

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures					
Operating Costs					
External Revenues	\$119,116.80	\$119,116.80	\$119,116.80		
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	\$119,116.80	\$119,116.80	\$119,116.80		
#ADDITIONAL FTE POSITIONS (CUMULATIVE)	0				

Is Item Included in Current Budget? Yes No
 Does this item include the use of federal funds? Yes No

Budget Account No:

Fund	Agency	Organization	Object	RSRC
1340	540	5101		4435

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

Acceptance of these annual contract fees are in lieu of Lakes of Delray, Inc. paying individual fees per trip.

C. Departmental Fiscal Review: *Barbara Weir*
 Interim Director of Administrative Services

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

<u><i>ASDell</i></u> 12/13/22 OFMB 9A 12/13	<u><i>J. J. Jacobson</i></u> 12/19/22 Contract Dev. & Control
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B. Legal Sufficiency

Russell M. Mutamba 12/20/22
 Assistant County Attorney

C. Other Department Review

 Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

FIRST AMENDMENT
AGREEMENT REGARDING PAYMENT FOR THE
PROVISION OF PUBLIC TRANSPORTATION SERVICES
BETWEEN
THE BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA
AND
LAKES OF DELRAY, INC.

THIS FIRST AMENDMENT TO AGREEMENT R2021 0256 FOR THE PROVISION OF PUBLIC TRANSPORTATION SERVICES by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners (hereinafter referred to as "County"), and Lakes of Delray, Inc. a master association of thirty-seven condominium associations, and a Florida non-profit corporation whose federal identification number is 59-2596584., is made and entered into as of this ___ day of _____, 2022.

WHEREAS, on February 9, 2021, the parties entered into that certain agreement for the provision of public transportation services (referred to herein as the "Agreement"); and

WHEREAS, the Agreement, has a term of two (2) years commencing on February 1, 2021, and terminating on January 31, 2023, and a mutual option to renew two (2) additional years from February 1, 2023 and terminating on January 31, 2025; and

WHEREAS, by this First Amendment the County and Lakes of Delray, Inc. mutually agree to exercise the optional Agreement Term commencing February 1, 2023, through January 31, 2025, at the terms and conditions and at the same fees for as provided in the Fee Schedule (Article 3) established in Agreement R2021 0256 at a monthly payment amount of \$9,926.40 for each month of this Agreement with a not-to-exceed amount of Four Hundred Seventy-Six Thousand Four Hundred Sixty Seven Dollars and Twenty Cents (\$476,467.20).

NOW THEREFORE, in consideration of the mutual covenants and agreements expressed herein, the COUNTY and Lakes of Delray, Inc. concur the Agreement is amended as follows:

1. Article 4 – Term of Agreement. This Agreement shall be in effect for a term of Two (2) years commencing on February 1, 2023 and terminating on January 31, 2025 with no options.
2. All other provisions of said Contract, dated September 14, 2021, are hereby confirmed and, except as provided herein and previously amended, are not otherwise altered or amended and shall remain in full force and effect.
3. In accordance with Palm Beach County Code Chapter 2, Article III, Section 2.51, as amended, this FIRST AMENDMENT shall not take effect until executed by the Lakes of Delray, Inc. and COUNTY.

THE REST OF THIS PAGE IS LEFT BLANK INTENTIONALLY

IN WITNESS WHEREOF, the parties have made and executed this First Amendment as of the day and year first above written.

ATTEST:
JOSEPH ABRUZZO
CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA, by its
BOARD OF COUNTY COMMISSIONERS:

By: _____
Clerk & Comptroller

By: _____
Mayor

Lakes of Delray, Inc.

By: Bob Berger
Signature

BOB BERGER PRESIDENT
Print or Type Name and Title

APPROVED AS TO TERMS
AND CONDITIONS

By: [Signature]
Clinton B. Forbes
Executive Director, Palm Tran

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: [Signature]
County Attorney

ATTACHMENT C(1)

CERTIFICATE
(If Corporation)

The undersigned hereby certifies that the following are true and correct statements:

1. That he is the Secretary of Lakes of Delray Sea Corporation, a corporation organized and existing in good standing under the laws of the State of Florida, hereinafter referred to as the "Corporation", and that the following Resolutions are true and correct copies of certain Resolutions adopted by the Board of Directors of the Corporation as the 21st day of November, 2022, in accordance with the laws of the State of the state of incorporation of the Corporation, the Articles of Incorporation and the By-laws of the Corporation:

RESOLVED, that the Corporation shall enter into that certain Agreement between Palm Beach County, a political subdivision of the State of Florida and the Corporation, a copy of which is attached hereto, and be it

FURTHER RESOLVED, that Boa Bergen, the President of the Corporation, is hereby authorized and instructed to execute such Agreement and such other instruments as may be necessary and appropriate for the Corporation to fulfill its obligations under the Agreement.

2. That the foregoing resolutions have not been modified, amended, rescinded, revoked or otherwise changed and remain in full force and effect as of the date hereof.

3. That the Corporation is in good standing under the laws of the State of Florida or its state of incorporation if other, and has qualified, if legally required, to do business in the State of Florida and has the full power and authority to enter into such Agreement.

IN WITNESS WHEREOF, the undersigned has set his hand and affixed the Corporate Seal of the Corporation the 21st day of November, 2022

Jayne Kulyassa
(Signature)
Jayne Kulyassa
(Print Signatory's name)
It's Secretary

(CORPORATE SEAL)



SWORN TO AND SUBSCRIBED before me this 21st day of November, 2022, by the Secretary of the aforesaid corporation, who is personally known to me OR ~~who produced _____ as identification and who did _____ take an oath.~~

Yolanda Aronson
Notary Signature

Yolanda Aronson
Print Notary Name
NOTARY PUBLIC
State of Florida at Large

My Commission Expires:

