

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: March 12, 2024

Consent

Regular

Ordinance

Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Second Amendment to the Interlocal Agreement (R2020-1608) (Agreement) with the City of Boca Raton (City) which replaces and updates the substantial completion date for the construction of the 400' self-supported public safety radio communications tower and associated improvements (Tower).

Summary: On October 20, 2020, the County and the City entered into the Agreement to fund, design, construct, manage, and maintain the Tower on land owned by the City. The construction of the Tower was expected to be completed within twelve (12) months of construction commencement. Due to circumstances beyond the control of either party, construction of the Tower took longer than originally anticipated. This Second Amendment replaces and updates the commencement and substantial completion dates for this project. Other than the changes set forth herein, all other terms remain the same. There is no fiscal impact associated with this item. The funding source for this project is the 800 MHz Replacement, Repair & Improvement Fund. (FDO Admin) Countywide (MWJ)

Background and Justification: The County's Public Safety Radio System is the primary source of radio communications to the Palm Beach County Sheriff's Office, Palm Beach County Fire Rescue, and 17 other public safety providers, and provides interoperable communications to 44 local, state and federal agencies. The system is operated from 13 towers throughout the County. To address issues concerning future growth, capacity, and resiliency/survivability related to both the County public radio system and the City radio system, the County proposed to construct the Tower by way of an Agreement with the City. Since the City owned the parcel of land, the City retained ownership of the Tower, while the County, being experienced with constructing towers, was charged with constructing the Tower. After construction, the County has managed the Tower on behalf of the City pursuant to a standard tower user agreement. The term of the Agreement is forty-five (45) years and may be renewed for an additional ten (10) year term by agreement of both the City and County.

Attachments:

Second Amendment

Recommended By:	<u>MB <i>Ernie C. Lopez</i></u>	<u>2/8/24</u>
	Department Director	Date
Approved By:	<u><i>[Signature]</i></u>	<u>2/22/24</u>
	County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

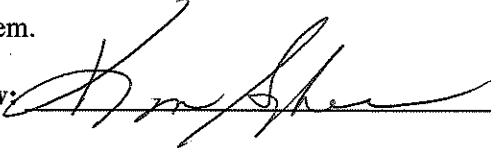
Fiscal Years	2024	2025	2026	2027	2028
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No X
Is this item using Federal Funds: Yes _____ No X
Is this item using State Funds: Yes _____ No X

Budget Account No:
 Fund 3801 Dept 411 Unit B653 Object 6502


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


There is no fiscal impact to this item.

C. Departmental Fiscal Review: 

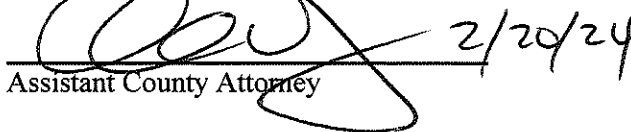
III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:


 OFMB 2/13/2024
2/13
SW 2-13-24


 Contract Development and Control 2/14/24
706 2/14/24

B. Legal Sufficiency:


 Assistant County Attorney 2/20/24

C. Other Department Review:

Department Director

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

**SECOND AMENDMENT
TO INTERLOCAL AGREEMENT**

THIS SECOND AMENDMENT to Interlocal Agreement R2020-1608, dated October 20, 2020, as amended by R2021-1391 (collectively referred to herein as the "Agreement"), is made and entered into on _____, by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners ("County"), and the City of Boca Raton, a municipal corporation of the State of Florida ("City").

WHEREAS, the Agreement between the parties was to site, design and construct a Tower and to provide for the long term management of the Tower; and

WHEREAS, due to circumstances beyond the control of either party, the siting, design and construction of the Tower took longer than originally anticipated under the Agreement; and

WHEREAS, the parties now desire to modify the Agreement to acknowledge the revised completion schedule for the Tower.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the County and City agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference. Terms not defined herein shall have the same meaning as ascribed to them in the Agreement.
2. Subsection 5.02 of the Agreement is deleted in its entirety and replaced with the following:

5.02 After review by the City, the County negotiated and entered into a Tower CSA with Consultant. The County commenced construction on the Tower on May 12, 2021, diligently pursued completion of the Tower pursuant to the terms of the Construction Contract and achieved substantial completion of the Tower on January 12, 2023.

3. Except as modified by this Second Amendment, the Agreement remains unmodified and in full force and effect in accordance with the terms thereof and is hereby ratified and confirmed by the City and the County.

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City of Boca/ Second Amendment to Interlocal Agreement

IN WITNESS WHEREOF, the parties have caused this Second Amendment to be executed as of the day and year first above written.

ATTEST:

JOSEPH ABRUZZO
CLERK OF THE CIRCUIT
COURT & COMPTROLLER

PALM BEACH COUNTY, a political
subdivision of the State of Florida, Board of
County Commissioners

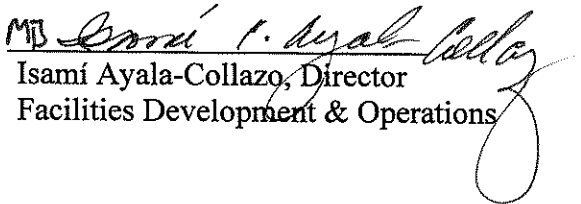
By: _____
Deputy Clerk

By: _____
Maria Sachs, Mayor

**APPROVED AS TO
LEGAL SUFFICIENCY:**

**APPROVED AS TO TERMS AND
CONDITIONS:**

By: 
Assistant County Attorney

By: 
Isami Ayala-Collazo, Director
Facilities Development & Operations

City of Boca/ Second Amendment to Interlocal Agreement

ATTEST:

CITY OF BOCA RATON, a municipal
corporation of the State of Florida

CITY CLERK

By: Mary Siddons
Mary Siddons, City Clerk

By: Scott Singer
Scott Singer, Mayor

**APPROVED AS TO
LEGAL SUFFICIENCY:**

By: Jeffrey Shuffel, for
Diana Grub Frieser, City Attorney