)

2. **(Cont'd) SUMMARY:** On July 2, 2019, the BCC adopted Ordinance 2019-027 which included a provision for the Fair Housing Board to review proposals and make recommendations on the award of the program's budgeted grant funds. Through a competitive application process, the Fair Housing Board reviewed responsive proposals submitted by non-profit agencies in conformance with the ordinance and established program guidelines to support the recommendation to fund the agencies listed above. Funding for the program was approved in the FY 2023 budget. Countywide (DO)

FF. TOURIST DEVELOPMENT COUNCIL

1. **Staff recommends motion to approve:** an agreement with the Cultural Council for Palm Beach County, Inc., (Cultural Council) in the amount of \$275,000 authorizing the Cultural Council to award and administer grants to community-based, non-profit cultural organizations for Category C-I projects, and authorizing reimbursement of the Cultural Council for the costs of administering and monitoring the grants for the period beginning retroactively on October 1, 2022 and continuing through September 30, 2023 (Agreement). **SUMMARY:** Palm Beach County shall provide a total of \$275,000 to the Cultural Council, including \$233,750 to fund Category C-I (Small and Emerging Organizations, Children's and Multicultural) projects of non-profit organizations pursuant to a grant process approved by County, and \$41,250 to be utilized for Cultural Council administration expenses. This Agreement is retroactive to October 1, 2022 due to certain processing delays, and due to approval of a new provision regarding sponsorship benefits provided to the County in consideration of County's payments under the Agreement. Countywide (YBH)

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4. PUBLIC HEARINGS – 9:30 A.M. (Motion to receive and file: Proof of publication)

A. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends a motion to approve on first reading and advertise for adoption hearing on December 20, 2022: a Resolution of the Palm Beach County Board of County Commissioners (BCC), Florida, making certain findings and designating the real property located at 9645 and 9719 Lantana Road, within unincorporated Florida 33467, further identified by Property Control Numbers 00-42-43-27-05-034-0431 and 00-42-43-27-05-034-0432 (the Subject Property), as a Brownfield Area pursuant to Section 376.80(2)(c), Florida Statutes, to be known as Encompass Health Green Reuse Area, for the purpose of rehabilitation, job creation and promoting economic development; providing for an effective date; and, for other purposes. **SUMMARY:** On October 18, 2022, the BCC approved two motions to allow for a Brownfield Area designation of the Subject Property: 1) a waiver of the statutory requirement that one of two public hearings be held after 5:00 p.m.; and, 2) the advertising of public hearings on Tuesday, November 15, 2022 at 9:30 a.m., and Tuesday, December 20, 2022 at 9:30 a.m. On September 14, 2022, the owner of the property, Encompass Health Rehabilitation of Lake Worth, LLC, submitted an application to the Department of Housing and Economic Development to designate the Subject Property as a Brownfield Area. This designation requires two public hearings, one of which must be held after 5:00 p.m. per Section 125.66, Florida Statutes (cross-referenced in Section 376.80, Florida Statutes), unless the BCC, by a majority plus one vote, elects to conduct that hearing at another time of day. The western portion of the Subject Property was formerly operated as a mulching business and is impacted by discharges of arsenic. The eastern portion of the property is a single-family home and is impacted by concentrations of the benzo(a)pyrene congeners. The applicant plans to develop the Subject Property as an institutional development (Hospital). The rezoning of the 8.21 acre site was approved by the BCC at the June 23, 2022 Zoning Hearing via Resolution 2022-0630, concurrent with a future land use amendment, to allow for the development of 76,049 square feet of hospital use. The approved Preliminary Site Plan indicates a two phased development, with 54,642 square feet and 50 beds within Phase 1, and 21,407 square feet and 30 beds in Phase 2, with 147 parking spaces. Prior to redevelopment, the applicant is seeking a “Brownfield Area” designation under Florida’s Brownfields Redevelopment Act. The applicant indicates that the proposed development will create no fewer than 88 permanent, full-time equivalent jobs in its first year of operation, which exceeds the minimum job creation threshold of five jobs. **No County funds for implementation are required.** District 6 (HJF)

4. PUBLIC HEARINGS – 9:30 A.M.

B. OFFICE OF RESILIENCE

1. Staff recommends motion to:

A) adopt an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code, Chapter 17, Article XVII, (Ordinance 2017-012), Section 17-504 through Section 17-507, regarding the Property Assessed Clean Energy (PACE) Program; providing for a savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for enforcement; providing for penalties; providing for captions; and providing for an effective date;

B) adopt a Resolution of the Board of County Commissioners (BCC) of Palm Beach County, establishing the official administrative fee schedule to be charged for reviewing and processing PACE Interlocal Agreements, PACE Indemnification Agreements, and residential and non-residential PACE projects; and providing for an effective date; and

C) seek BCC direction relating to potential termination of the PACE program, with methods and procedures for rescinding the PACE Ordinance summarized in the attached County Attorney’s Office Memorandum.

SUMMARY: On October 18, 2022, the BCC approved the preliminary reading and permission to advertise an amendment to the Palm Beach County PACE Program Ordinance No. 2017-012. Staff collaborated with PACE Program stakeholders throughout the amendment process, holding virtual meetings and receiving input from the PBC Tax Collector’s Office as well as PACE industry representatives. At the October 18, 2022, BCC Meeting, the Board also directed staff to explore the methods and procedures for rescinding the PACE Ordinance, for consideration by the BCC. Countywide (RM)

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5. REGULAR AGENDA

A. AIRPORTS

1. Staff recommends motion to approve:

A) the first amendment (Amendment) to Maintenance/Service Agreement (Agreement) with HUB Parking Technology USA, Inc. (HUB) (R2018-0040), providing for the maintenance of the parking and revenue control system (PARCS) at Palm Beach International Airport (PBI), extension of the term of the Agreement by five additional years to December 31, 2027, the update of components of the PARCS, and an increase in the total not to exceed amount by \$1,604,124.37; and

~~**B)** a budget transfer of \$846,979 in the Airport's Improvement and Development Fund, including a transfer from Reserves in the amount of \$846,979. Project is partially budgeted in FY 2023 Budget.~~

SUMMARY: The Agreement provides for the maintenance, repair and support services for proprietary equipment and software installed by HUB that is used to control access, collect revenue, report, and monitor public parking operations at PBI. HUB is located in Warrendale, Pennsylvania. The Agreement has an initial term of five years, expiring on December 31, 2022, with no further renewal options. This Amendment extends the term of the Agreement for an additional five years to December 31, 2027. The total contract amount for the initial term of the Agreement was \$1,415,101. The total contract amount for the five-year extension is \$1,604,124.37. The PARCS and all of its components are proprietary to HUB and cannot be supported by any other company. Approval of this Amendment will allow HUB to continue to provide emergency services, maintenance and support of the PARCS. In addition to routine system maintenance, HUB will update components of the system to extend the life of the PARCS. HUB is the sole source service and support provider for the PARCS installed at PBI; therefore, the Agreement is not subject to the Affirmative Procurement Initiatives for S/M/WBE participation. Pursuant to changes to Chapter 332, Florida Statutes, a governing body of a commercial service airport may not approve purchases of contractual services in excess of the Category Five threshold amount of \$325,000 established by Section 287.017, Florida Statutes, on a consent agenda. This Amendment exceeds the threshold amount and must be approved on the regular agenda. Countywide (AH)

5. REGULAR AGENDA

A. AIRPORTS (Cont'd)

2. Staff recommends motion to approve: the renewal of a term contract for Maintenance of Airport Facilities and Systems (Contract) with ERMCA Aviation LLC (ERMCA) at the Palm Beach International Airport (PBI) per Master Agreement #21-070/CC, commencing on December 6, 2022 and expiring on December 5, 2023, with the option to renew for three additional 12-month periods, with a total not to exceed amount of \$1,225,205.00 for the renewal period. **SUMMARY:** The Contract provides for the maintenance, repair, and modification of all passenger boarding bridges, 400 Hertz ground power, cabin air systems, and facility systems at PBI. The current contract expires on December 6, 2022, with four renewal options. ERMCA Aviation LLC is located in Atlanta, Georgia. The Contract was advertised by the Purchasing Department using the County's competitive bid process. ERMCA was the lowest responsive, responsible bidder. The passenger loading bridges, ancillary equipment, and facilities are critical to on-going airport operations and require specialized technical knowledge for their maintenance, modification, and repair. The Contract provides for 12 months of service with the option to renew for three additional 12-month periods. Following Board approval of the Contract, the Purchasing Department will issue an award notice to ERMCA. Due to lack of availability of qualified Small/Minority/Women Owned Business Enterprises providing the services required by this Contract, the Office of Equal Business Opportunity issued a waiver of Affirmative Procurement Initiatives on July 14, 2021. Pursuant to changes to Chapter 332, Florida Statutes, effective October 1, 2020, a governing body of a commercial service airport may not approve purchases of contractual services in excess of the Category Five threshold amount of \$325,000 provided in Section 287.017, Florida Statutes, on a consent agenda. This Contract exceeds the threshold amount and must be approved on the regular agenda. Countywide (AH)

5. REGULAR AGENDA

B. ENGINEERING & PUBLIC WORKS

1. [Staff recommends motion to approve on preliminary reading and permission to advertise for public hearing on Tuesday, December 20, 2022 at 9:30 a.m.:](#) an ordinance amending Chapter 23, Article I, Section 23-1 of the Palm Beach County Code (Ordinance No. 2022-015) pertaining to the Palm Beach County Five-Year Road Program (Program); amending Section 23-1(C) (Adoption of revised Five-Year Road Program); providing for repeal of laws in conflict; providing for a savings clause; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** This is the Annual Update of Palm Beach County's Five-Year Road Program, which is required to be considered each year by the Five-Year Road Program Ordinance. Exhibit "A" to the Ordinance is a list of proposed projects for the next five years and contains certain changes and modifications. Input was requested from all municipalities and the Indian Trail Improvement District. This list is submitted for the Board of County Commissioners' consideration on preliminary reading today with the final list to be approved with the Ordinance at public hearing on Tuesday, December 20, 2022. Countywide (YBH)

5. REGULAR AGENDA

C. HOUSING AND ECONOMIC DEVELOPMENT

1. Staff recommends motion to adopt: a Resolution of the Board of County Commissioners of Palm Beach County, Florida; approving the issuance of Housing Finance Authority of Palm Beach County, Florida, Multifamily Housing Revenue Bonds for Lakeside Commons, by the Housing Finance Authority of Palm Beach County, Florida (the Authority) in the principal amount of \$21,000,000 (the Bonds). **SUMMARY:** The Bonds are being issued by the Authority to finance the costs of acquiring, rehabilitating and equipping a multifamily rental housing facility containing approximately 99 units known as Lakeside Commons (the Project). The Project is located at 550 Executive Center Drive, in the City of West Palm Beach, Florida. Pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the Code), these units will be rented to qualified persons and families whose household incomes do not exceed 60% of area median income (\$55,200 for a family of four for 2022). The Borrower (as defined below) has agreed that the Project will have a 50-year affordability period. The borrower is Lakeside Commons Preservation, Ltd., a Florida limited partnership, or an affiliate thereof (the Borrower), and the developer is Lincoln Avenue Capital. The Bonds will be payable solely from revenues derived from the Borrower and/or other collateral provided by or on behalf of the Borrower. Bryant Miller Olive, P.A. is Bond Counsel to the Authority with respect to the Bonds. The Bonds are expected to be issued in two series – senior lien bonds (the Senior Lien Bonds) and subordinate lien bonds (the Subordinate Lien Bonds). RBC Capital Markets, LLC will be the underwriter or placement agent for the Senior Lien Bonds and Lakeside Commons, Ltd., the seller of the Project, or an affiliate thereof will be the direct purchaser of the Subordinate Lien Bonds. The resolution of the Authority authorizing the issuance of the Bonds will include language substantially as follows:

The County assumes no responsibility for monitoring compliance by the Borrower of applicable federal income tax, securities laws or other regulatory requirements. The Borrower understands and agrees that it is responsible for monitoring its compliance with all applicable federal income tax, federal securities law and other regulatory requirements, retaining adequate records of such compliance, and retaining qualified counsel to respond to or assist the Authority and the County in responding to any audit, examination or inquiry of the Internal Revenue Service, the Securities and Exchange Commission or other regulatory body. The Borrower assumes responsibility for monitoring compliance with applicable provisions of federal tax laws and U.S. Treasury Regulations relative to the Bonds, and shall retain adequate records of such compliance until at least three years after the Bonds are retired. In the event of any audit, examination or investigation by the Internal Revenue Service with respect to the tax-exempt status of the Bonds or any other related tax matters, the Borrower shall be responsible for retaining qualified counsel to respond to such audit. **Neither the taxing power nor the faith and credit of the County nor any County funds are pledged to pay the principal, redemption premium, if any, or interest on the Bonds.** District 7 (HJF)

5. REGULAR AGENDA

D. FACILITIES DEVELOPMENT AND OPERATIONS

1. Staff recommends motion to:

A) approve a budget increase of \$2,100,000 of Infrastructure Sales Tax (IST) funding allocated by the Board of County Commissioners (Board) under the Housing Units for Homeless, Extremely Low and Low Income unit towards the implementation of the Prosperity Village Cottage Homes Project (Project);

B) approve Amendment No. 3 to the Developer and Operator Agreement (R2021-0148) (Agreement) with the West Palm Beach Housing Authority (WPBHA) for the Project to increase the budgeted amount, and cap the amount of Construction Savings that will be transferred, at Project Completion, to the Initial Renewal/Replacement (R/R) Project Reserve;

C) adopt a resolution authorizing the conveyance to the WPBHA of the County's interest in two parcels totaling 1.36 acres, located at 3551 South Military Trail, and 4521 Clemens Street (Property), at no charge and without reservation of mineral and petroleum rights and restricting its use to government use, operation and maintenance for housing of low, very low and extremely low income residents;

D) approve a County Deed in favor of WPBHA; and

E) approve a Memorandum of Agreement between County and the WPBHA for the purpose of giving public notice of the existence of a Developer and Operator Agreement between both parties.

SUMMARY: On January 12, 2021, the Board approved the agreement with WPBHA (R2021-0148) for the development, ownership and operation of a small lot housing pilot project upon 1.36 acres of County-owned real property fronting Military Trail and Clemens Street in western Lake Worth (commonly referred to as the Cottage Homes Project). Under the agreement, WPBHA is to improve the property with 17 detached structures for transitional housing, a community center, ancillary parking and other customary site improvements, and the County will provide up to \$3.973M in Infrastructure Sales Tax (IST) funding for the development and construction. As required under the agreement, WPBHA completed the design and permitting by March 2022, and proceeded with subcontractor solicitation and procurement. In August 2022, WPBHA notified County Staff that procurement had been successfully completed, sufficient bids had been received, and the associated costs had been found to be fair and reasonable under current market conditions. However, the resulting construction cost exceeds the approved project budget by approximately \$2.1M.

5. REGULAR AGENDA

D. FACILITIES DEVELOPMENT AND OPERATIONS (Cont'd)

1. **(Cont'd) SUMMARY:** County Staff has completed a thorough analysis and concurs with WPBHA and its consultants' assessment, deeming the increased Project cost to be a fair and reasonable reflection of current market conditions. County Staff has also completed a thorough analysis of current needs for transitional housing and deems the Project to be a valuable tool in addressing the existing housing challenges being faced by the community at large. Therefore, County Staff is recommending approval of an additional \$2.1M allocation of IST funds from the Housing Units line item of the Board-approved IST Project Plan to allow for contract award and construction commencement. As of September 2022, there is sufficient funding available (i.e. approximately \$10.8M) within that unit to accommodate the additional appropriation, for a total budgeted amount of \$6,073,458.06 for the Project. If built, the Project could accommodate a minimum of 17 families on two-year cycles. During the initial term of the agreement with WPBHA (i.e. 34 years), this translates into a minimum of 289 households served (i.e. assuming each family stays for the full two-year cycle). The cost to house the same number of households through the hotel program, assuming current costs of approximately \$2,567 per month for a family of four, would be approximately \$17.8M. Thus, although the Project cost at present is greater than previously planned and/or intended, it remains an economically efficient method of providing transitional housing as compared to other options available in the marketplace. Approval by the Board of the recommended project budget increase would allow WPBHA to proceed with subcontractor contract awards. Construction is expected to take 14 months, which would provide for start of operations in March-April 2024. Amendment No. 3 to the agreement increases the budgeted amount to reflect the additional \$2.1M required for construction of the Project and caps at \$464,137 the amount of construction savings that will be transferred, at Project completion, to the Initial R/R Project Reserve. The agreement requires the County to transfer the Property to WPBHA, upon the issuance of all required building permits. On February 28, 2022, staff was advised by WPBHA that all required building permits have been received. This conveyance is being done pursuant to Section 270.11, Florida Statutes, without charge and without mineral and petroleum rights reservations. A Memorandum of Agreement (Memorandum) between County and the WPBHA will be recorded in the public records for the purpose of giving public notice of the existence of the agreement. WPBHA executed the Memorandum on May 2, 2022. **In accordance with Section 22-106 of the Palm Beach County Code, Motions C & D must be approved by a Supermajority Vote (5 Commissioners). The funding source for this project budget increase is from the IST Fund. (FDO Admin/PREM) District 3/Countywide (MWJ/HJF)**

5. REGULAR AGENDA

D. FACILITIES DEVELOPMENT AND OPERATIONS (Cont'd)

2. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on December 20, 2022 at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Section 19-20 of the Palm Beach County Code; providing for repeal of laws in conflict; providing for severability; providing for a savings clause; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date. **SUMMARY:** Staff has determined the need to amend Section 19-20 of the Palm Beach County Parking Ordinance (Ordinance 2006-008) to recognize certain County parking management practices. The Palm Beach County Parking Ordinance, among other things, authorizes the County Engineer to determine and designate traffic restrictions on certain roads within the boundaries of the County, and, subject to resolution of the Board, to establish parking regulations in parking areas located on property owned or leased by the County, whether or not such parking areas are located within the boundaries of a municipality. The proposed revision to the ordinance recognizes that the County Engineer may delegate his authority to establish parking regulations for certain parking facilities to other County departments. The Facilities Development & Operations department (FDO) has long been responsible for the parking lots and parking garages, including parking meters, at certain County facilities operated and managed by FDO. FDO has also long been responsible for collecting and accounting for the monies generated by the metered parking at these facilities. After advertisement and public hearing on the ordinance amendment, FDO will submit a resolution to the Board of County Commissioners (Board) requesting that the Board: 1) recognize that FDO is responsible for managing certain county parking garages and lots, and is responsible for managing the assessments and collection of metered parking fees; 2) require FDO to prepare a policy and procedure memorandum regarding how the FDO Director is to review metered parking fees from time to time and determine whether the parking fee should be raised or lowered; and 3) require that FDO seek Board approval before installing metered parking at any County facility that does not already have metered parking. At this time, the only locations managed by FDO where metered parking fees are assessed are in downtown West Palm Beach at the Judicial Center Garage and surface lot, and the Governmental Center Garage and 4th Street surface parking lot located adjacent to the Governmental Center. The Engineering and Public Works Department will continue to maintain authority over any metered parking within County-maintained road rights of way. The County Engineer has no objection and supports this request. (FDO Admin) Countywide (MWJ)

5. REGULAR AGENDA

D. FACILITIES DEVELOPMENT AND OPERATIONS (Cont'd)

3. Staff recommends motion to approve:

A) an agreement for purchase and sale of a 2.1 acre parcel of vacant land located north of Indiantown Road and east of Bee Line Highway from Glenn S. Harris and Barbara Valentine-Harris for \$32,550 plus closing, title insurance and recording costs estimated to be \$500;

B) a Memorandum of Agreement with Glenn S. Harris and Barbara Valentine-Harris;

C) an agreement for purchase and sale of a 1.1 acre parcel of vacant land located north of Indiantown Road and east of Bee Line Highway from Jane Couch for \$17,050 plus closing, title insurance and recording costs estimated to be \$400;

D) a Memorandum of Agreement with Jane Couch;

E) an agreement for purchase and sale of a 1.3 acre parcel of vacant land located north of Indiantown Road and east of Bee Line Highway from Pedro Cantillo and Ciana Cantillo, Trustees of the Pedro Cantillo Living Trust for \$20,150 plus closing, title insurance and recording costs estimated to be \$425; and

F) a Memorandum of Agreement with Pedro Cantillo and Ciana Cantillo, Trustees of the Pedro Cantillo Living Trust.

5. REGULAR AGENDA

D. FACILITIES DEVELOPMENT AND OPERATIONS (Cont'd)

3. **(Cont'd) SUMMARY:** On November 2, 2021, the Board of County Commissioners (Board) approved a fiscal strategy for the spending of American Rescue Plan Act (ARPA) funds, which included an allocation of \$4,000,000 for the acquisition of environmentally sensitive lands. The parcels owned by Glenn S. Harris and Barbara Valentine-Harris (Harris parcel); Jane Couch (Couch parcel); and Pedro and Ciana Cantillo, Trustees of the Pedro Cantillo Living Trust (Cantillo parcel), are interior parcels located in an area known as Palm Beach Heights (part of the Pal-Mar Ecosite). The Pal-Mar Ecosite is part of a large ecological greenway that stretches from just west of the Atlantic Ocean to just east of Lake Okeechobee. The area provides habitat for a wide variety of native plants and animals and it is part of a hydrologically significant region that includes the headwaters of the federally designated Wild and Scenic Northwest Fork of the Loxahatchee River. Hence its value as environmentally sensitive land. Palm Beach Heights is an old, non-confirming subdivision and, as described in the County's "Report on Lack of Development Potential of Palm Beach Heights Parcels – April 2017," most of its parcels, including the subject parcels, cannot meet current land development regulations and are therefore, unbuildable. Appraisals were obtained from Anderson & Carr, Inc. and M.R. Ford & Associates, Inc. who assigned a \$15,000 and \$16,000 per acre value for interior Palm Beach Heights parcels, respectively. Callaway & Price, Inc. reviewed the appraisals and concluded a reasonable aggregate value of \$15,500 per acre for interior Palm Beach Heights parcels, which is the basis of the offers. The agreements allow for the County's due diligence review of the parcels within 45 days of Board approval. The County will pay title insurance policy premiums, closing and recording costs estimated to be \$500 for the Harris parcel, \$400 for the Couch parcel and \$425 for the Cantillo parcel. The Environmental Resources and Management (ERM) Department will perform pre-acquisition environmental assessments for the parcels prior to closing. Boundary surveys will not be obtained for any of the parcels due to their remote locations. ERM will be responsible for the administration of the parcels. All costs related to the acquisitions will be paid from existing funds received from the ARPA Response Projects Fund. **These acquisitions must be approved by a supermajority vote (5 Commissioners).** (Property & Real Estate Management) District 1 (HJF)

5. REGULAR AGENDA

E. FIRE RESCUE

1. Staff recommends motion to approve:

A) a Letter of Understanding with Treasure Coast Health Council, Inc., dba Health Council of Southeast Florida, to provide Mobile Integrated Health services to support opioid-related prevention components of the Center for Disease Control (CDC) Overdose Data to Action (OD2A) cooperative agreement awarded to the Florida Department of Health Palm Beach County, for the period of October 1, 2022 through August 31, 2023 with a cost reimbursement not-to-exceed amount of \$400,000; and

B) a budget amendment of \$400,000 within the Fire/Rescue MSTU Fund to recognize the award and establish budget for the program.

SUMMARY: The Treasure Coast Health Council, Inc., dba Health Council of Southeast Florida is administering the CDC OD2A cooperative agreement awarded to the Florida Department of Health Palm Beach County. Under the Letter of Understanding, Palm Beach County Fire Rescue (PBCFR) will receive funding for an existing unfunded 20-hour week on-call social worker, expanded hours for existing Community Paramedics, telehealth and field based intervention to support opioid-related prevention components of the OD2A cooperative agreement on a cost reimbursement basis up to \$400,000. This funding will allow PBCFR's Mobile Integrated Health team to expand services to the community for opioid related prevention and outreach. **This cost reimbursement Letter of Understanding does not require a County match.** Countywide (SB)

F. COMMUNITY SERVICES

1. Staff recommends motion to approve: an updated report containing findings and recommendations related to substance use and mental disorders entitled *Substance Use and Mental Disorders Plan Update, March 2022*, prepared by the Palm Beach County Behavioral Health, Substance Use and Co-Occurring Disorder Steering Committee, and presented to the Board of County Commissioners during the September 20, 2022 Workshop, with the exception of the Committee's recommendation for the enactment of an ordinance to designate a lead entity granted leadership, budget, planning and monitoring authority. The actions of leadership, budget, planning and monitoring authority are accomplished through Community Services with final approval by the BCC.

5. REGULAR AGENDA

F. COMMUNITY SERVICES

1. **(Cont'd) SUMMARY:** In response to Palm Beach County's opioid epidemic, the Board of County Commissioners (BCC) approved a report on April 4, 2017 entitled *Opioid Crisis: Palm Beach County's Response (ORP)*. The ORP recommended a coordinated response be created through the designation of a primary entity responsible for the integration of all efforts relative to the epidemic; the need for leadership and guidance from an experienced veteran accustomed to working on solving substance use disorders (aka Drug Czar); and, the establishment of an opioid response steering committee to guide the County's work. In 2018, Palm Beach County appointed a County Drug Czar and designated the Community Services Department (Department) as the entity that would support the work of that position. Subsequently, the Department also formulated an Opioid Response steering committee, which was operationalized in 2019. In 2020, the steering committee was renamed the Behavioral Health, Substance Use and Co-Occurring Disorder Steering Committee (Committee) in order to better align with the BCC's strategic priority. On March 10, 2022, the Committee unanimously approved the *Substance Use and Mental Disorders Plan Update (Plan)*. The Committee found that there have been important gains since 2017, however; some systemic challenges still remain. The updated Plan includes, but is not limited to the following recommendations: Educate the community regarding the impact of substance use on brain development; the continued implementation of a person-centered, recovery-oriented system of care that is readily accessible and integrated; advancement of policies, legislation; and resources to support this system of care. The recommendation of the Committee for the enactment of an ordinance to designate a lead entity granted leadership, budget, planning and monitoring authority is duplicative and not recommended for approval as Community Services is the County's Department providing these functions taking into consideration comments of the Palm Beach County Advisory Committee on Behavioral Health, Substance Use and Co-Occurring Disorders (BHSUCOD), with final approval for these functions vested in the BCC. On November 1, 2022 with the passing of Resolution 2022-1340 the BCC established the BHSUCOD, defined its Roles and Responsibilities and identified Community Services as the supporting Department. Countywide (HH)

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6. BOARD APPOINTMENTS

A. COMMISSION DISTRICT APPOINTMENTS

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NOVEMBER 15, 2022

7. STAFF COMMENTS

A. ADMINISTRATION COMMENTS

B. COUNTY ATTORNEY

NOVEMBER 15, 2022

8. COMMISSIONER COMMENTS

District 1 – COMMISSIONER MARIA G. MARINO

Request for off-site Proclamation honoring the life of Donald L. Kiselewski Sr.

District 2 – COMMISSIONER GREGG K. WEISS

District 3 – COMMISSIONER DAVE KERNER

Request for off-site Certificate in Memoriam for Cookie Aronberg

District 4 – COMMISSIONER ROBERT S. WEINROTH

Request for off-site Proclamation declaring November 2022 as Family Court Awareness Month in Palm Beach County

District 5 - COMMISSIONER MARIA SACHS

District 6 - COMMISSIONER MELISSA MCKINLAY

District 7 – COMMISSIONER MACK BERNARD

NOVEMBER 15, 2022

9. ADJOURNMENT

"If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."