# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: September 12, 2023 [X] Consent [] Regular [] Ordinance [] Public Hearing

Department: Engineering & Public Works
Submitted By: Engineering & Public Works
Submitted For: Traffic Division

#### I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution approving Amendment Number Five (Amendment 5) to the Joint Participation Agreement (R2009-0823), dated June 27, 2009, (JPA), as amended, with the Florida Department of Transportation (FDOT) for the operation and maintenance of the Palm Beach County (County) Traffic Management Center (TMC) from June 27, 2009 to June 30, 2029.

SUMMARY: Adoption of this Resolution and approval of Amendment 5 to the JPA will reduce FDOT's fund participation in the amount of \$50,000, due to excess funding that was not needed for the operation and maintenance of the TMC during FY 2020. The FDOT removes unspent funds or allocates additional funds based on actual maintenance funding needs. As a result, the FDOT's portion is revised from \$223,026.95 to \$173,026.95, contingent upon an annual appropriation by the Florida Legislature. On June 27, 2009, the FDOT entered into the twenty year JPA with the County for joint operation of the TMC and its audio and visual equipment. The FDOT reimburses the County for 70% to operate and maintain the video wall and related audio-visual equipment, up to a maximum limit of \$50,000 per year and the County is responsible for all other costs associated with the operation and maintenance of the TMC. The JPA was amended on November 5, 2010 (R2010-1609) to reduce the project funding amount. On June 11, 2013 (R2013-0600) it was amended to add funding for the operation and maintenance of the video display wall and audio system. On June 4, 2014 (R2014-0669) it was amended to remove unspent funds from certain fiscal years. On June 29, 2018 (R2018-0889) it was amended to add additional funding for the video display wall and audio system. Countywide (YBH)

**Background and Justification:** Approval of Amendment 5 will remove the excess funding for FY 2020, with all provisions, covenants, terms and conditions of the JPA, as amended, remaining the same and unaffected. The Engineering & Public Works Department recommends BCC approval.

#### Attachments:

- 1. Resolution (3)
- 2. Amendment 5 to the JPA (3)

MRV cycle Recommended By: Ma YBH/TEL	Davel & Rich	8/2/2023
ABH/LET	County Engineer	Date
Approved By:	too	8/29/23
	Assistant County Administrator	Date

#### II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2023	2024	2025	2026	2027
Capital Expenditures _	-0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	-0-	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)	-0-	-0-	-0-	-0-	-0-

Is Item Included in Current Budget? Yes Does this item include the use of federal funds? Yes Budget Account No: Fund Dept Unit Object

Recommended Sources of Funds/Summary of Fiscal Impact:

This item has no fiscal impact. The amendment removes prior fiscal year's unspent funds which were not included in the current budget.

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

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

B. Approved as to Form and Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

**Department Director** 

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

#### **RESOLUTION NO. R2023-**

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, APPROVING AMENDMENT NUMBER FIVE TO THE JOINT PARTICIPATION AGREEMENT FOR THE PALM BEACH COUNTY TRAFFIC MANAGEMENT CENTER WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION.

WHEREAS, on June 27, 2009, the State of Florida Department of Transportation (FDOT) and Palm Beach County (County) entered into a Joint Participation Agreement (JPA) (R2009-0823) for the operation and maintenance of the facility housing the Palm Beach County Traffic Management Center (TMC) and allocating funds for a video display wall and audio system; and

WHEREAS, the FDOT and County amended the JPA on November 5, 2010, to reduce the project funding amount (R2010-1609); and

WHEREAS, the FDOT and County amended the JPA on June 11, 2013 to add funding for the operation and maintenance of the video display wall and audio system (R2013-0600); and

WHEREAS, the FDOT and County amended the JPA on June 4, 2014 to remove unspent funds from certain fiscal years (R2014-0669); and

WHEREAS, the FDOT and County further amended the JPA on June 29, 2018 to add additional funding for the video display wall and audio system (R2018-0889); and

WHEREAS, the FDOT has requested that the County approve Amendment Number Five to reduce the excess funding for FY 2020; and

WHEREAS, the FDOT's funding amount will be reduced by the amount of \$50,000.00 (fifty thousand dollars and zero cents) due to excess funding not needed for the TMC during the FY 2020; and

WHEREAS, the FDOT's funding amount is reduced to \$173,026.95 (one hundred seventy-three thousand twenty-six dollars and ninety-five cents), contingent upon an annual appropriation by the Florida Legislature; and

WHEREAS, the Board of County Commissioners (BCC) has determined Amendment Number Five is in the best interest of the citizens and residents of the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

- 1. The foregoing recitals are true and correct and are incorporated herein.
- 2. The FDOT's funding amount will be reduced from \$223,026.95 to \$173,026.95 for FY 2020.
- 3. This Resolution shall take effect upon adoption.

(The remainder of this page intentionally left blank.)

The foregoing Resolution was offered by Con	nmissioner who moved for its
adoption. The motion was seconded by Com-	missioner and upon being put
to a vote, the vote was as follows:	
Commissioner Gregg K. Weiss, Mayo	or -
Commissioner Maria Sachs, Vice May	yor -
Commissioner Maria G. Marino	-
Commissioner Michael A. Barnett	-
Commissioner Marci Woodward	-
Commissioner Sara Baxter	-
Commissioner Mack Bernard	-
The Mayor thereupon declared the Re	esolution duly passed and adopted this day of
	PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA BY AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	JOSEPH ABRUZZO, CLERK OF THE CIRCUIT COURT AND COMPTROLLER
BY: Yelizaveta B. Herman Assistant County Attorney	BY: Deputy Clerk
APPROVED AS TO TERMS AND CONDITIONS	
BY: Motasem Al-Turk Traffic Division, Director	

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Commissioner Maria Sachs, Vice Mayor	-
Commissioner Maria G. Marino	-
Commissioner Michael A. Barnett	-
Commissioner Marci Woodward	-
Commissioner Sara Baxter	-
Commissioner Mack Bernard	-
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, 2023.	
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APPROVED AS TO FORM AND LEGAL SUFFICIENCY	JOSEPH ABRUZZO, CLERK OF THE CIRCUIT COURT AND COMPTROLLER
BY: Yelizaveta/B. Herman Assistant County Attorney	BY: Deputy Clerk
APPROVED AS TO TERMS AND CONDITIONS	
BY: Motasem Al-Turk Traffic Division, Director	

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BY: Yelizaveta B. Herman Assistant County Attorney	BY:
APPROVED AS TO TERMS AND CONDITIONS	
BY: Motasem Al-Turk	

Traffic Division, Director

DUNS No.: 80-939-7102 Contract No.: \_ FM No:

416258-2-82-01

<u>416258-3-88-01</u> FEID No: <u>VF-596-000-785</u>

#### STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND

#### PALM BEACH COUNTY JOINT PARTICIPATION AGREEMENT AMENDMENT NUMBER FIVE

THIS AMENDMENT, made and entered into this _	day of	, 20, by
and between the State Of Florida Department Of Transp	ortation, hereinafter called the	DEPARTMENT, and
Palm Beach County, located at 2300 North Jog Road, We	est Palm Beach, Florida 33411,	hereinafter called the
COUNTY.		

#### WITNESSETH

WHEREAS, on June 27, 2009, the parties entered into a Joint Participation Agreement, hereinafter referred to as the AGREEMENT, wherein the COUNTY agreed to provide certain improvements in connection with Financial Management (FM) Numbers 416258-1-82-01, 416258-2-82-01, and 416258-3-88-01 for the purpose of operating and maintaining the facility housing the Palm Beach County Transportation Management Center (TMC) and for allocation of costs for the video display wall and audio system in Palm Beach County, Florida and hereinafter referred to as the Project; and,

WHEREAS, the parties amended the Agreement on November 5, 2010 (Amendment No. One) that reduced the project funding due to no expenditures during the 1st year of the Project, on June 11, 2013 (Amendment No. Two) added funding to pay for the operations and maintenance of the video display wall, on June 4, 2014 (Amendment No. Three) removed unspent funds for FM No. 416258-1-82-01 in Fiscal Years 2009/2010, 2010/2011, 2011/2012, on June 29, 2018 (Amendment No. Four) added funding to pay for operations and maintenance of the video display wall, and in January 2023 an Executive Office of the Governor (EOG) Amendment was processed to removed previous years of funding (FY 2012/2013 through FY 2018/2019); and

WHEREAS, the parties desire to further amend the Agreement; and

WHEREAS, the parties hereto mutually agree that this Amendment is in their best interest;

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations herein, the parties agree to amend the Joint Participation Agreement dated June 27, 2009, as follows:

- 1. The recitals set forth above are true and correct and are deemed incorporated herein.
- 2. The purpose of this Amendment is to reduce the funding for FY 2020 in the amount of \$50,000.00 (FIFTY THOUSAND DOLLARS AND NO CENTS) due to excess funding not needed for the Project in that fiscal year. As a result, the total DEPARTMENT share is revised to ONE HUNDRED

Page 1 of 3

SEVENTY-THREE THOUSAND TWENTY-SIX DOLLARS AND NINETY-FIVE CENTS (\$173,026.95). The DEPARTMENT's obligation to pay this revised amount is contingent upon an annual appropriation by the Florida Legislature.

All provisions, covenants, terms and conditions of the Agreement between the parties theretofore entered into of <u>June 27, 2009 and amended on November 5, 2010</u>, <u>June 11, 2013</u>, <u>June 4, 2014 and June 29, 2018</u>, as originally set forth therein, which are not hereby expressly amended or modified and not in conflict with the terms hereof, are hereby ratified and confirmed and shall remain the same and be unaffected by these presents.

SPACE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, this Agreement is to be executed by the parties below for the purposes specified herein. Authorization has been given to enter into and execute this Amendment by Resolution No, hereto attached.		
PALM BEACH COUNTY, Florida, A Political Subdivision of the State of Florida BOARD OF COUNTY COMMISSIONERS	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION	
BY:	BY: PAUL LAMPLEY, P.E. DIRECTOR OF TRANSPORTATION OPERATIONS	
ATTEST: JOSEPH ABRUZZO, CLERK OF THE CIRCUIT COURT & COMPTROLLER	LEGAL REVIEW:	
CLERK & COMPTROLLER (SEAL) CIRCUIT COURT	BY:OFFICE OF THE DISTRICT GENERAL COUNSEL	
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	APPROVED:	
BY:COUNTY ATTORNEY	BY: DISTRICT PROGRAM MGMT ENGINEER	
APPROVED AS TO TERMS AND CONDITIONS:		
BY: Motor Athan DIRECTOR, TRAFFIC DIVISION		

DUNS No.: 80-939-7102 Contract No.: API-73
FM No: 416258-2-82-01

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WHEREAS, the parties amended the Agreement on November 5, 2010 (Amendment No. One) that reduced the project funding due to no expenditures during the 1<sup>st</sup> year of the Project, on June 11, 2013 (Amendment No. Two) added funding to pay for the operations and maintenance of the video display wall, on June 4, 2014 (Amendment No. Three) removed unspent funds for FM No. 416258-1-82-01 in Fiscal Years 2009/2010, 2010/2011, 2011/2012, on June 29, 2018 (Amendment No. Four) added funding to pay for operations and maintenance of the video display wall, and in January 2023 an Executive Office of the Governor (EOG) Amendment was processed to removed previous years of funding (FY 2012/2013 through FY 2018/2019); and

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PALM BEACH COUNTY, Florida, A Political Subdivision of the State of Florida BOARD OF COUNTY COMMISSIONERS	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION	
BY:	BY: PAUL LAMPLEY, P.E. DIRECTOR OF TRANSPORTATION OPERATIONS	
ATTEST: JOSEPH ABRUZZO, CLERK OF THE CIRCUIT COURT & COMPTROLLER	LEGAL REVIEW:	
CLERK & COMPTROLLER (SEAL) CIRCUIT COURT	BY:OFFICE OF THE DISTRICT GENERAL COUNSEL	
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	APPROVED:	
BY: COUNTY ATTORNEY	BY: DISTRICT PROGRAM MGMT ENGINEER	
APPROVED AS TO TERMS AND CONDITIONS:		
BY: Molare Atton DIRECTOR, TRAFFIC DIVISION		
Page 3 of 3		

DUNS No.: <u>80-939-7102</u>

Contract No.: \_\_\_\_

API-73 416258-2-82-01

416258-3-88-01

FEID No:

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VF-596-000-785

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ATTEST: JOSEPH ABRUZZO, CLERK OF THE CIRCUIT COURT & COMPTROLLER	LEGAL REVIEW:	
CLERK & COMPTROLLER (SEAL) CIRCUIT COURT	BY: OFFICE OF THE DISTRICT GENERAL COUNSEL	
APPROVED AS TO FORM AND LEGAL SUFFICIENCY	APPROVED:	
BY: MCOUNTY TTORNEY	BY: DISTRICT PROGRAM MGMT ENGINEER	
APPROVED AS TO TERMS AND CONDITIONS:		
BY: Molson Altr DIRECTOR, TRAFFIC DIVISION		
Pag	e 3 of 3	