

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

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<b>Meeting Date:</b>	January 24, 2023	(X) Consent	( ) Regular
		( ) Workshop	( ) Public Hearing
<b>Department:</b>	<u>Environmental Resources Management</u>		

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**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to receive and file Amendment No. 2 to the Marine Industries Association of Palm Beach County, Inc. (MIAPBC) Memorandum of Agreement providing for a one-year extension to the Agreement period from December 30, 2022 to December 30, 2023.

**Summary:** On April 2, 2019, the Board of County Commissioners (BCC) approved a Memorandum of Agreement (R2019-0446) (Agreement) with MIAPBC for the development, engineering, design, and permitting of the Lake Worth Inlet Flood Shoal Dredging Project Phase I, effective April 2, 2019 and terminating on December 30, 2021. Delegated authority to execute all future time extensions, task assignments, certifications, and any other forms associated with the Agreement was authorized at that time. The County and MIAPBC executed Amendment No. 1 (R2020-0206) allowing a one-year extension to provide additional time to obtain the United States Army Corps of Engineers Environmental Permits and complete the permit and design components of the grant. Amendment No. 2, executed on November 23, 2022, provides for an additional one-year extension to December 30, 2023, to allow for additional time for the construction contract to be executed and to seek grant funding reimbursement from Florida Inland Navigation District (FIND). In accordance with County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating department as a receive and file agenda item. **There is no cost to the County.** District 1, 7 (SF)

**Background and Justification:** All Phase 1 tasks associated with the Agreement between MIAPBC and the County have been completed. The FIND grant the County received for Phase 1 of the project is not eligible for reimbursement unless a construction contract is executed by September 30, 2023. The one-year extension will allow additional time for the construction contract to be executed and to seek funding reimbursement. The Town of Palm Beach Shores has secured FY2023 funding from Florida Inland Navigation District and is seeking to construct a portion of the project.

**Attachments:**

- 1. Amendment No. 2 to MIAPBC Agreement
  - 2. Delegation of Authority
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<b>Recommended by:</b>	<u>Michael Still for</u>	<u>12/20/22</u>	SF 12/2/22
	<b>Department Director</b>	<b>Date</b>	
<b>Approved by:</b>	<u>[Signature]</u>	<u>12/23/22</u>	
	<b>Assistant County Administrator</b>	<b>Date</b>	

**II. FISCAL IMPACT ANALYSIS**

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

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>0</u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included in Current Budget?	Yes _____		No <u>X</u>		
Does this item include the use of federal funds?	Yes _____		No <u>X</u>		
Budget Account No.:					
Fund	Department	Unit	Object	Program	

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**  
There is no fiscal impact.

**C. Department Fiscal Review:**

S. May

**III. REVIEW COMMENTS**

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

*for review*  
*12/9/22*

*ASD 12/9/22*  
OFMB *JA 12/9*

*12/2/22*  
Contract Development & Control

**B. Legal Sufficiency:**

[Signature]  
Assistant County Attorney

**C. Other Department Review:**

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

**AMENDMENT NO. 2  
TO MEMORANDUM OF AGREEMENT BETWEEN PALM BEACH COUNTY  
AND MARINE INDUSTRIES ASSOCIATION OF PALM BEACH COUNTY, INC.  
FOR THE DEVELOPMENT, ENGINEERING, DESIGN, AND PERMITTING OF THE  
LAKE WORTH INLET FLOOD SHOAL DREDGING PROJECT**

This Amendment to Memorandum of Agreement (“Agreement”) is made by and between the Marine Industries Association of Palm Beach County Inc., a Florida not for profit corporation (“MIAPBC”) and Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners (the “County”), on the date last signed below.

WHEREAS, on April 02, 2019, MIAPBC entered into the Agreement with the County for the development, engineering, design, and permitting of the Lake Worth Inlet Flood Shoal Dredging Project Phase 1; and

WHEREAS, MIAPBC entered into the Agreement with the County, effective April 2, 2019 and terminating on December 30, 2021; and

WHEREAS, on December 16, 2021, MIPBC and the County entered into Amendment No. 1, extending the agreement period to December 30, 2022; and

WHEREAS, the County has requested a one year extension to the agreement period and MIAPBC has agreed, in order to allow additional time for the construction contract to be executed and seek grant funding reimbursement from Florida Inland Navigation District;

NOW, THEREFORE, the parties agree as follows:

- 1) Section 6, Term, of the Agreement is hereby amended as follows:
  - 6) Term. The term of this Agreement shall begin when executed by both parties and shall remain in effect from the effective date of this Agreement (“Term”) until the termination date of December 30, ~~2022~~ 2023.
- 2) MIAPBC and the County shall continue to perform their respective duties during this extension period pursuant to the same terms and conditions provided in the Agreement.
- 3) All other terms and conditions of the Agreement remain in effect. If and to the extent that any inconsistencies may appear between the Agreement and this Amendment, the provisions of this Amendment shall control.

The parties agree to the terms and conditions of this Amendment and have duly authorized their respective representatives to sign it on the dates indicated below.

**Palm Beach County Board of County Commissioners:**  
a political subdivision of the State of Florida

By: Deborah Drum  
Title: Deborah Drum, Director  
Environmental Resources Management

Date: 11-23-22

ERM Witness:

By: Michael Stahl  
Signature  
Name: Michael Stahl  
(type or print)

Approved as to form and legal sufficiency

/s/ Scott A. Stone

Scott A. Stone, Assistant County Attorney

**MIAPBC:**  
a Florida not for profit corporation

By: Austin Burkett  
Title: Austin Burkett, President  
Marine Industries Association of PBC

Date: 11-11-22

MIAPBC Witness:

By: Alyssa Freeman  
Signature  
Name: Alyssa Freeman  
(type or print)

Attachment 2



**INTEROFFICE MEMORANDUM**  
**Palm Beach County**  
**Environmental Resources Management**

**DATE:** December 27, 2019

**TO:** Verdenia C. Baker  
County Administrator

**THROUGH:** Patrick Rutter *PR*  
Assistant County Administrator

**FROM:** Deborah Drum, Director *DD* 12-27-19  
Environmental Resources Management

**SUBJECT:** REQUEST FOR DELEGATION OF APPROVAL AUTHORITY:  
Memorandum of Agreement (Agreement) with the Marine Industries Association of Palm Beach County, Inc. (MIAPBC), a Florida not-for-profit corporation to cost-share the development, engineering, design and permitting of the Lake Worth Inlet Flood Shoal Dredging Project in an amount up to \$168,000 or 50% of the Project cost, commencing upon execution and expiring December 30, 2021.

On April 2, 2019, agenda item 3L1 (R2019-0446) the Board of County Commissioners approved the County Administrator, or designee, to sign all future time extensions, task assignments, certifications, and other forms associated with the Agreement, and any necessary minor amendments that do not substantially change the scope of work, terms, or conditions of the Agreement.

This memorandum is my request for delegation of signatory authority for the Director or Deputy Director of Environmental Resources Management (ERM) to sign all future time extensions, task assignments, certifications, and other forms associated with this Agreement, and any necessary minor amendments that do not substantially change the scope of work, terms, or conditions of the Agreement. If you agree, please sign below and return this memorandum. I am available to answer any questions you may have concerning this request. Thank you in advance for your consideration.

APPROVED: *VC Baker* DATE: 1/13/20  
Verdenia C. Baker, County Administrator

DD:kf  
Attachment