3H-1

Agenda Item #:

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	November 15, 2022	[X] Consent [] Ordinance	[] Regular [] Public Hearing		
Department:	Facilities Development & Operations				

I. EXECUTIVE BRIEF

Motion and Title: 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 Florida State Statutes, Section 125.27, 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of the Cooperative Agreement, as formally approved in September 1988, was to continue in full force and effect until superseded by a new agreement or canceled by Florida Statutes.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 Florida Statutes, Section 125.27. 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)

Background and Justification: On September 6, 1988 (R-88-1311D), the Board of County Commissioners ("Board") approved a Cooperative Agreement with the State of Florida Department of Agriculture and Consumer Services, Division of Forestry, which the State subsequently executed on September 21, 1988. This Cooperative Agreement, which the State later named as "Contract #1934 dated 9/21/88", allowed for fire protection and maintenance services of 538,427 acres of forest and wild lands located within Palm Beach County. On November 18, 2008, a First Amendment (R2008-2064) was approved by the Board that increased the fire protection and maintenance area to 597,885 acres and adjusted the annual fee per acre from \$0.03 to \$0.07 pursuant to revisions to Florida Statutes, Section 125.27. On July 21, 2015, a Second Amendment (R2015-0923) was approved by the Board, that decreased the fire protection and maintenance area to 587,649 acres pursuant to updated surveys, and incorporated the required standard wording concerning third party beneficiary and non-discrimination. The approval of this Third Amendment will again provide for the continuation of fire protection services for forest and wild lands as provided by the State of Florida Department of Agriculture and Consumer Services, Division of Forestry. As the area has decreased by 101,113 acres, the annual assessment has been reduced by \$7,077.91 to \$34,057.52. The Department of Agriculture and Consumer Services, Division of Forestry, is a governmental entity therefore, a Disclosure of Beneficial Interests is not required. A location map is not attached as this Amendment pertains to forest and wild lands located throughout the County.

Attachments:

- 1. Third Amendment to Cooperative Agreement (2)
- 2. Budget Availability Statement

Recommended B	y: & Done 1. ligal Mo	10/4/22
·	Department/Director	Date
Approved By:	1 Balle	10/27/22
	County Administrator	Date

II. FISCAL IMPACT ANALYSIS

Five Year Summary of Fiscal Impact: A. **Fiscal Years** 2023 2024 2026 2025 2027 Capital Expenditures **Operating Costs** \$34,058 \$34,058 \$34,058 \$34,058 \$34,058 **External Revenues Program Income (County) In-Kind Match (County NET FISCAL IMPACT** \$34,058 \$34,058 <u>\$34,058</u> \$34,058 \$34,058 # ADDITIONAL FTE **POSITIONS (Cumulative)** Is Item Included in Current Budget: X Yes No No ____ Does this item include the use of federal funds? Budget Account No: Fund 0001 Dept 760 Unit 7627 Object 8101 Program В. **Recommended Sources of Funds/Summary of Fiscal Impact:** Funding for this agreement is from the General Fund. **Fixed Asset Number:** N/A C. **Departmental Fiscal Review:** III. REVIEW COMMENTS **OFMB Fiscal and/or Contract Development Comments:** A. Contract Development and Control В. Legal Sufficiency C. **Other Department Review:**

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

Department Director



CONTRACT AMENDMENT

Please Respond To: Florida Forest Service Forest Protection Bureau 3125 Conner Blvd., Room 290 Tallahassee, FL 32399-1650

June 3, 2022

Palm Beach County BOCC 301 N. Olive Avenue West Palm Beach, Florida 33401

RE: Amendment of Contract # 1934 dated 09/21/88.

This letter, upon execution by both parties and attachment to the original contract shall serve to amend said contract. The contract shall be amended as follows:

This letter, upon execution by both parties and attachment to the original contract shall serve to amend said contract. The contract shall be amended as follows:

Paragraphs 1 & 2, are amended as follows:

FROM

- 1. The Department shall provide fire protection for 587,649 acres of forest and wildlands within County.
- 2. The County shall, under the terms of this agreement; pay to the Department annually as its share of the cost of providing such fire protection, \$41,135.43, said receipts to be deposited as prescribed by Florida Statute.

TO

- 1. The Department shall provide fire protection for 486,536 acres of forest and wildlands within County.
- 2. The County shall, under the terms of this agreement; pay to the Department annually as its share of the cost of providing such fire protection, \$34,057.52, said receipts to be deposited as prescribed by Florida Statute.

NO OTHER PROVISIONS OF THIS CONTRACT ARE AMENDED OR OTHERWISE ALTERED BY THIS AMENDMENT.



1-800-HELPFLA DACS-01086 Rev. 11/16

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NICOLE "NIKKI" FRIED CONTRACT AMENDMENT COMMISSIONER

•	,		
Casey Drake			
Joey B. Hicks Director of Administration	(Signature)		
Department of Agriculture	(T): (1)		
and Consumer Services	(Title)		
	(Company)		
6/7/2022	(Company)		
(Date)	(Date)		
(200)	(Zuic)		
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ATTEST:			
JOSEPH ABRUZZO	PALM BEACH COUNTY, a political		
CLERK OF THE CIRCUIT COURT & COMPTROLLER	subdivision of the State of Florida		
By:	By:		
Deputy Clerk	Mayor		
APPROVED AS TO	APPROVED AS TO TERMS AND		
LEGAL SUFFICIENCY	CONDITIONS		
By: County Attorney	By: Pane ! hyal falls Department Director		
County Actionicy	Department Director		

BUDGET AVAILABILITY STATEMENT

REQUEST DATE: 8/12/2022	REQUESTED BY:	Victor B. Bactawar Real Estate Specialist	PHONE: 233-0213 t 233-0210
PROJECT TITLE: Amendment of co FL Dept. of Agric		ve Agmt with State of ervices, Div. of Forestr	•
ORIGINAL CONTRACT AMOUNT	T: \$41,135.43		IST PLANNING NO.:
REQUESTED AMOUNT: \$34,057.5	72		BCC RESOLUTION#:
CSA or CHANGE ORDER NUMBE			DATE:
LOCATION:			
BUILDING NUMBER:			
DESCRIPTION OF WORK/SERVICE	CE LOCATION:		
PROJECT/W.O. NUMBER:			
CONSULTANT/CONTRACTOR: F	lorida Dept. of Agricult	cure and Consumer Serv	vices.
PROVIDE A BRIEF STATEME CONSULTANT/CONTRACTOR: F			
CONSTRUCTION PROFESSIONAL SERVICE STAFF COSTS* EQUIP. / SUPPLIES CONTINGENCY TOTAL * By signing this BAS your department as by FD&O. Unless there is a change in the costs of \$250,000 or greater, staff charge Facilities Management or ESS staff your	\$0.00 \$0.00 \$0.00 \$34,057.52 grees to these CID staff ch he scope of work, no addi es will be billed as actual	itional staff charges will b I and reconciled at the en	ne billed. If this BAS is for construction d of the project. If the project requires
BUDGET ACCOUNT NUMBER(S	s) (Specify distribution is	if more than one and or	rder in which funds are to be used):
FUND: DEP	T: UN	11T: 0	BJ: 8/0/
IDENTIFY FUNDING SOURCE H		·	
Ad Valorem (Amount \$		nfrastructure Sales Tax	
☐ State (source/type:Am		Federal (source/type: _	
☐ Grant (source/type:A	,	Impact Fees: (Amount)	<u>\$</u>)
Other (source/type:A Department:A	mount \$)		
BAS APPROVED BY:	n Sher		DATE 8/12/2022
ENCUMBRANCE NUMBER:			<i>'</i>