Agenda Item: 3L-2

## PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	September 19, 2023	(X) Consent ( ) Workshop	()Regular ()Public Hearing				
Department:	artment: Environmental Resources Management						
I. EXECUTIVE BRIEF							
Motion and Title: Staff recommends motion to receive and file Amendment No. 1 to the Artificial Reef Deployment Area Use Agreement between Palm Beach County and Martin County (Agreement), in order to extend the Agreement termination from July 12, 2023 to July 12, 2028.							
Summary: On May 18, 2021, the Board of County Commissioners approved the Agreement (R2021-0694) and authorized the County Administrator, or designee, to sign all future time extensions, task assignments, certifications and other forms associated with this Agreement, and any necessary minor amendments that do not significantly change the scope of work or terms and conditions of this Agreement. Amendment No. 1 will extend the termination date to allow Palm Beach County five additional years to utilize the artificial reef deployment area. 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. There is no cost to the County. Districts 1, 2, 4, & 7 (SS)							
Background and Justification: Martin County and Palm Beach County wish to extend the Agreement for five years. Access to this site is critical, as the County does not have consistent access to a waterfront property within Palm Beach County for artificial reef projects. Martin County has allowed Palm Beach County contractors to utilize this site as an artificial reef material staging and loading area since 2019.							
Attachments:  1. MCO Amendment No. 1 to Artificial Reef Deployment Area Use Agreement  2. Delegation of Authority Memo							
Recommended by	: <u>John J</u> Department Director	DUM	8-15-23 SAS 8/4/23 Date				
Approved by:	Assistant County Admir	nistrator	9/1/23 Date				

## 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 (Cou	nty)		***************************************		Harring to the second	
In-Kind Match (County	·)	-				
NET FISCAL IMPACT		<del></del> .	***************************************	A		
# ADDITIONAL FTE POSITIONS (Cumulati	ve)	-	<del></del>			
is item included in Cur	rent Budget?	Yes		No X		
Does this item include	the use of fed	deral funds?	Yes	No X		
Budget Account No.:						
Fund Departme	ent Uni	it Ol	oject P	rogram	***************************************	
B. Recommended Sources of Funds/Summary of Fiscal Impact:						
	no funding asso ension only.	ociated with the	nis Agreement	; no fiscal imp	act.	
C. Departme	Department Fiscal Review:					
III. REVIEW COMMENTS						
A. OFMB Fis	OFMB Fiscal and /or Contract Dev. and Control Comments:					
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ØFMB O	110 NO S	1100 <u>C</u> 01	ntract Develo	prinent & Con	troi\	
B. Legal Su	01. CD	TOPA	8/28/23 (			
<del></del>	> (1)					
Assistan	t County Attor	ney				
C. Other De	partment Revi	ew:				
Departm	ent Director					

Inst. #3026879
Bk: 3386 Pg: 2438 Pages: 1 of 3
Recorded on:7/19/2023 9:38 AM Doc: AGR
Carolyn Timmann
Clerk of the Circuit Court & Comptroller
Martin County, FL
Rec Fees: \$27.00

## AMENDMENT NO. 1 TO ARTIFICIAL REEF DEPLOYMENT AREA USE AGREEMENT BETWEEN PALM BEACH COUNTY AND MARTIN COUNTY

This Amendment to the Artificial Reef Deployment Area Use Agreement ("Agreement"), is made by and between Palm Beach County, a political subdivision of the State of Florida, ("County"), and Martin County, a political subdivision of the State of Florida ("Owner"), on the date last signed below.

WHEREAS, the County entered into the Agreement with the Owner, effective July 13, 2021; and

WHEREAS, the parties wish to amend the Agreement to extend the term of the Agreement until July 12, 2028.

NOW THEREFORE, the parties agree as follows:

- 1) Section 4, Term, of the Agreement is hereby deleted and replaced as follows:
  - Term. The term of this Agreement is for a period of seven (7) years.
- 2) 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.

ATTEST:

CAROLYN TIMMANN, CLERK OF THE CIRCUIT COURT AND COMPTROLLER BOARD OF COUNTY COMMISSIONERS

MARTIN COUNTY, FLORIDA

EDWARD V. CIAMPI, CHAIRMAN

DATE Joly 12,2028

APPROVED AS TO FORM & LEGAL

Sacale W. Woods

SARAH W. WOODS, COUNTY ATTORNEY

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:	PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
BY: /s/Scott A. Stone Scott Stone Assistant County Attorney	BY: Deborah Drum, Department Director Environmental Resources Management
Date: 05/24/2023	Date: 5-30-23



## INTEROFFICE MEMORANDUM Palm Beach County Environmental Resources Management

DATE:

July 14, 2021

TO:

Verdenia C. Baker County Administrator

THROUGH:

Patrick Rutter

Assistant County Administrator

FROM:

Deborah Drum, Director

Environmental Resources Management

**SUBJECT:** 

REQUEST FOR DELEGATION OF APPROVAL AUTHORITY: An Artificial Reef Deployment Area Use Agreement (Agreement) with Martin County to use the 96th Street Staging Area within Martin County for the purpose of short-term storage, fabrication and deployment of artificial reef materials in connection with Palm Beach County's Artifical Reef Program, beginning upon execution and terminating one-year from date of execution. The Agreement will be automiateally extended for an additional one-year unless either party gives written notice of termination at least sixty days prior to the expiration of the current term.

On May 18, 2021, agenda item 3L-4 (R2021-0694), 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:

Werdenia C. Baker, County Administrator

DATE: 8/5/2/

DD:kf Attachment