

**ORDER OF BUSINESS  
BOARD OF COUNTY COMMISSIONERS  
BOARD MEETING  
PALM BEACH COUNTY, FLORIDA**

**MAY 3, 2011**

**TUESDAY  
9:30 A.M.**

**COMMISSION  
CHAMBERS**

- 1. CALL TO ORDER**
  - A. Roll Call
  - B. Invocation
  - C. Pledge of Allegiance
- 2. AGENDA APPROVAL/SPECIAL PRESENTATIONS**
  - A. Additions, Deletions, Substitutions
  - B. Adoption
  - C. Special Presentations (Page 7)
- 3. CONSENT AGENDA (Pages 8 - 31)**
- 4. REGULAR AGENDA (Pages 32 - 41)**
- 5. BOARD APPOINTMENTS (Pages 42 - 45 )**
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- 2C-4 Teenage Safe Driving Awareness Week
- 2C-5 Cancer Research Month/PAPS Corps
- 2C-6 Juror Appreciation Month
- 2C-7 Robotics Month
- 2C-8 Safe Boating Week
- 2C-9 Water Reuse Week
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- 2C-12 Robert A. Bertisch Day
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- 2C-14 Workforce Development Professionals Month
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**MATTERS BY THE PUBLIC – 2:00 P.M.** (Page 47)

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**C. SPECIAL PRESENTATIONS – 9:30 A.M.**

1. Recognition of American Heritage Stallions Girls and Boys Soccer State Championships (Sponsored by Commissioner Aaronson)
2. Proclamation declaring May 7, 2011 as “Knights of Pythagoras Mentoring Network’s Ladies of Distinction Day” in Palm Beach County. (Sponsored by Commissioner Taylor)
3. Proclamation declaring May 25, 2011 as “National Missing Children’s Day” in Palm Beach County. (Sponsored by Commissioner Santamaria)
4. Proclamation declaring May 8 – 15, 2011 as “Teenage Safe Driving Awareness Week” in Palm Beach County. (Sponsored by Commissioner Aaronson)
5. Proclamation declaring May 2011 as “Cancer Research Month” in honor of the volunteer membership of the PAP Corps – Champions for Cancer Research in Palm Beach County. (Sponsored by Commissioner Abrams)
6. Proclamation declaring May 2011 as “Juror Appreciation Month” in Palm Beach County. (Sponsored by Commissioner Vana)
7. Proclamation declaring May 2011 as “Robotics Month” in Palm Beach County. (Sponsored by Commissioner Burdick)
8. Proclamation declaring May 21 – 27, 2011 as “Safe Boating Week” in Palm Beach County. (Sponsored by Commissioner Marcus)
9. Proclamation declaring May 15 – 21, 2011 as “Water Reuse Week” in Palm Beach County. (Sponsored by Commissioner Taylor)
10. Proclamation declaring May 2011 as “Drug Court Month” in Palm Beach County. (Sponsored by Commissioner Santamaria)
11. Proclamation declaring May 15 – 21, 2011 as “Emergency Medical Services Week” in Palm Beach County. (Sponsored by Commissioner Aaronson)
12. Proclamation declaring November 1, 2011 as “Robert A. Bertisch Day” in Palm Beach County. (Sponsored by Commissioner Abrams)
13. Proclamation declaring May 2011 as “Haitian Heritage Month” in Palm Beach County. (Sponsored by Commissioner Vana)
14. Proclamation declaring May 2011 as “Workforce Development Professionals Month” in Palm Beach County. (Sponsored by Commissioner Burdick)
15. Proclamation declaring May 2011 as “Seagull Industries for the Disabled, Inc. Month” in Palm Beach County. (Sponsored by Commissioner Marcus)

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3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION

1. **Staff recommends motion to approve:** Amendment No. 1 to the Job Growth Incentive (JGI) Grant Agreement (R2007-0208) with Sunbeam Products d/b/a Jarden Consumer Solutions (Jarden) to extend the job maintenance end date from December 31, 2011, to December 31, 2013 and to extend the Agreement term expiration date from April 30, 2012, to April 30, 2014. **SUMMARY:** On February 6, 2007, the Board of County Commissioners approved, retroactive to October 1, 2006, a JGI Grant Agreement with Jarden to create 80 Full Time Equivalent (FTE) jobs, relocate 20 FTE jobs and retain 340 FTE jobs by December 31, 2007. The Performance Audit found Jarden in compliance with the conditions of the JGI Grant Agreement. Amendment No. 1, which extends the Agreement job maintenance end date from December 31, 2011, to December 31, 2013 and the Agreement term expiration date from April 30, 2012, to April 30, 2014, is required to allow the County's local financial support disbursement schedule to match the revised State Qualified Target Industry (QTI) disbursement schedule. The revised QTI disbursement schedule reflects a one-time Economic Stimulus Exemption approved by the Office of Tourism Trade and Economic Development. Jarden designs and manufactures a diverse portfolio of consumer products, marketed nationally and internationally. This Amendment also adds required language pertaining to the Office of Inspector General, pursuant to Ordinance 2009-049. District 4 (DW)
  
2. **Staff recommends motion to receive and file:** executed Agreements with Circle S Pharmacy, Inc. received under the Palm Beach County Section 108 Loan Program, Avenue A Revitalization Project:
  - A)** U.S. Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee Program Variable/Fixed Rate Note B-09-UC-12-0004 in the amount of \$152,000;
  - B)** Request for Advance dated August 17, 2010, from Palm Beach County to HUD for a Section 108 Loan in the amount of \$152,000, under Loan Commitment No. B-09-UC-12-0004, for Circle S Pharmacy, Inc.;
  - C)** Palm Beach County Amended and Restated Section 108 Promissory Note dated March 8, 2011, in the amount of \$152,000;
  - D)** Loan Commitment letter from Palm Beach County to Circle S Pharmacy, Inc., dated June 29, 2010, for a \$152,000 Section 108 Loan and a \$75,702 Brownfield Economic Development Initiatives (BEDI) Grant;
  - E)** Section 108 Loan Program Agreement dated August 13, 2010, to grant financing with a Section 108 Loan in the amount of \$152,000 and a BEDI Grant in the amount of \$75,701.60;
  - F)** Loan Agreement dated August 13, 2010, in the principal amount of \$152,000 for the acquisition of property, renovation of the improvements located on the property, and acquisition of machinery and equipment located at 323 Bacom Point Road, Pahokee, Florida 33476;
  - G)** Intercreditor Agreement dated August 13, 2010, and recorded with Palm Beach County Clerk and Comptroller on February 15, 2011, among the Bank of Belle Glade, Palm Beach County, Circle S Pharmacy, Arnaldo M. Garcia, Jr. and Lily I. Garcia;
  - H)** Mortgage and Security Agreement (with Assignment of Leases and Rents) dated August 13, 2010, and recorded with Palm Beach County Clerk and Comptroller on October 9, 2010, for a maximum principal indebtedness not to exceed \$152,000;

3. CONSENT AGENDA APPROVAL

A. ADMINISTRATION (CONT'D)

2. MOTION/TITLE CONTINUED

I) State of Florida Uniform Commercial Code Financing Statement Form filed with the State of Florida on October 1, 2010;

J) State of Florida Uniform Commercial Code Financing Statement Form recorded with the Palm Beach County Clerk & Comptroller on October 9, 2010;

K) Guaranty Agreement for Palm Beach County to make a loan in the total principal amount of \$152,000, dated August 13, 2010;

L) Environmental Indemnity Agreement dated August 13, 2010, for the property located at 323 Bacom Point Road, Pahokee, FL 33476;

M) Further Assurances dated August 13, 2010, to execute other documents and assurances, and correct errors or omissions in connection with the \$152,000 Section 108 Loan;

N) Mortgage Title Insurance Policy No. MP-4055165 for \$152,000 in favor of Palm Beach County, issued by Old Republic National Title Insurance Company through Attorneys' Title Fund Services, LLC, effective October 9, 2010;

O) Letter of Opinion from County's Counsel to Secretary of U.S. Department of HUD dated August 19, 2010;

P) Letter of Opinion from County's Counsel to Palm Beach County dated August 19, 2010; and

Q) Letter of Opinion from Borrower's Counsel to Palm Beach County and County's Counsel dated August 17, 2010.

**SUMMARY:** In accordance with the County PPM CW-O-051, all delegated contracts/agreements/grants must be submitted by the initiating Department as a Receive and File agenda item. The Agreements have been executed on behalf of the Board of County Commissioners (Board) by the County Administrator or his designee in accordance with Resolution R2009-0725, and are now being submitted to the Board to receive and file. District 6 (DW)

3. Staff recommends motion to receive and file: Resolution No. 12-04-11 of the Town Commission of the Lake Park, Florida, urging all Palm Beach County citizens and the elected officials and leadership of various Palm Beach County governmental bodies to do all things within their power to bring the Palm Beach County's Sheriff's Office and the Palm Beach County School Board under the oversight of the Office of Inspector General to facilitate prudent and restrained budget governance with reduced fraud and waste.

3. CONSENT AGENDA APPROVAL

B. CLERK & COMPTROLLER

1. **Staff recommends motion to approve:** Warrant List.
2. **Staff recommends motion to approve:** the following final minutes of the Board of County Commissioners' meetings:

<u>Meeting Type</u>	<u>Meeting Date</u>
Regular	March 15, 2011
Workshop	March 22, 2011
Comp Plan	March 28, 2011
Zoning	March 31, 2011
Regular	April 5, 2011
Workshop	April 12, 2011

3. **Staff recommends motion to approve:** Contracts (regular) and claim settlements list as submitted by various departments to the Clerk & Comptroller's Office. Countywide

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to receive and file:**

**A)** County Incentive Grant Program (CIGP) Amendment No. Six (R2010-0557), a time extension to the funding agreement with the Florida Department of Transportation (FDOT) for Okeechobee Boulevard from State Road 7 to Florida's Turnpike;

**B)** Joint Participation Agreement (JPA) Amendment No. Three, R2010-0555, a time extension to the funding agreement with FDOT for State Road 811 from Donald Ross Road to Center Street;

**C)** Transportation Regional Incentive Program (TRIP) Amendment No. Three, R2010-0559, a time extension to the funding agreement with FDOT for State Road 7 at State Road 80; and

**D)** CIGP Amendment No. Four (R2010-0546), a time extension to the funding agreement with FDOT for Lyons Road from north of Atlantic Avenue to south of Boynton Beach Boulevard.

**SUMMARY:** This receive and file will record time extensions to funding agreements with FDOT for CIGP Amendment No. Six, JPA Amendment No. Three, TRIP Amendment No. Three, and CIGP Amendment No. Four which were all signed by the County Engineer and then executed by FDOT. Countywide (MRE)

2. **Staff recommends motion to approve:** an Agreement with the School Board of Palm Beach County (School Board) to reimburse Palm Beach County (County) for the cost of installing a traffic signal on Acme Dairy Road at Sunset Palms Elementary School at some time in the future. **SUMMARY:** Approval of this Agreement will commit the School Board to reimburse the County for the cost of installing a traffic signal at Sunset Palm Elementary School if a middle school is constructed on adjacent property in the future. There is no funding for the middle school in the current School District's Five Year Capital Program. District 5 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (CONT'D)

3. Staff recommends motion to approve: an Amendment to the Annual Pavement Marking Contract (R2009-1475) (Contract), Project No. 2009058, dated September 15, 2009, with Transmark, Inc. (Transmark), to retroactively extend the Contract from March 15, 2011, to September 15, 2012. **SUMMARY:** Approval of this Amendment will extend the expiration date of the Contract, without interruption or lapse, to September 15, 2012. There will be no increase in the maximum value of work orders issued under the existing \$570,000 Contract. In addition, the updated language for the Palm Beach County Office of the Inspector General has been added to the Contract as has the requirements contained in the new Local Government Prompt Payment Act. The Small Business Enterprise (SBE) goal for the project is 15%. The SBE participation committed for the project by Transmark is 0% overall. Transmark is a Broward County business. Countywide (MRE)
  
4. Staff recommends motion to approve: a Contract with Penrod Lumber Co., Inc. (Penrod), in the amount of \$349,050.30 for the fence construction along State Road 7 Extension, 1.3 miles north of Okeechobee Boulevard to Persimmon Boulevard (Project). **SUMMARY:** Approval of this Contract will allow Palm Beach County (County) to issue a Notice to Proceed to Penrod, a Marion County company, to begin construction of the Project. The County's Small Business Enterprise (SBE) goal for the Project is 15% overall. The SBE participation committed for the Project by Penrod is 16.34%. District 6 (MRE)
  
5. **DELETED**
  
6. Staff recommends motion to adopt: two (2) Resolutions to declare the acquisition of property designated as Parcel 130 as a Right-of-Way Easement and Parcel 230 as a Permanent Easement necessary for the construction and improvements for the Seminole Pratt Whitney Road from the M Canal to south of Orange Boulevard project. **SUMMARY:** The adoption of these Resolutions will initiate eminent domain proceedings against two (2) parcels having a total appraised value of \$18,700. District 6 (PM)
  
7. Staff recommends motion to:
  - A) approve** a Contract with Rosso Paving & Drainage, Inc. (Rosso), the lowest responsive, responsible bidder in the amount of \$1,150,032.45 for the construction of Old Dixie Highway and Hidden Valley Boulevard (Project); and
  
  - B) approve** a Budget Amendment of \$72,162 in the Transportation Improvement Fund to recognize funding from the City of Boca Raton for \$45,074 and AT&T for \$27,088 for utility reimbursable work and appropriate it to Old Dixie Highway and Hidden Valley Boulevard.

**SUMMARY:** Approval of this Contract and Budget Amendment will allow Palm Beach County (County) to issue a Notice to Proceed to Rosso, a Palm Beach County company, to begin construction of the Project. The Palm Beach County Small Business Enterprise (SBE) goal for the Project is 15% overall. The SBE participation committed for the Project by Rosso is 57.59%. District 4 (MRE)

3. CONSENT AGENDA APPROVAL

C. ENGINEERING & PUBLIC WORKS (CONT'D)

8. Staff recommends motion to receive and file: a report of plat recordations from September 1, through December 31, 2010. **SUMMARY:** This is a quarterly summary of subdivision plats recorded during the past fiscal quarter as required by the Department of Engineering and Public Works Policies and Procedures Manual Item No. EL-O-2618, governing administrative approval of plats by the County Engineer. Countywide (MRE)
9. **Staff recommends motion to adopt:** a Resolution to approve the E-Verify document which will be included in the County Incentive Grant Program (CIGP) Agreement with the State of Florida Department of Transportation (FDOT) in the amount of \$5,140,000 for the widening of Palmetto Park Road from 0.5 miles west of Military Trail to Interstate 95 (Project) which was previously executed by the Board of County Commissioners (Board) R2011-0018. **SUMMARY:** Adoption of this Resolution to approve the E-Verify document will allow FDOT to finalize the execution of the CIGP Agreement which will allow Palm Beach County (County) to receive a 50/50 grant of up to \$5,140,000 (100% of the grant amount) for the Project. The County's matching funds will be from Road Impact Fees – Zone 5. The County will be responsible for all costs above this grant amount, though this is not anticipated to occur. District 4 (MRE)
10. Staff recommends motion to approve: Change Order No. 4 in the amount of \$495,922, together with a 111-day time extension, to Contract No. R2010-1593 with WRS Infrastructure & Environment, Inc. for the Atlantic Avenue from west of Lyons Road to Starkey Road Contamination and Remediation Services Contract. **SUMMARY:** Approval of Change Order No. 4 is for the removal of contaminated soil and site restoration activities due to the discovery of additional contaminated materials. This Change Order is being brought to the Board of County Commissioners for approval due to the amount exceeding the \$100,000 threshold allowed, pursuant to PPM No. CW-F-50. The work in this Change Order is 50% reimbursable by Florida Department of Transportation. District 5 (MRE)

D. COUNTY ATTORNEY

1. Staff recommends motion to receive and file: Transcript Book on CD-Rom disc containing copies of those certain amended bond documents related to the issuance of the Tax-Exempt Adjustable Mode Revenue Bonds (the King's Academy, Inc. Project) Series 2006 approved by Resolution R2006-0896. **SUMMARY:** Resolution R-2006-0896 authorized the issuance of the Bonds and granted authority to the Chair to sign any subsequent documents related to this bond issue. The Chair signed certain amended bond documents on December 21, 2010. Bond counsel for King's Academy, Inc. has now provided a copy of the closing transcript book on CD-Rom disc. This digital transcript of the documents should now be received and filed in the Minutes Department. Countywide (PFK)
2. Staff recommends motion to approve: an Access Agreement for the construction and improvement of the Ocean Avenue Bridge over Intracoastal Waterway in Lantana, Florida, Project No. 2003502A. **SUMMARY:** In connection with the construction and improvement of the Ocean Avenue Bridge in Lantana, Florida, the County has negotiated an Access Agreement with the abutting property owners, Mr. Ranjit and Mrs. Maya Mirchandani. This Access Agreement was negotiated at no cost to the County and is in lieu of filing an eminent domain or ejectment action against the property owners. District 4 (PM)

3. CONSENT AGENDA APPROVAL

D. COUNTY ATTORNEY (CONT'D)

3. Staff recommends motion to approve:

**A)** Legal Services Authorization 2011-0353-A for a not-to-exceed amount of \$100,000 with Rose Sundstrom & Bentley, LLP for legal services related to the Water Utilities Department's (WUD's) sustainable business plan, modification of service availability policies, ratemaking, and related matters;

**B)** Legal Services Authorization 2011-0353-B for a not-to-exceed amount of \$20,000 with Rose Sundstrom & Bentley, LLP for miscellaneous legal services related to complex utilities projects/agreements;

**C)** Legal Services Authorization 2011-0352-A for a not-to-exceed amount of \$33,600 with de la Parte & Gilbert, P.A., for legal services related to numeric nutrient criteria;

**D)** Legal Services Authorization 2011-0352-B for a not-to-exceed amount of \$66,800 with de la Parte & Gilbert, P.A., for legal services related to water policy issues; and

**E)** Legal Services Authorization 2011-0352-C for a not-to-exceed amount of \$19,100 with de la Parte & Gilbert, P.A., for miscellaneous legal services related to water utilities regulatory issues.

**SUMMARY:** On March 15, 2011, the Board of County Commissioners approved an Agreement with Rose Sundstrom & Bentley, LLP for legal services (R2011-0353) related to complex utility projects/agreements and an Agreement with de la Parte & Gilbert, P.A., for legal services (R2011-0352) related to water utilities regulatory issues. Pursuant to the Agreements, legal services are to be assigned pursuant to task specific Legal Services Authorizations. The Legal Services Authorizations with Rose Sundstrom & Bentley are for services related to the WUD's sustainable business plan, modification of service availability policies, ratemaking, and related matters, and miscellaneous legal services related to complex utilities projects/agreements and not contained within an existing Legal Services Authorization. The Legal Services Authorizations with de la Parte & Gilbert are for services related to the recently enacted numeric nutrient criteria, water policy issues, and miscellaneous legal services related to water utilities regulatory issues and not contained within an existing Legal Services Authorization. The terms of each Legal Services Authorization is for one (1) year from the effective date of the Agreement. Countywide (MWJ)

E. COMMUNITY SERVICES

1. Staff recommends motion to receive and file: the 2010 U.S. Department of Housing and Urban Development (HUD) Grant Agreements for:

**A)** the Supportive Housing Program renewal, FL0292B4D051003, for the period January 1, 2012, through December 31, 2012, in the amount of \$442,158;

**B)** the Shelter Plus Care Program renewal, FL0281C4D051003, for the period of May 23, 2011, through May 22, 2012, in the amount of \$199,080; and

**C)** the Shelter Plus Care Program renewal, FL0320C4D051002, for the period of July 20, 2011, through July 19, 2012, in the amount of \$225,624.

**SUMMARY:** On December 7, 2010 (R2010-1976 through R2010-1978), the Board of County Commissioners delegated authority to the County Administrator or his designee to sign the U.S. Department of Housing and Urban Development (HUD) Supportive Housing Program grant agreement and the HUD Shelter Plus Care grant agreements. This authorization and designation was necessary to expedite the agreements and thereby avoid gaps in service delivery to homeless individuals. (Human Services) Countywide (TKF)

3. CONSENT AGENDA APPROVAL

E. COMMUNITY SERVICES (CONT'D)

2. **Staff recommends motion to approve:** Memorandum of Agreement (MOA) with the Housing Partnership, Inc. and Children's Home Society of Florida, for the period April 1, 2011, through September 30, 2011, to provide energy assistance to eligible participants through the Low Income Home Energy Assistance Program (LIHEAP). **SUMMARY:** The LIHEAP grant requires that outreach be conducted to inform low-income citizens of Palm Beach County that energy assistance is available. Bridges is a concept developed by the Children's Services Council of Palm Beach County in partnership with local nonprofit agencies designed so that children are born healthy, remain free from abuse and neglect, are ready for kindergarten, and are on grade level by the end of 3<sup>rd</sup> grade. Bridges consist of ten (10) neighborhood centers located in communities with a history of poor child outcomes. This collaboration will enable the Community Action Program (CAP) to further meet the requirement by providing LIHEAP services at various Bridges sites. It will also allow CAP to broaden its resource base by referring clients to the Bridges Program for family services. LIHEAP is 100% Federally funded and no County funds are required for this agreement. (Community Action Program) Countywide (TKF)
  
3. **Staff recommends motion to approve:** Contract with The Governor's Council for Community Health Partnerships (GCCHP) for the period May 1, 2011, through September 30, 2011, in an amount not to exceed \$447,365 for Summer Camp Scholarships Program. **SUMMARY:** The Summer Camp Scholarship Program pays full tuition and associated fees for eligible children to attend day camp during the summer months. Palm Beach County Board of County Commissioners has allocated \$438,615 to fund summer camp scholarships for eligible children and the Human Services Division is contributing \$8,750 for administrative costs. The GCCHP receives these funds which are matched by the Children Services Council in addition to other grants and private donations. Combined, the funds result in the ability to provide approximately 2,200 scholarships to Palm Beach County children to attend over 100 camps. GCCHP processes payments to the specific summer camp providers based on invoices submitted by the Division. GCCHP maintains financial records & reports of payments and receipts for summer camp funding which is audited annually. (Human Services) Countywide (TKF)

G. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

1. **Staff recommends motion to approve:** a Budget Transfer of \$70,000 from the Abacoa Impact Fee Reserve Account to recognize revenue collections and appropriate the revenue to the Abacoa Impact Fee Account Contributions to Other Governmental Agencies for payment to the Northern Palm Beach County Improvement District (NPBCID). **SUMMARY:** This Budget Transfer is necessary to appropriate revenue collections. This Transfer allows the County to remit road impact fees to the Northern Palm Beach County Improvement District for the construction of Donald Ross Road Improvements in accordance with an Impact Fee Agreement (R2000-0155) between Palm Beach County, Abacoa Development Company and the Northern Palm Beach County Improvement District. District 1 (LB)
  
2. **Staff recommends motion to approve:** the recording of the FY 2010 retirements of tangible personal property (equipment, vehicles, publications) in the Official Minutes of the Board of County Commissioners' meeting as prescribed by Florida Statutes, Chapter 274. **SUMMARY:** Florida Statutes, Chapter 274 and the Palm Beach County "Surplus Property Ordinance" require the recording of the disposal (retirement) of tangible personal property from the official records of Palm Beach County at historical value. Disposal, retirement, and adjustments total \$26,315,081.02. Countywide (PK)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS

1. **Staff recommends motion to approve:** JOC Work Order No. 11-072 with Sisca Construction Services, LLC (R2010-0803) in the amount of \$490,635.55 for the removal and replacement of a chilled water system at the Northeast Health Clinic in Riviera Beach. **SUMMARY:** The scope of this multi-discipline project consists of engineering (including structural) installation of integrated automation systems and roof modifications necessary to replace the existing Heating Ventilation Air Conditioning (HVAC) system with a 45-ton evaporated chilled water system and installation of two (2) new 20-ton rooftop air handler units at the Northeast Health Clinic. The existing equipment is more than 20 years old and at the end of its useful life. It has become increasingly expensive to maintain as parts are no longer readily available which is impacting service delivery at this location. The new equipment will increase efficiency, and reduce energy consumption. This project is budgeted as part of the Five (5) Year Countywide Repair, Replacement and Renovation program and this project is funded from the Public Building Improvement Fund. The Small Business Enterprise (SBE) goal is 15%. The SBE participation in this Work Order is 75.77%. When the participation for this Work Order is added to Sisca Construction Services, LLC's total participation-to-date, the resulting values are 42.2%. The total construction duration is 160 days. Sisca Construction Services, LLC is a Palm Beach County company. (FD&O Admin) District 7 (JM)
  
2. **Staff recommends motion to approve:** Change Order No. 10 to the contract with Catalfumo Construction Company Ltd. (R2003-1543) decreasing the Guaranteed Maximum Price (GMP) for the North County Library by \$694,688.62. **SUMMARY:** The \$8,929,903 renovation and addition to the existing North County Library is complete. There is \$694,688.62 remaining in the contract contingency due to unused allowances and value engineering savings. Renovation projects often have unforeseen, unanticipated conditions which create additional costs for the project. These potential costs were accounted for by placing several allowances in the GMP. Fortunately, the unforeseen conditions did not require the use of all the allowances and the funds are being returned to the County. In addition, several value engineering initiatives were instituted resulting in savings. Change Order No. 10 reconciles the final project cost and will allow for the closeout of this contract. The unused funds from this project will be returned to the GO 06 Library District Improvement Fund. The final Small Business (SBE) participation for this project is 44.76%. (Capital Improvements Division) District 1 (JM)
  
3. **Staff recommends motion to approve:** a Second Amendment to Communication Tower Agreement (R2000-1165) with New Cingular Wireless PCS, LLC, a Delaware limited liability company, allowing modifications to both parties' equipment on the Tower. **SUMMARY:** The County and New Cingular Wireless PCS, LLC (f/k/a ATT) co-locate on the ATT constructed 95' flagpole communication tower at Juno Beach Fire Station No. 15 located at 12870 U.S. Highway 1, Juno Beach. This Second Amendment modifies Exhibit "D" (tower antenna and frequency list) allowing both the County and New Cingular to each modify their antenna and frequency. New Cingular and the County have demonstrated that these modifications will not interfere with the others' equipment, nor will the changes adversely affect the structural capacity of the Tower. All other terms of the Communication Tower Agreement remain unchanged. (PREM) District 1 (HJF)

3. CONSENT AGENDA APPROVAL

H. FACILITIES DEVELOPMENT & OPERATIONS (CONT'D)

4. Staff recommends motion to receive and file: a notice of exercise of the fourth option to extend the term of the Concessionaire Service Agreement (R2007-0958) with Kayak-King Watersports, Inc., for the continued operation of a water sports and recreational rental concession in Okeeheelee Park at an annual rate of \$5,615.32. **SUMMARY:** Kayak-King Watersports, Inc. has operated its concession in Okeeheelee Park since May 2008 (R2008-0761). The Board previously recognized three (3) one (1) year extension options (R2008-1476, R2009-0757 and R2010-0893). Kayak-King Watersports is exercising the fourth extension option for the period of July 1, 2011, to June 30, 2012. The annual rent for this extension period is increased by four percent (4%) from \$5,399.35 to \$5,615.32. The Parks and Recreation Department is satisfied with Kayak-King Watersports' performance. The Board has no discretionary authority to deny the exercise of the option; however, either party may terminate this Agreement upon ninety (90) days written notice. Florida Statutes Section 286.23 requires that a Disclosure of Beneficial Interest be obtained when a property held in a representative capacity is leased to the County, but does not require such Disclosure when the County leases property to a tenant. Since the Statute does not require the Disclosure and as this is an exercise of an option to a Concessionaire Service Agreement which was previously approved by the Board, Staff did not request a new Disclosure. All other terms and conditions of the Concessionaire Service Agreement shall remain in full force and effect. (PREM) District 6 (HJF)
  
5. Staff recommends motion to receive and file: a notice of exercise of the extension option under the Lease Agreement with Bedner Farm, Inc. (R2001-0582) for Bedner Farm's continued agricultural use of approximately 246 acres located in the Ag Reserve for \$122,918.50/year. **SUMMARY:** On April 17, 2001, the Board approved the Lease Agreement with Bedner Farm, Inc., for the use of two (2) parcels of property in the Ag Reserve for row crops. One (1) parcel is approximately 90 acres located just west of the Turnpike and north of Atlantic Avenue. The other parcel is approximately 156 acres located west of U.S. 441 and north of Boynton Beach Boulevard. The initial term of the Lease Agreement was for one (1) year ending May 31, 2002, with nine (9) one (1) year extension options. The Board previously approved various amendments (R2007-0827 and R2010-0083) which provided for additional renewal options and rent reduction. The current expiration date of the Lease Agreement is May 31, 2011. Exercising this tenth option will extend the term to May 31, 2012. There remain eleven (11) annual extension options through May 31, 2023. The annual rental rate will remain at \$122,918.50 (\$500/acre). Pursuant to the Lease Agreement, Bedner Farm has the right to exercise its option and the Board has no discretionary authority to deny the exercise of the option. Florida Statutes Section 286.23 requires that a Disclosure of Beneficial Interest be obtained when a property held in a representative capacity is leased to the County, but does not require such Disclosure when the County leases property to a tenant. Since the Statute does not require the Disclosure and as this is an exercise of an option to extend a Lease Agreement which was previously approved by the Board, Staff did not request a new Disclosure. (PREM) Districts 3 & 5 (HJF)

I. HOUSING & COMMUNITY DEVELOPMENT

1. Staff recommends motion to approve: Amendment No. 003 to an Agreement (R2009-0649), with the City of Lake Worth, to extend the expiration date from May 31, 2011, to May 31, 2012. **SUMMARY:** This Amendment provides an extension of one (1) year to the term of the existing Agreement for the park improvements at Sunset Ridge Park in the City of Lake Worth. The time extension is requested to provide the City time to rebid the project and complete construction. **These are Federal Community Development Block Grant funds that require no local match.** District 3 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (CONT'D)

2. Staff recommends motion to receive and file: the following twelve (12) Agreements under the 2005 Disaster Recovery Initiative Programs (DRI):

**A)** an Agreement with the City of West Palm Beach in the amount of \$2,220,625, dated February 10, 2011;

**B)** an Agreement with the West Palm Beach Housing Authority in the amount of \$2,471,537.65, dated December 7, 2011;

**C)** an Agreement with the Boca Raton Housing Authority in the amount of \$403,277.90, dated January 14, 2011;

**D)** an Agreement with In The Pines, Inc. in the amount of \$1,550,000, dated February 1, 2011;

**E)** an Agreement with the Boca Raton Housing Authority in the amount of \$371,676.12, dated February 4, 2011;

**F)** an Agreement with the West Palm Beach Housing Authority in the amount of \$58,751.76, dated February 4, 2011;

**G)** an Agreement with the City of Riviera Beach in the amount of \$1,236,000, dated January 6, 2011;

**H)** an Agreement with Neighborhood Renaissance, Inc. in the amount of \$2,056,361, dated January 14, 2011;

**I)** an Agreement with the Palm Beach County Housing Authority in the amount of \$230,792.48, dated February 25, 2011;

**J)** an Agreement with the Palm Beach County Housing Authority in the amount of \$331,668.02, dated February 25, 2011;

**K)** an Agreement with the Palm Beach County Housing Authority in the amount of \$894,239.03, dated February 25, 2011; and

**L)** an Agreement with the City of Delray Beach in the amount of \$1,000,000, dated March 11, 2011.

**SUMMARY:** The County Administrator, or designee, executed these Agreements based on authority delegated by the Palm Beach County Board of County Commissioners on July 18, 2006, Resolution No. R2006-1351, and on September 11, 2007, Resolution No. R2007-1524. This Agenda Item formally receives and files the aforesaid executed Agreements. **These are Federal Community Development Block Grant funds which do not require a local match.** Districts 2, 3, 4, 5, 6 & 7 (TKF)

3. CONSENT AGENDA APPROVAL

I. HOUSING & COMMUNITY DEVELOPMENT (CONT'D)

3. DELETED

4. Staff recommends motion to approve: Amendment No. 001 to an Agreement (R2010-1689) with Healthy Mothers, Healthy Babies, Inc. (HM/HB). **SUMMARY:** The FY 2010-2011 Action Plan approved by the Board of County Commissioners (R2010-1156) on July 20, 2010, allocated \$50,176 of Community Development Block Grant (CDBG) funds to Healthy Mothers, Healthy Babies, Inc. (HM/HB) for the provision of securing payer sources for prenatal health care to at least 800 uninsured low income pregnant women. This amendment clarifies the term “uninsured low-income pregnant women” and the documentation required to support the determination. **These are federal Community Development Block Grant funds that do not require a local match.** Countywide (TKF)

J. PLANNING, ZONING & BUILDING

1. Staff recommends motion to approve: the termination of an Interlocal Agreement with the Town of Loxahatchee Groves for Zoning Services effective immediately. **SUMMARY:** At the request of the Town of Loxahatchee Groves, the Board of County Commissioners voted on March 31, 2011 to terminate the Interlocal Agreement for Zoning Services provided to the town, effective in 60 days (May 31, 2011). On April 11, 2011, the Town requested the Interlocal Agreement be terminated immediately. District 6 (RB)

K. WATER UTILITIES

1. Staff recommends motion to approve: Release of Utility Easement on land owned by Ronald D. and Denise J. Simon. **SUMMARY:** This document will release the County’s interest in a utility easement (Easement) recorded in the Official Records of Palm Beach County in Book 23557, Page 1109 on land owned by Ronald D. and Denise J. Simon (PCN 00-42-43-27-05-067-0322). The Water Utilities Department has determined that this Easement is no longer needed and therefore recommends its release. District 5 (MJ)
2. Staff recommends motion to approve: Consultant Services Authorization No. 10 to the Contract with AECOM Technical Services, Inc. (R2008-0531) to design the Wastewater Lift Station Rehabilitation Project in the amount of \$166,993. **SUMMARY:** Consultant Services Authorization No. 10 with AECOM Technical Services, Inc. provides for the preparation of plans and specifications for bidding lift station rehabilitation work to convert eight (8) lift stations (LS5243, LS333, LS324, LS901, LS950, LS1081, LS1047, and LS1048) from dry can to submersible type lift stations. The contract with AECOM Technical Services, Inc. includes the Small Business Enterprises (SBE) participation goal of 30%, which exceeds the 15% goal established by Palm Beach County Ordinance (No. 2002-064). This Consultant Services Authorization includes 21.32% overall participation. The consultant’s cumulative SBE participation, including this Authorization is 25.28% overall. AECOM Technical Services, Inc. is a local Palm Beach County company. (WUD Project No. 11-038) Districts 2 & 5 (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (CONT'D)

3. Staff recommends motion to approve: Contracts for Engineering/Professional Services with the following firms:

- |   |  |
|---|--|
| A) Carollo Engineers, Inc.              | Water Plant and Water Resources Engineering Services           |
| B) Hazen & Sawyer Environmental Eng.    | Wastewater Consulting Services                                 |
| C) MWH Americas, Inc.                   | Utility Hydrogeologic and Water Resources Engineering Services |
| D) Mathews Consulting, Inc.             | General Utility, Architectural and Value Engineering Services  |
| E) A.D.A. Engineering, Inc.             | Utility Distribution & Collection System Consulting Services   |
| F) Holtz Consulting Engineers, Inc.     | Utility Distribution & Collection System Consulting Services   |
| G) Keshavarz & Associates, Inc.         | Utility Distribution & Collection System Consulting Services   |
| H) Hillers Electrical Engineering, Inc. | Electrical Instrumentation & Telemetry Consulting Services     |

**SUMMARY:** These continuing Contracts will be used by the Water Utilities Department to obtain engineering/professional services for utility related projects. The selected engineering firms were procured under the provisions of Florida Statutes 287.055 (Consultant Competitive Negotiation Act). Consultant Services Authorizations will be negotiated and issued against these contracts on a task basis at the sole discretion of the County. Each Contract has a term of three (3) years, subject to an annual performance review. All of the firms have agreed to meet or exceed a 15% small business participation goal. Each consultant has included a list of certified small business subcontractors which they intend to use to meet their Small Business Enterprise goal. All firms are local Palm Beach County companies. Countywide (JM)

4. Staff recommends motion to approve: Work Authorization No. 1 to the Water Utilities Department continuing construction contract with Miller Pipeline Corporation (R2010-1425) for the Reconstruction of Wastewater Gravity Lines Project in the amount of \$400,000. **SUMMARY:** On September 14, 2010, the Board of County Commissioners approved the Water Utilities Department Piggyback Unit Price Continual Construction Contract with Miller Pipeline Corporation (R2010-1425). This Work Authorization provides services for the reconstruction of Wastewater Gravity Lines Project. Certain sections of wastewater gravity lines in the Sandalfoot residential area in Boca Raton and other sections within Palm Beach County's service area are in need of repair. This pipeline reconstruction (pipe lining and point repairs) will provide more reliable wastewater service to customers and reduce the inflow/infiltration of groundwater into the County's wastewater treatment system. The Small Business Enterprise (SBE) participation goal established by the SBE Ordinance (R2002-0064) is 15.00% overall. The contract with Miller Pipeline Corporation provides for SBE participation of 15.00% overall. This Authorization includes 21.25% overall participation. The cumulative SBE participation, including this Authorization, is 21.25% overall. Miller Pipeline, Corporation is not a local Palm Beach County company, but is subcontracting work to a local small business. (WUD Project No. 10-071) Countywide (MJ)

3. CONSENT AGENDA APPROVAL

K. WATER UTILITIES (CONT'D)

5. **Staff recommends motion to approve:** a “Temporary Monitoring Well License Agreement” with the Lake Worth Drainage District (LWDD) for installation of two (2) temporary monitoring wells associated with cleanup of the former Water Utilities Department complex located at 2065 Prairie Road, West Palm Beach. **SUMMARY:** On January 7, 2003, the Board of County Commissioners approved a Remediation Agreement (OGC 02-1245) (R2003-0056) with Florida Department of Environmental Protection (FDEP). FDEP has requested the installation of monitoring wells to confirm no contaminants have entered the surface water adjacent to the property. Approval of this License Agreement will allow Palm Beach County Water Utilities Department to install two (2) temporary monitoring wells within the L-8 Canal right-of-way. The total project cost is anticipated to be \$8,175. District 3 (MJ)
  
6. **Staff recommends motion to receive and file:** executed Agreement received during the month of February 2011:
  - A) a Standard Indemnity Agreement with Wallace Street, LLC; SDA No. 02-01108-000  
**SUMMARY:** In accordance with County PPM CW-0-051, all delegated contracts, agreements, and grants must be submitted by the initiating Department as a receive and file agenda item. The Standard Development Agreement and Indemnity Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Deputy Director of the Water Utilities Department in accordance with Resolutions R93-1619, R96-0228, and R2003-0539 and are now being submitted to the Board to receive and file. Districts 1 & 3 (SF)
  
7. **Staff recommends motion to receive and file:** Closing documents relating to the purchase and sale of water and wastewater mains from the City of West Palm Beach. **SUMMARY:** On December 7, 2010, the Board of County Commissioners approved an Interlocal Agreement with the City of West Palm Beach regarding Sale of Utility Facilities (R2010-2046) (Agreement), in which the County agreed to purchase certain utility facilities from the City of West Palm Beach. The purchase of the utility facilities, which include water and wastewater mains, will allow the County to serve properties along Northlake Boulevard and in the Acreage area. Pursuant to the Agreement, West Palm Beach has provided the County with four (4) executed Bills of Sale for the conveyed utility facilities. District 6 (MJ)
  
8. **Staff recommends motion to approve:**
  - A) a Supervisory Control and Data Acquisition (SCADA) Telemetry System Access License (License) with the East Central Regional Wastewater Treatment Facilities Operation Board (ECR); and
  - B) a Pipeline and Access Easement (Easement) with the ECR.  
**SUMMARY:** In accordance with the May 20, 2008, Interlocal Agreement (R2008-0907) between County, ECR, and the City of West Palm Beach pertaining to construction, operation, and maintenance of reclaimed water facilities, the County is the owner of the Florida Power and Light Reclaimed Water Pipeline (Pipeline) located on ECR property. The Easement permits the County to construct the Pipeline on ECR property and the right to access the Pipeline for maintenance and repair purposes. The License permits the County to access the SCADA System for maintenance and repair purposes. (WUD Project 11-025) District 6 (MJ)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Staff recommends motion to:

**A) grant** a Deed of Conservation Easement to the South Florida Water Management District (SFWMD) with third-party enforcement rights granted to the United States Army Corps of Engineers (USACE) over three areas within the Pine Glades Natural Area; and

**B) adopt** a Resolution establishing a standard form conservation easement to the SFWMD with third-party enforcement rights granted to the USACE that may be placed on other County-owned natural areas as part of the Environmental Resource Permitting process.

**SUMMARY:** The County-owned Pine Glades Natural Area is managed by the County's Department of Environmental Resources Management (ERM). A Deed of Conservation Easement is required to be granted to the SFWMD over 2,525 acres in the portion of the natural area which lies east of Seminole-Pratt Whitney Road (Sections 4-8, Township 41 South, Range 41 East) by SFWMD Permit No. 50-08231-P, Application No. 070628-6 (Pine Glades North Mitigation Area, "Pine Glades North") and SFWMD Permit No. 50-08187-P, Application No. 070911-15 (Pine Glades West Mitigation Area, "Pine Glades West"). A Deed of Conservation Easement which includes third-party enforcement rights granted to the USACE is required by USACE Permit No. SAJ-2007-04122 for Pine Glades North. A conservation easement was granted over 659 acres in the southeastern corner of the Natural Area in November 2005 (R2005-2274.1) as part of a mitigation agreement with Minto Communities LLC. The 3,232 acres which lie west of Pratt-Whitney Road are included in this Deed of Conservation Easement in accordance with the Board's desire to establish conservation easements on all County natural areas (R2005-1770). Therefore, all Natural Area lands south of Indiantown Road will be placed under conservation easement. The remaining 229 acres of the Natural Area not included in the easement consist of 121 undeveloped, non-adjacent lots within the Palm Beach Heights area north of Indiantown Road. The County is currently investigating the feasibility of placing an easement over these parcels. The intent of the standard form conservation easement with third-party enforcement rights to the USACE for natural areas as part of Environmental Resource Permitting processes is to implement an efficient mechanism to grant conservation easements for natural areas with restoration projects and/or wetland mitigation projects detailed in Board-approved management plans. District 1 (SF)

2. Staff recommends motion to approve: Interlocal Agreement with the City of West Palm Beach for County use of Currie Park as a staging site for the South Cove Natural Area Restoration Project. **SUMMARY:** On March 21, 2011, the City of West Palm Beach approved the Interlocal Agreement, which provides for County use of Currie Park as a temporary staging site for the South Cove Natural Area Restoration Project. District 7 (SF)

3. CONSENT AGENDA APPROVAL

L. ENVIRONMENTAL RESOURCES MANAGEMENT (CONT'D)

3. Staff recommends motion to adopt: a Resolution authorizing the Director of Environmental Resources Management to submit a grant application and serve as project manager for a Florida Fish & Wildlife Conservation Commission's (FFWCC) Florida Boating Improvement Program (FBIP) grant for \$45,180 for installation of twenty-eight (28) mooring buoys and thirty-eight (38) anchor pins at three (3) locations in Palm Beach County. **SUMMARY:** This grant application requests \$45,180 from the FFWCC's FBIP for installation of twenty-eight (28) mooring buoys and thirty-eight (38) anchor pins at three (3) locations in Palm Beach County. As part of the application process, FBIP requires a Resolution by the Governing Body, authorizing that the Project Manager has the authority to apply for and administer the grant. The sites are off Boca Raton and Palm Beach in 15-25 ft. depths. Total construction cost is \$60,200 which includes \$10,000 (16.6%) in-kind administration and project management, and \$5,020 (8.3%) from private donations. Districts 1, 4 & 7 (SF)
  
4. Staff recommends motion to approve: Annual Contracts with Shoreline Foundation, Inc. (Primary) not to exceed the amount of \$1,549,645.02 for the first year of construction, and, The Murphy Construction Co. (Murphy) (Secondary) not to exceed \$2,409,287 for the first year of construction for Palm Beach County Annual Reef and Breakwater Project, Project No. 2010ERM06 for a period of 12 months, with the cumulative total of both Contracts not to exceed the amount of \$2,409,287. **SUMMARY:** These Annual Contracts consist of constructing reefs and breakwaters in the County on an as-needed basis through work orders. Three (3) responsive, responsible bids were received for this Project. The Contracts will be awarded to a primary and secondary bidder. Shoreline Foundation, Inc., a Broward company, was the primary lowest responsive, responsible bidder, with 0% Small Business Enterprise (SBE) participation, which does not meet the established 15% goal. However, the second low bid falls outside the range for the ranking of responsive primary bidder consideration. Murphy, a Palm Beach County company, with 15.03% SBE participation was the secondary lowest responsive, responsible bidder. The initial Contract term is 12 months, which may be extended for an additional 24 months upon approval of the Board of County Commissioners. Districts 1, 4 & 7 (JM)

M. PARKS & RECREATION

1. Staff recommends motion to approve: a non-standard Amphitheater Rental Agreement with AEG Live SE, LLC for the presentation of a Darius Rucker concert on May 12, 2011, at Sunset Cove Amphitheater. **SUMMARY:** The Parks and Recreation Department (Department) utilizes a standard Amphitheater Rental Agreement which is executed at the Department level. However, non-standard Amphitheater Rental Agreements are sometimes required to satisfy the complexity of specific entertainment terms of a given renter. AEG Live SE, LLC (AEG) has requested modifications to the approved standard Amphitheater Rental Agreement language. The modifications clarify the responsibilities and expectations of the County and AEG for issues such as damages, personal injury, and indemnification. These changes, along with other minor administrative changes, were agreed to by attorneys for both the renter and the County. This non-standard Amphitheater Rental Agreement releases AEG from liability to the extent such damage or injury is caused by the County's negligence or willful misconduct, or structural or premise related defects at the Sunset Cove Amphitheater. County revenues generated from the concert range from a minimum of \$3,000, or 10% of the gross ticket sales less tax, to a maximum of \$12,000 plus miscellaneous fees for vendors, parking etc. District 5 (GB)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (CONT'D)

2. Staff recommends motion to receive and file: executed Independent Contractor Agreements received during the months of February and March:

A) Kristina Klaas, Read a Recipe for Literacy Instructor, West Jupiter Recreation Center, for the period March 7, 2011, through May 2, 2011, in an amount not-to-exceed \$875;

B) Teresa Krellner, Basketball Official, West Boynton Recreation Center, for the period April 9, 2011, through May 29, 2011, in an amount not-to-exceed \$1,560;

C) Julie Ann Singleton, Water Safety Instructor, Therapeutic Recreation Complex Gleneagles Country Club Aquatic Center, for the period April 4, 2011, through September 30, 2011, in an amount not-to-exceed \$1,620.; and

D) Elaine Williamson, Water Fitness Instructor, Therapeutic Recreation Complex Gleneagles Country Club Aquatic Center, for the period April 4, 2011, through September 30, 2011, in an amount not-to-exceed \$4,800.

**SUMMARY:** 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. These Independent Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 94-422, amended by Resolutions 02-2103 and 07-0409, and are now being submitted to the Board to receive and file. Districts 1 & 3 (GB)

3. Staff recommends motion to receive and file: executed Amphitheater Rental Agreements received during the months of January and March of 2011:

A) AEG Live SE, LLC, Cake, Sunset Cove Amphitheater, for the period January 14, 2011, through January 15, 2011;

B) Punjabi Association of South Florida Inc., Lohri 2011 Celebration, Canyon Town Center Amphitheater, on January 22, 2011;

C) JM Family Enterprises Inc., Company Picnic, Sunset Cove Amphitheater, for the period January 28, 2011, through January 29, 2011;

D) The Humane Society of Greater Jupiter Tequesta, Inc., 24<sup>th</sup> Annual Safe Harbor Celebrity Dog Wash Festival, Seabreeze Amphitheater, for the period March 17, 2011, through March 21, 2011; and

E) Kids In Distress Foundation, Inc., Little River Band, Sunset Cove Amphitheater, for the period March 19, 2011, through March 20, 2011.

**SUMMARY:** 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. The Amphitheater Rental Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2009-0335, amended by Resolution 2009-1807, and are now being submitted to the Board to receive and file. Districts 1 & 5 (AH)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (CONT'D)

4. Staff recommends motion to receive and file: executed Entertainment Contractor Agreements received during the months of December of 2010 and January of 2011.

A) Al Sofield, Cecilia Lauren and the Ocoee River Band Concert, Canyon Town Center Amphitheater, on January 8, 2011;

B) Arrivederci LLC, Band Concert, Seabreeze Amphitheater, on January 22, 2011;

C) Edward S. Preman, Other Peoples Music Concert, Seabreeze Amphitheater, on February 12, 2011;

D) Soars High Production Inc., JP Soars and the Red Hots Concert, Canyon Town Center Amphitheater, on February 19, 2011;

E) Maximum Bands Entertainment LLC, Absolute Queen Concert, Sunset Cove Amphitheater, on February 26, 2011; and

F) Sid Parker, Sid Parker Orchestra Concert, Canyon Town Center Amphitheater, on March 12, 2011.

**SUMMARY:** 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. The Entertainment Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2009-1109, and are now being submitted to the Board to receive and file. Districts 1 & 5 (AH)

5. Staff recommends motion to receive and file: executed Sound and Light Production Services Contractor Agreements received during the month of January of 2011:

A) City Sound and Recording LLC; Blues Concert, Canyon Town Center Amphitheater, on February 19, 2011; and

B) City Sound and Recording LLC; Queen Tribute Band Concert, Sunset Cove Amphitheater, on February 26, 2011.

**SUMMARY:** 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. The Sound and Light Production Services Contractor Agreements have been fully executed on behalf of the Board of County Commissioners (Board) by the County Administrator/Director/Assistant Director of the Parks and Recreation Department in accordance with Resolution 2009-0592, and are now being submitted to the Board to receive and file. District 5 (GB)

3. CONSENT AGENDA APPROVAL

M. PARKS & RECREATION (CONT'D)

6. Staff recommends motion to:

**A) ratify** the signature of the Chair on an Office of Greenways and Trails, Recreational Trails Program grant application, submitted to Florida Department of Environmental Protection (FDEP) on March 28, 2011, requesting \$200,000 for the Okeeheelee Park South project;

**B) authorize** the County Administrator or his designee to execute the grant project Agreement and future time extensions, task assignments, certifications, standard forms, or amendments to the Agreement that do not change the terms and conditions of the Agreement if the grant is approved; and

**C) authorize** the Director of the Parks and Recreation Department to serve as Liaison Agent with FDEP for this project.

**SUMMARY:** The total cost of the project identified in this FDEP Office of Greenways and Trails Recreational Trails Program (RTP) grant application is \$250,000. The grant application requests up to \$200,000 (80%) for construction costs associated with the development and renovation of trails at Okeeheelee Park South, and if awarded, will require a \$50,000 (20%) match by the County. The required match will be funded from Zone 2 Impact Fees. Due to multiple grant-related items requiring timely execution by the County, staff is requesting Board approval for the County Administrator to approve grant documents and the Parks and Recreation Director to act as the Liaison for this project. Upon completion of the project, the grant requires the site be dedicated as an outdoor recreation area for the use and benefit of the general public for a period of 99 years. District 6 (GB)

7. Staff recommends motion to:

**A) ratify** the signature of the Chair on a Waterways Assistance Program (WAP) grant application, submitted to the Florida Inland Navigation District (FIND) on March 29, 2011, requesting \$90,000 for the Bert Winters Park project;

**B) adopt** Resolution for Assistance under the FIND WAP for grant funding for Bert Winters Park planning and design in the amount of \$90,000;

**C) authorize** the County Administrator or his designee to execute the grant Agreement and future time extensions, task assignments, certifications, standard forms, or amendments to the Agreement that do not change the terms and conditions of the Agreement, if the grant is approved; and

**D) authorize** the Director of the Parks and Recreation Department to serve as Liaison Agent with FIND for this project.

**SUMMARY:** The total cost of the project identified in this FIND WAP grant application is \$180,000. The grant application requests up to \$90,000 (50%) for the planning, design and permitting costs to expand boat ramp parking and related facilities in Bert Winters Park, and if awarded, will require a \$90,000 (50%) match by the County. The required match will be funded from the 2004 \$50 Million Waterfront Access and Preservation General Obligation Bond Issue. Due to multiple grant-related items requiring timely execution by the County, staff is requesting Board approval for the County Administrator to approve grant documents and the Parks and Recreation Director to act as the Liaison for this project. District 1 (GB)

3. CONSENT AGENDA APPROVAL

S. FIRE RESCUE

1. Staff recommends motion to receive and file: three (3) original standard Agreements for the Fire Rescue Department:

- A) Interlocal Agreement for Swimming Lessons with the City of Palm Beach Gardens;
- B) Interlocal Agreement for Swimming Lessons with the Village of Wellington; and
- C) Interlocal Agreement for Swimming Lessons with the City of Riviera Beach.

**SUMMARY:** On September 27, 2005, the Board adopted Resolution No. R2005-1906 authorizing the County Administrator, or his designee (the Fire Rescue Administrator) to execute standard agreements with municipalities and independent contractors to provide swimming lessons to members of the public through the Palm Beach County Drowning Prevention Coalition's Learn to Swim Program. Pursuant to Countywide PPM CW-O-051, three (3) standard County Agreements that have been executed by the County Administrator, or his designee (the Fire Rescue Administrator) are being submitted as a receive and file agenda item for the Clerk's Office to note and receive. Countywide (PK)

2. Staff recommends motion to approve and ratify: three (3) side agreements amending Article 18 (Promotions), Article 25 (Education), and Article 28 (Vacation) to the Collective Bargaining Agreement with the Professional Firefighters/Paramedics of Palm Beach County, Inc., IAFF Local 2928 (R2008-2254). **SUMMARY:** On March 22, 2011, the Professional Firefighters/Paramedics of Palm Beach County, Inc., IAFF Local 2928, ratified three (3) side agreements to the current Collective Bargaining Agreement (CBA), October 1, 2008, through September 30, 2011. These side agreements revise Articles 18, 25 and 28 of the CBA. Article 18 (Promotions) currently requires an employee pursuing a promotional opportunity to the rank of Lieutenant have a current International Trauma Life Support (ITLS) certification. The side agreement will make ITLS, Basic Trauma Life Support (BTLS) and Pre-Hospital Trauma Life Support (PHTLS) certifications interchangeable for the purpose of promotional eligibility, retroactively to October 1, 2008. Article 25 (Education) currently provides tuition reimbursement for employees successfully completing courses approved by the Fire Rescue Administrator, in accordance with the maximum amounts provided in the County Educational Reimbursement policy. For the purpose of employee tuition reimbursement, this side agreement clarifies the cap shall be based on the date of course completion regardless of the fiscal year in which it is reimbursed. Article 28 (Vacations), Section 2(A)7, currently requires employees to take vacation time in a minimum of two (2) hours and thereafter hour for hour. The side agreement will allow vacation time for 24-hour shift employees to be taken in a minimum of two (2) hours and thereafter, in quarter-hour increments. Countywide (SB)

U. INFORMATION SYSTEMS SERVICES

1. Staff recommends motion to approve: Statement of Work No. 4 pursuant to contract with CGI-AMS (R2002-1782), for development and installation of enhancements to the functionality of the County's Advantage Financial System, in an amount not to exceed \$31,000. **SUMMARY:** This Statement of Work will add security and workflow functionality to the Advantage System as approved by the Financial System Administration Team. Countywide (PFK)

3. CONSENT AGENDA APPROVAL

U. INFORMATION SYSTEMS SERVICES (CONT'D)

2. **Staff recommends motion to approve:** Purchase of wireless network equipment from the Town of Juno Beach for \$30,000. **SUMMARY:** Palm Beach County Information System Services (ISS), Network Services Division is expanding the use of wireless technologies to connect County facilities to the network as a means to reduce telecommunications costs. The Town of Juno Beach recently discontinued their Public Subscriber wireless network which was first deployed in 2009. Juno Beach is offering this wireless equipment to Palm Beach County at a discount of almost 65% off the original purchase price of the equipment. ISS has tested all equipment to confirm the items are in good working condition. District 1 (PFK)

X. PUBLIC SAFETY

1. **Staff recommends motion to receive and file:** an Inter-local Agreement with the Town of Palm Beach to provide grant project funding in the amount of \$50,000 for the period of March 10, 2011, through April 30, 2012 for the purchase of a Template for a Comprehensive Emergency Management Plan for Municipalities with Populations of 30,000 or Less as approved by the Fort Lauderdale Urban Area Security Initiative (UASI) Grant 2009 contract between the City of Miramar and Palm Beach County (R2010-1932). **SUMMARY:** The County was awarded \$432,773 from the U.S. Department of Homeland Security through the City of Miramar. The County will provide \$50,000 of this grant funding to the Town of Palm Beach for the Comprehensive Emergency Management Plan (CEMP) for Municipalities with Populations of 30,000 Project. This Project serves a dual purpose; the larger broader impact would be a template that provides guidance to any city needing assistance writing a CEMP. The Secondary purpose of this project is the Town of Palm Beach will have its own CEMP. Resolution R2006-2669 authorizes the County Administrator or his designee to execute standard UASI agreements with various governmental and private agencies on behalf of the Board of County Commissioners. **No County match is required.** Countywide (GB)

2. **Staff recommends motion to:**

**A) receive and file:** the executed Amendment to the COH5X grant contract with the State of Florida, Department of Health (DOH), to receive an additional \$8,000 for therapy services for sexual assault victims in the County increasing the Standard Contract to \$48,470 for October 1, 2009, through September 30, 2012; and

**B) approve** a Budget Amendment of \$4,000 in 2011 General Fund for the grant budget.

**Summary:** This State grant reimburses Palm Beach County Victim Services and Rape Crisis Center Division for therapy services provided to sexual assault victims over the age of 12 years in the County. Funds are used to supplement its operations budget. Resolution R2007-0333 authorizes the County Administrator or his designee to execute certain DOH grant agreements on behalf of the County. **No cash match is required by the grant.** Countywide (GB)

3. CONSENT AGENDA APPROVAL

X. PUBLIC SAFETY (CONT'D)

3. Staff recommends motion to receive and file: an executed Modification to the Memorandum of Agreement with the City of Miramar, a municipal corporation of the State of Florida, as a fiscal agent for the Ft. Lauderdale Urban Area Security Initiative (UASI) to extend the Agreement from December 31, 2010, to June 30, 2011. **SUMMARY:** The County was awarded \$698,600 from the U.S. Department of Homeland Security 2006 Grant through the City of Miramar. A request to extend the grant from December 31, 2010, to June 30, 2011 has been granted. Resolution R2006-2669 authorizes the County Administrator or his designee to execute standard UASI agreements with various governmental and private agencies on behalf of the Board of County Commissioners. **No County match is required.** Countywide (GB)

AA. PALM TRAN

1. Staff recommends motion to approve:

**A)** Amendment No. 1 to an Interlocal Agreement (R2009-0593; dated April 7, 2009) with the City of Boynton Beach to replace four (4) wheelchair lift-equipped buses currently leased by the City and used to provide local transit service within the City of Boynton Beach with four (4) new buses; and

**B)** extend the Agreement for three (3) additional years from January 2, 2013, through January 1, 2016.

**SUMMARY:** In the year 2000, the County obtained Federal funds for the purchase of four (4) wheelchair lift-equipped buses to be used by the City of Boynton Beach, Florida for local specialized transit service within the City. By utilizing 100% Federal funds, the County purchased four (4) new buses. The City of Boynton Beach pays to the County an annual lease fee of \$10 for the use of the vehicles. This arrangement has been extended, most recently by R2009-0593, on April 7, 2009, through January 1, 2013. The buses currently in service have reached the end of their useful life and Federal funding has become available to procure replacements, which will permit extension of the period of service and lease through January 1, 2016. Districts 3 & 7 (DR)

3. CONSENT AGENDA APPROVAL

BB. FIFTEENETH JUDICIAL CIRCUIT

1. Staff recommends motion to approve:

**A)** a Budget Transfer of \$42,500 in the General Fund from Public Safety's \$65 Fee Revenue allocation to Court Administration; and

**B)** a Budget Transfer of \$42,500 in the General Fund from Public Safety to the Court Administration to establish spending authority.

**SUMMARY:** On March 23, 2010, the Board of County Commissioners approved a budget transfer from the American Recovery and Reinvestment Act – Justice Assistance Grant Fund for three (3) Court Administration positions, to fund the positions from December 21, 2009, through December 28, 2010. The Court Analyst was the first of the three (3) positions to be hired in late December 2009. During the FY 2011 budget development, Public Safety agreed to fund the Court Analyst position from December 29, 2010, through September 30, 2011 for a total of \$42,500 from their portion of the \$65 Fee Revenue allocation. Pursuant to Florida Statutes section 939.185, the Chief Judge certified the funding of \$42,500 for the Court Analyst position as part of the Certification of Local Requirements, which is to be paid out of the Court Innovations silo. The \$42,500 was not included in Court Administrations FY 2011 budget; therefore Board action is required to transfer the funding from the Public Safety Department to Court Administration. The Court understands that the current transfer does not guarantee funding of the position in 2012. Countywide (TKF)

CC. MEDICAL EXAMINER'S OFFICE

1. Staff recommends motion to:

**A) receive and file** the 2010 Paul Coverdell Forensic Sciences Improvement Grant through the Florida Department of Law Enforcement to receive \$5,500 which will be used for expenses associated with the National Association of Medical Examiners (NAME) reaccreditation application process for the period of February 1, 2011, through September 30, 2011; and

**B) approve** a Budget Amendment of \$5,500 in the General Fund to establish revenue and grant expenditure budget.

**SUMMARY:** The National Institute of Justice has awarded a Paul Coverdell Forensic Sciences Improvement Grant to the Palm Beach County Medical Examiner's Office, through the Florida Department of Law Enforcement, for reaccreditation from the NAME. The funding will provide the fees and expenses associated with applying for NAME five (5) year reaccreditation, as well as airfare and hotel for two (2) nights for the NAME Accreditation Inspector. This will aid materially in developing and maintaining a high caliber of medicolegal investigation of death for the community. This is a 100% grant funded award and no County match is required. Countywide (GB)

3. CONSENT AGENDA APPROVAL

DD. SHERIFF'S OFFICE

1. **Staff recommends motion to receive and file:** the Second Amendment, amending the agreement with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative (UASI) to extend the ending grant period from December 31, 2010, through June 30, 2011. **SUMMARY:** On May 20, 2008, the Board of County Commissioners accepted on behalf of the Palm Beach County Sheriff's Office an agreement with the City of Miramar, a municipal corporation of the State of Florida, as the fiscal agent for the Ft. Lauderdale Urban Area Security Initiative (UASI) to provide \$412,745 in FY 2007 reimbursable funding for various direct law enforcement oriented domestic security activities effective until April 10, 2010 (R2008-0894). On August 18, 2009, the Board of County Commissioners accepted two (2) agreements to provide an additional \$229,185 reimbursable funding (R2009-1335 & R2009-1336). On December 21, 2010, the Board of County Commissioners received and filed an agenda item extending the grant period from April 30, 2010, through December 31, 2010 (R2010-2121). This agenda item will extend the grant period from December 31, 2010, through June 30, 2011. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)
  
2. **Staff recommends motion to receive and file:** Grant Adjustment Notice amending the High Intensity Drug Trafficking Area (HIDTA) Program grant to extend the grant period from December 31, 2010, through June 30, 2011. **SUMMARY:** The Board of County Commissioners accepted this grant for \$143,269 on May 4, 2010; the original period for this grant was January 1, 2009, through December 31, 2010 (R2010-0726). This agenda item will extend the grant period from December 31, 2010, through June 30, 2011. The Office of National Drug Control Policy awarded these funds for overtime reimbursement and other expenses associated with the Palm Beach County Multi-Agency Diversion Task Force. There is no match requirement associated with this award. No additional positions are needed and no additional County funds are required. Countywide (GB)

3. CONSENT AGENDA APPROVAL

DD. SHERIFF'S OFFICE (CONT'D)

3. **Staff recommends motion to approve:** a Budget Transfer of \$643,785 from the Law Enforcement Trust Fund (LETF) to the Palm Beach County Sheriff's Office (PBSO). **SUMMARY:** Florida Statute 932.7055 requires that no less than 15% of the LETF's previous year's revenues be used for the support or operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood and school resource officer programs of various non-profit organizations. The PBSO's FY 2011 estimated donation requirement is \$98,015. The funds are requested to aid qualified organizations that meet the requirements set forth in F.S. 932.7055. The PBSO's support of these programs exemplifies its strong commitment to the prevention and reduction of crime throughout the communities it serves and its desire to put money back into these communities to support organizations that provide such services. The current State LETF balance is \$2,425,584. Approval of this request will reduce the State Law Enforcement Trust Fund balance to \$1,781,799. The year-to-date transfer for all donations after approval of this item is \$1,200,496. The PBSO certifies that the use of these funds is in accordance with F.S. 932.7055. Below is a table indicating the organizations the PBSO seeks to fund and the corresponding amount of funding proposed per respective agency. No new positions are needed and no additional County funds are required. Countywide (GB)

<u>Organization</u>	<u>Amount</u>
211 Palm Beach/Treasure Coast, Inc.	\$ 25,000
Alzheimer's Community Care, Inc.	\$ 10,000
Area Agency on Aging Palm Beach/Treasure Coast, Inc.	\$ 15,000
Boca Raton Boys & Girls Club	\$ 5,000
Florida Sheriff's Youth Ranches, Inc.	\$ 97,984
Florida Sheriff's Youth Ranches, Inc.	\$ 50,000
Junior Achievement of the Palm Beaches, Inc.	\$ 25,000
Office of the State Attorney, 15 <sup>th</sup> Judicial Circuit (2 years)	\$360,515
Palm Beach County School District	\$ 10,000
Palm Beach Recovery Coalition, Inc.	\$ 25,200
Palms West Community Foundation, Inc.	\$ 5,000
The National Center for Missing & Exploited Children	<u>\$ 15,086</u>
<b>Total Amount of Donations</b>	<b>\$643,785</b>

EE. SUPERVISOR OF ELECTIONS

1. **Staff recommends motion to approve:** Precinct boundary changes submitted by Susan Bucher, Supervisor of Elections, as required by Section 101.001(1), Florida Statutes. **SUMMARY:** Precinct boundary changes as indicated. Countywide (LSJ)

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4. REGULAR AGENDA

A. ADMINISTRATION

1. Staff recommends motion to:

**A) conceptually approve** a Section 108 Loan Program Agreement with Glades Plaza Enterprises, LLC (Company) in the amount of \$1,412,000, contingent upon the approval of the U.S. Department of Housing and Urban Development (HUD); and

**B) authorize** the County Administrator or his designee to sign all loan documents associated with this Item.

**SUMMARY:** The Section 108 loan will assist the Company in financing the expansion of an 88,000 sq. ft. shopping center located at 1504 Southwest 16<sup>th</sup> Street in Belle Glade, leading to the creation of 42 new full-time equivalent jobs in the next five (5) years. The total project investment is \$5,923,704 and the sources of funding include \$1,411,704 from Great Florida Bank, \$1,412,000 from the County's Section 108 Loan Program, and \$3,100,000 in owner's equity. Of the \$1,412,000 in Section 108 funds, \$1,275,000 will be for refinancing an existing first mortgage and \$137,000 will be for the renovation of the shopping center. The Glades Plaza has been in operation since 1972 and currently has ten (10) tenants. After the expansion and renovation, it will have the capacity to house another five (5) tenants. These are Federal funds that require no local match. All documents are subject to such modification required for consistency with the loan commitment, compliance with HUD's Criteria and to protect the County's interest. District 6 (DW)

2. Staff requests Board direction: regarding the following criteria to be utilized in the analysis, review and development of proposed Commission district maps based on the 2010 Census data:

- Achieve population equity (10% or less variance among districts population) among Commission Districts
- Adhere to Section 2 of the Voting Rights Acts of 1965, as amended and interpreted through case law
- Follow major natural and man-made boundaries
- Maintain integrity of Communities of interest, including municipal boundaries
- Insure compactness
- Contiguity of Districts
- Preserve the core of the existing voter's districts

**SUMMARY:** The above listed criteria were utilized during the 1991 and 2001 redistricting of Commission district. Approved criteria will be utilized to develop proposed 2010 redistricting maps for consideration by the Board of County Commissioners. Countywide (LB)

3. Staff requests Board direction: regarding Lake Worth Inlet Sand Transfer Plant (LWISTP) operations funding request from the Town of Palm Beach. **SUMMARY:** The Town of Palm Beach requests that the County fund all operation and maintenance associated with the LWISTP at a cost of approximately \$300,000 per year. If the Board wishes to honor this request, it is recommended that the first funding occur for the fiscal year starting October 1, 2011. Two (2) possible funding sources are the general fund or a re-allocation of tourism tax beach dollars. One source for re-allocation is \$426,000 currently reserved for the 2013 Palm Beach Midtown beach project. This could be re-funded in a future action. Ultimately though, there are insufficient tourism tax beach dollars for all anticipated projects. District 1 (SF)

4. REGULAR AGENDA

A. ADMINISTRATION (CONT'D)

4. **Staff requests Board direction:** regarding the creation of a family care leave policy for domestic partners of County employees which would mirror the provisions of the Family and Medical Leave Act (FMLA), as amended. **SUMMARY:** In 2007, this issue was brought before the Board at the request of the Palm Beach County Human Rights Council. At that time, the Board took no action regarding extending the provisions of FMLA to domestic partners. The Palm Beach County Human Rights Council has again requested to allow County employees to use family medical leave to care for their domestic partners. Currently, there are 53 employees that have registered domestic partners. The County complies with the provisions of the federal FMLA statute and in addition allows employees to use accrued paid leave time for absences necessary to attend to the illness or injury of domestic partners and the children of domestic partners. Staff has researched the feasibility of extending coverage under the FMLA to registered domestic partners, and the research has found that while there is nothing preventing enactment of a policy which provides leave benefits similar to those afforded under the FMLA to domestic partners, such an extension of FMLA-like leave benefits to domestic partners gives rise to the following issues:

1) an entitlement to 12 workweeks of leave under a County family care leave policy does not diminish or eliminate the County's obligations under the FMLA, thereby creating a circumstance wherein the County would be financially responsible for the continuation of benefits and maintenance of operations during employee absences for up to 24 weeks to care for domestic partners; and

2) the extension of FMLA-like benefits to domestic partners creates a disparity between benefits afforded to married employees who are limited to only 12 workweeks of protected leave under the FMLA and employees involved in domestic partnerships who would be able to take up to 24 workweeks of absence utilizing leave under both FMLA and the County policy. Countywide (EC)

5. **Staff requests Board direction:** regarding the engagement of a consultant to perform an audit/budget efficiency study. **SUMMARY:** In September 2010, staff began researching contingency audits at the request of Commissioner Vana. The intent of a contingency audit was that payment to the auditor would come only after savings were identified and implemented, so that there would be no out-of-pocket expense to the County. The initial efforts failed. Staff has since had meetings/correspondence with representatives from two (2) potential consultants, Accenture Consulting, Inc. and Municipal Solutions, LLC. Both have offered to perform a pilot study for a County department with payment eventually required. Staff does not think that an outside consultant will possess sufficient expertise regarding County operations and our relationship with other agencies, i.e., the Constitutional Officers, to be able to recommend cuts/efficiencies beyond those already made that could substantially reduce the budget. However, should the Board decide to hire a consultant, staff will work with the Purchasing Department to do so. Countywide (PFK)

4. REGULAR AGENDA

B. COUNTY ATTORNEY

1. **Staff recommends motion to adopt:** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, amending the Rules of Procedure incorporated into Section 500.00 of the County's Administrative Code; providing for an effective date. **SUMMARY:** The Board of County Commissioners (Board) previously requested the County Attorney's Office research whether Board meetings could be designated as "campaign-free zones", thereby prohibiting political campaigning during Board meetings. The County Attorney's Office has researched the issue, and has determined that recent case law permits the adoption of such a designation. The adoption of this designation will serve the important interests of limiting political influence on County employees and conducting orderly and efficient Board meetings. This Resolution amends the County's Rules of Procedure, as incorporated into Section 500.00 of the County's Administrative Code, to prohibit the following during Board meetings: (a) the wearing, carrying, and/or displaying of political campaign materials and/or political campaign attire; (b) the distribution of political campaign materials; and (c) public comments related to political campaigns (except that, if a political referendum or ballot question is discussed by the Board, public comment on said political referendum or ballot question may be permitted). Individuals failing to abide by the campaign-free zone rules will be asked to cease the prohibited activity, and a failure to cease the prohibited activity after request shall result in removal from the Board meeting. Other changes to the Rules of Procedure include: modifying the term of the Chair/Vice-Chair to one (1) year; requiring that a citizen be present in chambers in order to have a comment card read into the record; and allowing for public comments at workshops only at the Chair's discretion. Countywide (MWJ)
  
2. **Staff recommends motion to adopt:** a Resolution authorizing the issuance of the County's up to \$11,600,000 Industrial Development Revenue Bonds (Jupiter Christian School Project), Series 2011 (the "Bonds"). **SUMMARY:** Jupiter Christian School, Inc., of Jupiter, Florida (the "Company") has applied for the issuance of industrial development revenue bonds by the County in an amount not to exceed \$11,600,000. Bond proceeds will be used to refinance conventional debt incurred by the Company to acquire and construct school buildings in order to achieve a reduction in debt service and to finance capital expenditures of the Company. The Bonds will be payable from revenues derived from the Company. At the April 5, 2011 meeting, the Board approved the Company's application for issuance of the Bonds and conducted the TEFRA public hearing. The facilities for the Company to be financed with proceeds of the Bonds are located at 700 South Delaware Boulevard and 707 Commerce Way East, Jupiter, Florida. **Neither the taxing power nor the faith and credit of the County, nor any County funds, shall be pledged to pay principal or redemption premiums, if any, or interest on the Bonds.** District 1 (PFK)

4. REGULAR AGENDA

C. ENGINEERING & PUBLIC WORKS

1. **Staff recommends motion to approve:** the construction of Palmetto Park Road from I-95 to west of St. Andrews Boulevard. **SUMMARY:** This project has been in the County's Five Year Road Program since 2004. However, the City of Boca Raton sent a letter to Commissioner Abrams on March 28 formally requesting that Palm Beach County abandon the Palmetto Park Road widening project. At Commissioner Abrams request, the City of Boca Raton held a workshop on April 11 to allow the County to present the reasons the County believed the project should move forward. After hearing the presentation, discussing the project and hearing from residents, the City Council reaffirmed its previous decision that no additional widening of Palmetto Park Road is warranted at this time and that the project should not proceed. Commissioner Abrams committed that he would take that request to the entire County Commission. This item is a result of Board direction received at the April 12 workshop to reconsider the project. Specific pros and cons of the project are addressed in the Background and Justification section of the Item. District 4 (MRE)
  
2. **Staff recommends motion to:**
  - A) approve** the Consent for Voluntary Annexation into the Village of Palm Springs of six (6) parcels owned by Palm Beach County (County) generally located on the east side of Kirk Road, north and south of Park Lane; and
  
  - B) adopt** a Resolution authorizing the conveyance of five (5) County-owned parcels of land along Kirk Road to the Community Land Trust of Palm Beach County, Inc. (CLT).

**SUMMARY:** Approval of this Consent for Voluntary Annexation will allow the subject parcels to be annexed to and included within the territorial limits of the Village of Palm Springs. Adoption of this Resolution will allow the conveyance of five (5) County deeds in favor of the CLT for affordable housing on Kirk Road, near Park Lane, and also north of Lakewood Road. Four (4) of the six (6) annexation parcels are included in the conveyance to the CLT. Pursuant to County Ordinance 2009-052, a supermajority vote is required for this proposed conveyance to the CLT. The total conveyance is approximately 2.08 acres, including easement encumbrances and has an estimated value of \$223,238. District 3 (RB/PK)

4. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS

1. Staff recommends motion to:

**A) approve** a First Restated Sports Facility Use Agreement (R96-2117) (Restated Agreement) with Jupiter Stadium, Ltd. (Teams); and

**B) authorize** the use of the previously established Bed Tax 1<sup>st</sup> Cent Restricted Reserve for the County's capital improvement contributions in addition to the Renewal/Replacement Program.

**SUMMARY:** In 1996, the Board approved a Sports Facility Use Agreement (Use Agreement) with the Teams for its use and operation of the Roger Dean Stadium (Stadium) for a term of twenty (20) years. On March 17, 2009, the Board authorized Staff to negotiate the terms of an amendment to the Use Agreement to establish the Renewal/Replacement (R/R) Program. This Restated Agreement: (i) extends the term of the Use Agreement ten (10) years from April 30, 2017, to April 30, 2027; (ii) establishes the R/R Program; (iii) requires the Teams to contribute \$250,000 a year toward scheduled R/R projects and provides the terms under which the County will reimburse the Teams for annual capital expenses greater than \$250,000; (iv) requires contributions to be made towards capital improvements by both the County and the Teams in the maximum amounts of \$4,000,000 and \$1,000,000, respectively; (v) provides the Teams an option to terminate with a termination effective date no earlier than April 30, 2017 (Option To Terminate); and (vi) requires the Teams, in the event of early termination, to reimburse the County certain expenses. The County will be obligated to fund a maximum of \$4,000,000 in capital improvements to the Stadium prior to April 30, 2017 and the Teams a maximum of \$1,000,000 after the bond maturity date of December 1, 2016 and prior to April 30, 2027. If the Teams do not fund their capital contribution prior to April 30, 2027, then the Teams shall pay the County the difference between the \$1,000,000 and its actual expenditures. The Teams' have the Option To Terminate the Restated Agreement at any time during the term when there are less than four (4) Major League Clubs that conduct their spring training activities in the area extending twenty (20) miles to the east and west of U.S. Interstate 95, beginning at the northernmost point of Viera, Florida and continuing south to Fort Lauderdale, Florida. If the Teams' exercise their Option To Terminate, the Teams must reimburse the County for the entire value of: (i) the County's expenditures towards R/R projects funded through the R/R Program, except as restricted by the terms of the bonds (Bond) used to fund the construction of the Stadium; and (ii) the County's actual expenditures towards the County's capital contribution of \$4,000,000. Other than the changes set forth herein and a few other non-substantive changes, this Restated Agreement also provides the County with unlimited use of the Stadium subject only to scheduling and an event specific use agreement. The Board established a Restricted Reserve within the 1<sup>st</sup> Cent Bed Tax Reserves in the amount of \$10,000,000 to fund the County's obligations pursuant to this Restated Agreement which will now include expenditures for both the R/R Program and Capital Improvements. FDO Staff presented the Restated Agreement to the Tourist Development Council on April 14, 2011 and obtained its support of this item. (FDO Admin) Countywide (JM)

4. REGULAR AGENDA

D. FACILITIES DEVELOPMENT & OPERATIONS (CONT'D)

2. Staff recommends motion to:

**A) approve** a Second Amendment to Agreement of Lease (R2003-1246) with Loggerhead MarineLife Center, Inc., f/k/a Marinelifelife Center of Juno Beach, Inc. (Center), for expansion of the leased premises within the County's Loggerhead Park and extension of the term; and

**B) adopt** a Resolution authorizing the lease of additional real property pursuant to the Second Amendment to Agreement of Lease.

**SUMMARY:** On August 19, 2003, the Board approved a thirty (30) year Lease Agreement (R2003-1246) with Center to construct research and educational facilities on 1.28 acres within Loggerhead Park. Loggerhead Park is located between U.S. Highway 1 and State Road A1A (Ocean Drive) in Juno Beach. The current Lease expires on August 18, 2033, and Center has the option of requesting one (1) ten (10) year extension, subject to Board approval. This Second Amendment increases the leased premises by 1.11+/- acres to expand the educational facilities; extends the lease term to thirty-five (35) years from the date of approval; provides for the County's right to terminate the Lease as to the additional leased premises if Center does not achieve certain funding benchmarks, commence construction within five (5) years, or complete construction within two (2) years after that; and allows Center to utilize parking spaces within the Park to meet Code requirements. The rent will remain at \$10 per year. Center has provided a Disclosure of Beneficial Interests stating that it is a 501(c)(3) corporation and that no individuals or entities have a beneficial interest in its assets. (PREM) District 1 (HJF)

E. INTERNAL AUDITOR

1. **Staff recommends motion to approve on preliminary reading and advertise for a Public Hearing on May 17, 2011 at 9:30 a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Ordinance 2010-006; providing for title; providing for the establishment, purpose, authority, composition, meetings and responsibilities of the Palm Beach County Internal Audit Committee; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. **SUMMARY:** The Audit Committee has been conducting a review of its duties and responsibilities as established in Ordinance 2010-006 and has identified several revisions they believe are necessary. The revisions are recommended to reflect the Committee's advisory role relative to the Board of County Commissioners and the County Internal Auditor, and to clarify that the Committee has oversight authority for actions the County Internal Auditor is responsible for taking. Countywide (PFK)

2. **Staff recommends motion to approve on preliminary reading and advertise for a Public Hearing on May 17, 2011 at 9:30 a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Ordinance 2010-007; providing for title; providing for general matters, duties, responsibilities and independence of the County Internal Auditor; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. **SUMMARY:** The Audit Committee has been conducting a review of the duties and responsibilities of the County Internal Auditor as established in Ordinance 2010-007 and has identified several revisions they believe are necessary. The revisions are recommended to reflect the Committee's approval role for the annual audit plan, to revise the process relative to audits requested by a Board of County Commissioners member, and to revise the distribution process for audit reports. The revisions also clarify the expected relationship between the County Internal Auditor and the Palm Beach County Inspector General. Countywide (PFK)

4. REGULAR AGENDA

F. PLANNING, ZONING & BUILDING

1. **Staff requests board direction:** on participation in the multi-jurisdictional issues forum. **SUMMARY:** The Board of County Commissioners, at its meeting on January 11, 2011, directed the County Attorney to examine the County's participation in the "Palm Beach County Intergovernmental Coordination Program" in light of potential Sunshine Law concerns. The Coordination Program is comprised of two elements: (a) an Issues Forum and Executive Committee comprised of elected officials; and (b) an Intergovernmental Plan Amendment Review Committee comprised of planning directors. The Sunshine Law applies to any gathering of two or more members of a board or committee regarding discussion of matters that will come before a board or committee in the foreseeable future, unless the committee's powers are limited to information-gathering or fact finding authority and only conducts such activities. The Issues Forum of the Coordination Program is a sunshine committee as it makes recommendations regarding countywide issues. Options to consider by the Board are as follows:
  - 1) Discontinue participation in the Issues Forum, the Executive Committee, and IPARC by withdrawing as a party to the two (2) interlocal agreements; or
  - 2) Discontinue participation in the Issues Forum by withdrawing from the Multi-Jurisdictional Issues Coordination Forum Interlocal Agreement and continue to participate in IPARC; or
  - 3) Continue participation as set forth in the Interlocal Agreements. Countywide (RB)
  
2. **Staff recommends motion to approve:** an Interlocal Agreement with the Village of Palm Springs (Village) providing for the annexation of three (3) enclaves, generally located on the north side of Linda Lane, west of Kirk Road, and the transfer of the responsibility for operation and maintenance of the right-of-way segment of Linda Lane from the County to the Village. **SUMMARY:** The Board of County Commissioners has directed staff to work with municipalities to strategically address annexations. Chapter 171, Florida Statutes, allows annexation of enclaves less than ten (10) acres through an Interlocal Agreement between the annexing municipality and the County. By Resolution No. 2011-07 adopted on January 27, 2011, the Village of Palm Springs has petitioned the County to enter into such an agreement for the annexation of three (3) enclaves totaling 0.75 acres identified in the map. The enclaves resulted from a voluntary annexation adopted concurrently with this Interlocal Agreement. The Village has provided written notification to the property owners of this enclave interlocal. The proposed annexation meets the requirements of Chapter 171, Florida Statutes, and is consistent with the Intergovernmental Coordination Element of the County's Comprehensive Plan. District 3 (RB)

4. REGULAR AGENDA

F. PLANNING, ZONING & BUILDING (CONT'D)

3. **Staff recommends motion to approve:** an Interlocal Agreement with the City of Boynton Beach providing for the annexation of one (1) enclave, generally located west of Congress Avenue, south of Boynton Beach Boulevard. **SUMMARY:** The Board of County Commissioners has directed staff to work with municipalities to strategically address annexations. Chapter 171, Florida Statutes, allows annexation of enclaves less than ten (10) acres through an Interlocal Agreement between the annexing municipality and the County. By Resolution No. R10-172 adopted in November 16, 2010, the City of Boynton Beach has petitioned the County to enter into such an agreement for the annexation of one (1) enclave totaling 1.88 acres identified in Exhibit "A" within the Interlocal Agreement. The City has provided written notification to the single property owner of the enclave. Furthermore, there were numerous phone meetings and city hall meetings with the property owner. This annexation will resolve many issues associated with the isolated nature of the enclave by allowing for a more cost-effective pattern of service delivery and eliminating service delivery confusion. Additionally, the property owner attended the November 16, 2010 City Council meeting and did not object to the adoption of the enclave interlocal, stating that he previously had discussions with City staff. The proposed annexation meets the requirements of Chapter 171, Florida Statutes, and is consistent with the Intergovernmental Coordination Element Policy 1.4-i of the County's Comprehensive Plan to promote the use of county-city agreements. District 3 (RB)

4. **Staff recommends motion to:**

**A) adopt** a Resolution of the Board of County Commissioners of Palm Beach County, Florida, granting County tax exemption for one (1) historic property located within the Town of Palm Beach; and

**B) approve** restrictive covenant for the historic property, requiring the qualifying improvements be maintained during the period that the tax exemption is granted.

**SUMMARY:** The Resolution will authorize a County tax exemption for the following historic property located within the Town of Palm Beach:

Address: One South County Road (The Breakers Palm Beach, Inc.)

If granted the tax exemption shall take effect January 1, 2011, and shall remain in effect for ten (10) years, or until December 31, 2020. The exemption shall apply to 100 percent of the assessed value of all improvements to the historic property, which resulted from restoration, renovation, or rehabilitation of the property. Based on the Countywide Millage rate, it is estimated that approximately \$61,767.02 tax dollars will be exempted annually. Accompanying the Resolution is a restrictive covenant, which requires the qualifying improvements be maintained during the period that each tax exemption is granted. District 1 (RB)

4. REGULAR AGENDA

G. INSPECTOR GENERAL

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on May 17, 2011, at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing the Palm Beach County Office of Inspector General Ordinance, Ordinance 2009-049, as amended, and adopting a new Office of Inspector General, Palm Beach County, Florida Ordinance; providing for title and applicability; creating and establishing Office of Inspector General, Palm Beach County, Florida; providing for functions, authority, and powers; providing for outreach; providing for minimum qualifications, selection and term of office; providing for contract; providing for physical facilities and staff; providing for procedure for finalization of reports and recommendations; providing for reporting; providing for financial support and budgeting; providing for funding base; providing for removal; providing for enforcement; providing for penalty; providing for savings clause; providing for retroactivity; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for captions; and providing for an effective date. **SUMMARY:** The Board of County Commissioners adopted the Palm Beach County Office of Inspector General Ordinance as part of a series of ethics reforms begun in December 2009. Since then, the Board proposed charter amendments requiring in part the adoption of a countywide ordinance extending the Inspector General's authority to the municipalities in Palm Beach County. The charter amendments, which were approved by the voters in November 2010, also called for the establishment of a drafting committee to propose recommended changes to the Inspector General Ordinance for countywide application. This ordinance is the product of the committee's work. A brief description of substantive changes to this ordinance is included as Attachment 3 to the Agenda Item. Countywide (LB)

H. COMMISSION ON ETHICS

1. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on May 17, 2011, at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing the Palm Beach County Commission on Ethics Ordinance, Ordinance 2009-050, as amended, and adopting a new countywide Palm Beach County Commission on Ethics Ordinance; providing for creation and jurisdiction; providing for membership qualifications, terms and vacancy; providing for applicability of the code of ethics; providing for organization of the commission on ethics; providing for powers and duties; providing for extended jurisdiction by interagency agreements; providing for financial support; providing for procedure on complaints filed; providing for public hearing procedures; providing for notification and referral to other authorities; providing for dismissal of complaints; providing for frivolous or groundless complaints; providing for effect on other laws; providing for prospective jurisdiction; providing for personnel proceeding; providing for statute of limitations; providing for advisory opinion; providing for appeals; providing for savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; and providing for an effective date. **SUMMARY:** The Board of County Commissioners adopted an ordinance creating the Palm Beach County Commission on Ethics as part of a series of ethics reforms begun in December 2009. Since then, the Board proposed charter amendments requiring in part the adoption of an ordinance extending the jurisdiction of the Commission on Ethics to the municipalities in Palm Beach County. The charter amendments, which were approved by the voters in November 2010, also called for the establishment of a drafting committee to propose recommended changes to the existing Commission on Ethics Ordinance for countywide application. This ordinance is the product of the committee's work. A brief description of substantive changes to this ordinance is included as Attachment 3 to the Agenda Item. Countywide (LB)

4. REGULAR AGENDA

H. COMMISSION ON ETHICS (CONT'D)

2. [Staff recommends motion to approve on preliminary reading and advertise for public hearing on May 17, 2011, at 9:30 a.m.:](#) an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing the Palm Beach County Code of Ethics, Ordinance 2009-051, as amended, and adopting a new countywide Palm Beach County Code of Ethics; providing for title and statement of purpose; providing for definitions; prohibiting certain conflicts of interest and creating voting conflict standards; providing for a gift law; providing anti-nepotism law; providing for ethics training; providing for non-interference; providing for administration, enforcement, and penalties; providing for savings clause; providing for repeal of laws in conflict; providing for severability; providing for inclusion in the code of laws and ordinances; providing for an effective date. **SUMMARY:** The Board of County Commissioners adopted the Palm Beach County Code of Ethics as part of a series of ethics reforms begun in December 2009. Since then, the Board proposed charter amendments requiring in part the adoption of a countywide Code of Ethics that would apply to the municipalities in Palm Beach County. The charter amendments, which were approved by the voters in November 2010, also called for the establishment of a drafting committee to propose recommended changes to the existing Code of Ethics for countywide application. This ordinance is the product of the committee's work. A brief description of substantive changes to this ordinance is included as Attachment 3 to the Agenda Item. Countywide (LB)

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5. BOARD APPOINTMENTS

A. **ADMINISTRATION**  
**(Fire Rescue Level of Service Committee)**

1. **Staff recommends motion to approve:** reappointment of two (2) members to the Fire Rescue Level of Service Committee each for a term of three (3) years from May 3, 2011, through May 2, 2014:

<b><u>Nominee</u></b>	<b><u>Seat</u></b>	<b><u>Category</u></b>
Karl Umberger	4	Manager-Small City
Chief Pete Bergel	5	Fire Chief-Large City

**SUMMARY:** Palm Beach County Resolution R2004-0494 established the Fire Rescue Level of Service Committee (LOS Committee). It consists of nine (9) members representing specific categories, each serving a term of three (3) years after the initial start up. The LOS Committee recommends reappointment of Karl Umberger, and Chief Bergel. These incumbents desire to continue to serve, are eligible for reappointment and were in attendance at the past LOS Committee meetings. Countywide (SB)

B. **COMMUNITY SERVICES**  
**(Palm Beach County HIV Comprehensive AIDS Resources Emergency Council)**

1. **Staff recommends motion to approve:** reappointment of the following individuals to the Palm Beach County HIV Comprehensive AIDS Resources Emergency (CARE) Council for a term of two (2) years with expiration dates as indicated:

<b><u>Seat No.</u></b>	<b><u>Reappointment</u></b>	<b><u>Seat Requirement</u></b>	<b><u>Term Expires</u></b>
1	Lorenzo Robertson	Healthcare Provider	05/02/2013
15	Mary Kannel	Local Public Health Agency	05/02/2013
16	Mary Jane Reynolds	Affected Community	05/02/2013
18	Glenn Krabec	Affected Community	05/02/2013
22	Cecil Smith	Affected Community	05/02/2013
23	Bobbie Cleveland	Affected Community	05/02/2013
25	Shirley Samples	Affected Community	05/02/2013
27	Laurence Osband	Affected Community	05/02/2013
42	Jennifer Piva	Representative of Children	05/02/2013

**SUMMARY:** The Palm Beach County HIV CARE Council Bylaws state that total membership shall be no more than 45 and no less than 21 members. Founding members were appointed for one (1) and two (2) year terms with subsequent terms of two (2) years. The HIV CARE Council nominations process is an open process with publicized criteria and legislatively defined conflict of interest standards. The nine (9) reappointments successfully completed the HIV CARE Council nominations process, and the HIV CARE Council has recommended their reappointment. (Ryan White) Countywide (TKF)

5. BOARD APPOINTMENTS

C. **PUBLIC SAFETY**  
**(Consumer Affairs Hearing Board)**

1. **Staff recommends motion to approve:** appointment of one (1) new member to the countywide Consumer Affairs Hearing Board for a period of two (2) years expiring May 2, 2013:

<u>Nominee</u>	<u>Term</u>	<u>Seat</u>	<u>Requirement</u>	<u>Recommended by</u>
Monohor Athavale	1 <sup>st</sup>	4	Citizen/Resident	Comm. Vana

**SUMMARY:** Palm Beach County Consumer Affairs Ordinance 72-10 established a Hearing Board. The nine (9) members of the Board are selected for countywide representation and serve two (2) year terms for a maximum of six (6) years. The Board serves in both an advisory capacity to the County Commissioners and as an Appeals Board to hear and act on consumer concerns about unfair/deceptive business practices and appeals relating to the towing, vehicle for hire, moving and price gouging ordinances. The Hearing Board represents various businesses, professionals and the general public. **NOTE:** After this appointment, the Hearing Board still needs one (1) nominee to fill the certified contractor position. With approval of this motion the Hearing Board will have eight (8) of nine (9) appointed/active members. Countywide (GB)

D. **FACILITIES DEVELOPMENT & OPERATIONS**  
**(Public Art Committee)**

1. **Staff recommends motion to approve:** the appointment of two (2) members to the Public Art Committee:

<u>Name</u>	<u>Requirement</u>	<u>Seat No.</u>
Cynthia E. Palmieri	Palm Beach County Resident with significant visual art background	2
Erica Ando	Palm Beach County Resident with significant visual art background	5

**SUMMARY:** Committee members Kara Walker-Tomé and Lucy Keshavarz resigned. They both filled the “Palm Beach County Resident with significant visual art background” seats. Ms. Palmieri and Ms. Ando were nominated by the Committee to fill these two (2) vacancies and to complete the terms of the resigned members. Both member terms expire on September 14, 2012. The Board is composed of nine members. Membership must consist of two (2) Urban Planners or Architectural Designers; one (1) Member of the Board of Directors or staff member of the Palm Beach County Cultural Council; two (2) Palm Beach County professional nonprofit visual art administrators; three (3) Palm Beach County residents with significant visual art background; one (1) Landscape Architect. (FDO Admin) Countywide (MJ)

5. BOARD APPOINTMENTS

E. ENVIRONMENTAL RESOURCES MANAGEMENT  
(Groundwater and Natural Resources Protection Board)

1. Staff recommends motion to approve:

**A) waiver of prohibited relationship** pursuant to Article XIII of the Palm Beach County Code of Ethics for William Snow, who is employed by AECOM which has a contractual relationship with the Palm Beach County Water Utilities and Facilities Development & Operations, Capital Improvements Division; and

**B) reappointments** of two (2) at-large members to the Groundwater and Natural Resources Protection Board (GNRPB) for a term of three (3) years beginning May 3, 2011, through May 2, 2014:

<u>Nominee</u>	<u>Representing</u>	<u>Seat No.</u>	<u>Nominated By</u>
William Snow	Professional Engineer	1	Palm Beach Chapter – Florida Engineering Society
Allen Trefry	Member of an Environmental Organization	3	Arthur R. Marshall Foundation & Florida Environmental Institute, Inc.

**SUMMARY:** Ordinance 92-20, as amended, and Article 2.G.3.F. of the Unified Land Development Code (ULDC) provides for a seven (7) member GNRPB. The membership consists of one (1) professional engineer, one (1) attorney, one (1) hydrologist or hydrogeologist, one (1) citizen with business management expertise, one (1) biologist or chemist, one (1) member of an environmental organization, and one (1) concerned citizen of Palm Beach County. Ordinance 92-20, as amended, and Article 2.G.3.F. of the ULDC requires Seat No. 1 to be filled by a Professional Engineer and Seat No. 3 to be filled by a member of an environmental organization. No other nominations were received. A prohibited relationship waiver is being recommended for William Snow, employee of AECOM, which has a contractual relationship with the Palm Beach County Water Utilities and Facilities Development & Operations, Capital Improvements Division. Mr. Snow has disclosed this relationship and is requesting a waiver pursuant to Section 2.443(d) of the Code of Ethics. The waiver is being recommended based on staff's determination that the contract between AECOM and the County constitutes no conflict of interest with his duties on the GNRPB. Countywide (SF)

5. BOARD APPOINTMENTS

F. OFFICE OF FINANCIAL MANAGEMENT & BUDGET  
(Impact Fee Appeals Board)

1. Staff recommends motion to approve: the reappointment/appointment of one (1) of the following nominees for each seat on the Impact Fee Appeals Board for the three (3) year term May 3, 2011, through May 2, 2014:

<u>Nominee</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Nominated By</u>
<u>Reappoint</u> Richard Sapis	1	Attorney	Commissioner Marcus Commissioner Burdick
OR			
<u>Appoint</u> Michael Haygood	1	Attorney	Commissioner Taylor
<u>Appoint</u> Edward Berger	3	At-Large	Commissioner Marcus Commissioner Abrams Commissioner Burdick
<u>Reappoint</u> Charles Hafer	4	Accountant	Commissioner Marcus Commissioner Burdick
<u>Reappoint</u> Richard Kleisley	5	Builder	Commissioner Marcus Commissioner Burdick

**SUMMARY:** The Impact Fee Appeals Board is composed of five (5) members. The membership of the Board includes one (1) traffic engineer, one (1) accountant, one (1) attorney, one (1) representative of the general public and one (1) developer/builder. Impact Fee Appeals Board members must be qualified electors of Palm Beach County at least two (2) years prior their appointment. All appointments/reappointments are for three (3) year terms that will expire May 2, 2014. Each of the nominees has completed the required ethics training. Countywide (LB)

G. COMMISSION DISTRICT APPOINTMENTS

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RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

6. BOARD OF COUNTY COMMISSIONERS SITTING AS ENVIRONMENTAL CONTROL BOARD

A. HEALTH DEPARTMENT  
(Environmental Appeals Board)

1. Staff recommends motion to approve:

**A) waiver of prohibited relationship** pursuant to the Palm Beach County Code, Article XIII, the Palm Beach County Code of Ethics for Simon Coleman, P.E., who is employed with Alan Gerwig & Associates, Inc., and the company has one (1) existing contract with the Board of County Commissioners; and

**B) appointment** of the following individual to the Palm Beach County Environmental Appeal Board, to complete the unexpired term of Curt Campbell, who resigned and whose term expires July 27, 2011; and to serve a full three (3) year term upon completion of the unexpired term:

<u>Nominee</u>	<u>Seat No.</u>	<u>Seat Requirement</u>	<u>Nominated by:</u>
Simon Coleman	1	Professional Engineer	Am. Society of Civil Engineers-PB Branch

**SUMMARY:** The Board is composed of five (5) members. Membership must consist of one (1) lawyer recommended by the Palm Beach County Bar Association; one (1) person recommended by the Gold Coast Builders Association (formerly known as Home Builders and Contractors Association); one (1) professional engineer recommended by the Palm Beach Branch of the American Society of Civil Engineers; one (1) water resource professional employed by the South Florida Water Management District; and one (1) drinking water engineer employed by the Department of Environmental Protection. This action will fill the above-referenced seat until July 26, 2014. A prohibited relationship waiver is being recommended for Simon Coleman who is an employee of Alan Gerwig & Associates, Inc. and the company has one (1) existing contract for engineering services with the Board of County Commissioners. Simon Coleman has disclosed this relationship and is requesting a waiver pursuant to Section 2-443(d) of the Code of Ethics. The waiver is being recommended based on a staff determination that the appointment of Simon Coleman and the existing contractual relationship will not create a conflict of interest.  
Countywide (GB)

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**ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD**

**RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS**

**MAY 3, 2011**

**7. MATTERS BY THE PUBLIC – 2:00 P.M.**

\* \* \* \* \*

**MAY 3, 2011**

**8. STAFF COMMENTS**

**A. ADMINISTRATION COMMENTS**

**B. COUNTY ATTORNEY**

**9. COMMISSIONER COMMENTS**

**A. District 1 - COMMISSIONER KAREN T. MARCUS, CHAIR**

**B. District 2 – COMMISSIONER PAULETTE BURDICK**

Request approval to present off-site, a Proclamation declaring May 4, 2011 as “Teen Pregnancy Prevention Day” in Palm Beach County

**C. District 3 - COMMISSIONER SHELLEY VANA, VICE CHAIR**

Request approval to present off-site, a Proclamation declaring May 6, 2011 as “Provider Appreciation Day” in Palm Beach County

**D. District 4 – COMMISSIONER STEVEN L. ABRAMS**

**E. District 5 - COMMISSIONER BURT AARONSON**

Request approval to present off-site, a Proclamation declaring May 12, 2011 as “West Boca Medical Center Day” in Palm Beach County

**F. District 6 - COMMISSIONER JESS R. SANTAMARIA**

**G. District 7 - COMMISSIONER PRISCILLA A. TAYLOR**

Request approval to present off-site, a Proclamation declaring May 1 – 7, 2011 as “Correctional Officers Week” in Palm Beach County

**10. ADJOURNMENT**

"If a person decides to appeal any decision made by this Commission with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

**BOARD OF COUNTY COMMISSIONERS  
BOARD MEETING  
PALM BEACH COUNTY, FLORIDA**

**ADDITIONS, DELETIONS, & SUBSTITUTIONS**

**MAY 3, 2011**

<u>PAGE</u>	<u>ITEM</u>	
7	2C-5	<b><u>MOVED TO COMMENTS (9D):</u></b> Proclamation declaring May 2011 as “Cancer Research Month” in honor of the volunteer membership of the PAP Corps – Champions for Cancer Research in Palm Beach County. (Sponsored by Commissioner Abrams)
7	2C-5	<b><u>ADD-ON:</u></b> Proclamation declaring May 1 – 7, 2011 as “National Goodwill Week” in Palm Beach County. (Sponsored by Commissioner Abrams)
8	3A-1	<b><u>DELETED: Staff recommends motion to approve:</u></b> Amendment No. 1 to the Job Growth Incentive (JGI) Grant Agreement (R2007-0208) with Sunbeam Products d/b/a Jarden Consumer Solutions (Jarden)..(Admin/EDO) (Further staff review)
12	3C-9	<b><u>DELETED: Staff recommends motion to adopt:</u></b> a Resolution to approve the E-Verify document which will be included in the County Incentive Grant Program (CIGP) Agreement with the State of Florida Department of Transportation (FDOT) in the amount of \$5,140,000 for the widening of Palmetto Park Road...(Engineering) (Further staff review)
35	4C-1	<b><u>REVISED SUMMARY:</u></b> This project has been in the County’s Five Year Road Program since 2004. However, the City of Boca Raton sent a letter to Commissioner Abrams’ on March 28 formally requesting that Palm Beach County abandon the Palmetto Park Road widening project. At Commissioner Abrams request, the City of Boca Raton held a workshop on April 11 to allow the County to present the reasons the County believed the project should move forward. After hearing the presentation, discussing the project and hearing from residents, the City Council reaffirmed its previous decision that no additional widening of Palmetto Park Road is warranted at this time and that the project should not proceed. Commissioner Abrams committed that he would take that request to the entire County Commission. This item is a result of Board direction received at the April 12 <u>County</u> workshop to reconsider the project. Specific pros and cons of the project are addressed in the below Background and Justification section. <u>The FDOT has told us that if this project does not move forward, the next City/State grant project, widening Palmetto Park Road from west of Powerline Road to west of St. Andrews Boulevard in 2013, will have its state grant money withdrawn (\$4.8m). District 4 (MRE) (Engineering)</u>
37	4E-1	<b><u>DELETED: Staff recommends motion to approve on preliminary reading and advertise for a Public Hearing on May 17, 2011 at 9:30 a.m.:</u></b> an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Ordinance 2010-006; providing for title; providing for the establishment, purpose, authority, composition, meetings and responsibilities of the Palm Beach County Internal Audit Committee;...(Internal Auditor) (Moved to July 19, 2011)
37	4E-2	<b><u>DELETED: Staff recommends motion to approve on preliminary reading and advertise for a Public Hearing on May 17, 2011 at 9:30 a.m.:</u></b> an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Ordinance 2010-007; providing for title; providing for general matters, duties, responsibilities and independence of the County Internal Auditor;...(Internal Auditor) (Moved to July 19, 2011)
38	4F-1	<b><u>DELETED: Staff requests board direction:</u></b> on participation in the multi-jurisdictional issues forum. (PZB) (Moved to May 17, 2011)

- 40 4G-1 **TIME CERTAIN 2:30 P.M.: Staff recommends motion to approve on preliminary reading and advertise for public hearing on May 17, 2011, at 9:30 a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing the Palm Beach County Office of Inspector General Ordinance, Ordinance 2009-049, as amended, and adopting a new office of inspector general, Palm Beach County, Florida ordinance;..(IG)
- 40 4H-1 **TIME CERTAIN 2:30 P.M.: Staff recommends motion to approve on preliminary reading and advertise for public hearing on May 17, 2011, at 9:30 a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing the Palm Beach County Commission on Ethics Ordinance, Ordinance 2009-050, as amended, and adopting a new countywide palm beach county commission on ethics ordinance;...(COE)
- 41 4H-2 **TIME CERTAIN 2:30 P.M.: Staff recommends motion to approve on preliminary reading and advertise for public hearing on May 17, 2011, at 9:30 a.m.:** an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, repealing the Palm Beach County Code of Ethics, Ordinance 2009-051, as amended, and adopting a new countywide palm beach county code of ethics;...(COE)
- 45 5F-1 **REVISED TITLE: Staff recommends motion to approve:** the reappointment/appointment of one (1) of the following nominees for each seat on the Impact Fee Appeals Board for the three (3) year term May 3, 2011, through May 2, 2014: (OFMB)

<u>Nominee</u>	<u>Seat No.</u>	<u>Requirement</u>	<u>Nominated By</u>
<b><u>Reappoint</u></b> Richard Sapir	1	Attorney	Commissioner Marcus Commissioner Burdick
<b>OR</b>			
<b><u>Appoint</u></b> Michael Haygood	1	Attorney	Commissioner Taylor
<b><u>Appoint</u></b> Edward Berger	3	At-Large	Commissioner Marcus Commissioner Abrams Commissioner Burdick <u>Commissioner Aaronson</u>
<b><u>Reappoint</u></b> Charles Hafer	4	Accountant	Commissioner Marcus Commissioner Burdick
<b><u>Reappoint</u></b> Richard Kleisley	5	Builder	Commissioner Marcus Commissioner Burdick

- 49 9D **MOVED FROM SPECIAL PRESENTATIONS (2C-5) & REVISED TITLE:** Request approval to present off-site, a Proclamation declaring May 2011 as "Cancer Research Month" in honor of the volunteer membership of the PAP Corps – Champions for Cancer Research in Palm Beach County. (Sponsored by Commissioner Abrams)

**NOTE:** Items that were revised, added, deleted, or backup submitted and were not listed on the addition/deletion sheet distributed to the Board the prior day are noted with an asterisk (\*).